MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

| ONE HUNDRED AND | THIRTEENTH LEGISLATURE |
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| Legislative Document | No. 1209 |
| S.P. 390 | In Senate, April 10, 1987 |
| Reference to the Commi ordered printed. | ttee on Education suggested and |
| Presented by Senator ANDREW Cosponsored by Senator | O'BRIEN, Secretary of the Senate S of Cumberland. RANDALL of Washington, stbrook, Senator GAUVREAU of |
| STAT | 'E OF MAINE |
| | ZEAR OF OUR LORD ORED AND EIGHTY-SEVEN |
| AN ACT to Enhance E Disable | ducational Opportunity for d Students. |
| Be it enacted by the Pe follows: | ople of the State of Maine as |
| Sec. 1. 5 MRSA §4 | 601, as enacted by PL 1983, c. read: |
| §4601. Right to freedo cation | m from discrimination in edu- |
| tional institution to p counseling, vocational prenticeship and on-the discrimination because | or an individual at an educa- articipate in all educational, guidance programs and all ap- -job training programs without of sex or a physical or mental d and declared to be a civil |

right.

- Sec. 2. 5 MRSA §4602, sub-§1, as amended by PL 1 2 1985, c. 797, §1, is further amended to read: 3 Unlawful educational discrimination. unlawful educational discrimination in violation 4 5 this Act, on the basis of sex or a physical or mental handicap, to: 6 7 Α. Exclude a person from participation in, deny a person the benefits of, or subject a person to, 8 discrimination in any academic, extracurricular, 9 research, occupational training or other program 10 11 or activity; 12 Deny a person equal opportunity in athletic 13 programs; 14 C. Apply any rule concerning the actual or po-15 tential family or marital status of a person or
- D. Deny admission to the institution or program or to fail to provide equal access to and information about an institution or program through recruitment; or
 - E. Deny financial assistance availability and opportunity.

to exclude any person from any program or activi-

ty because of pregnancy or related conditions;

24 STATEMENT OF FACT

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More than 13 years after the passage of the 25 United States Rehabilitation Act of 1973, Section 504 26 27 and more than 6 years after the implementation date 28 that law, disabled Maine students still suffer discrimination. Disabled Maine students are being 29 segregated from their peers, physically carried to 30 31 inaccessible areas of their schools and denied access 32 to the full range of programs and activities availa-33 to other students. There is also much confusion as to which department or agency is responsible for 34 35 enforcing civil rights violations involving physical-36 ly or mentally handicapped students.

| Section 1 of the bill establishes that physically |
|--|
| and mentally handicapped students have a right to |
| freedom from discrimination in education. This right |
| is protected whether or not the student is receiving |
| special education services. This section also clari- |
| fies that the Maine Human Rights Commission is re- |
| sponsible for enforcing that right. |
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Section 2 of the bill adds "physical or mental handicap" to the section which describes what constitutes unlawful educational discrimination.

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