

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 603

H.P. 436

House of Representatives, February 3, 2005

**An Act To Ensure Accommodation of Students with Disabilities or
Illnesses in the University of Maine System and the Maine
Community College System**

Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative GLYNN of South Portland.

Be it enacted by the People of the State of Maine as follows:

2
4
6
8
10
12
14
16
18
20
22
24
26
28
30
32
34
36
38
40
42
44
46
48
50

Sec. 1. 20-A MRSA §10909 is enacted to read:

§10909. Reasonable accommodation

The university shall make reasonable accommodation for a student with a disability or a student with an illness. The following requirements apply to making accommodations under this section.

1. Form. The university shall design a form for requesting accommodation for a student with a disability or a student with an illness. The form must comply with federal and state law and must be designed so that a health care professional may provide information regarding the student's disability or illness.

2. Priority. In determining whether to make an accommodation and what types of accommodation to make and accommodation services to offer, the university must give particular weight to the opinions, diagnoses and recommendations of health care professionals who provide information under subsection 1.

3. Decision. The university shall make a determination regarding accommodation for a student with a disability or a student with an illness within 30 days of receiving a completed request form. If the university fails to make a decision as required by this subsection, the university shall fully refund all tuition and fees paid by the student and shall reimburse the student for the student's expenses and any lost wages from missed employment as a result of pursuing the request.

4. Direct accommodations and services. The university shall offer to a student with a disability or a student with an illness who qualifies for accommodation options that must include, but are not limited to, lecture notes or tapes from the student's classes, section meetings and laboratory sessions and reasonable accommodation services as required for the student.

5. Direct accommodation costs. A majority of the university's funds budgeted for disability accommodation must be spent on accommodations and accommodation services.

6. Legal fees. The university shall establish a limitation on legal fees for an accommodation request that is legally disputed. If the university anticipates exceeding the legal fee limitation for a request, the university shall notify the joint standing committee of the Legislature having jurisdiction over education matters for the committee to consider reference of the

2 request to the federal Department of Education or to binding
3 arbitration.

4 **Sec. 2. 20-A MRSA §12723** is enacted to read:

6 **§12723. Reasonable accommodation**

8 The system shall make reasonable accommodation for a student
9 with a disability or a student with an illness. The following
10 requirements apply to making accommodations under this section.

12 1. Form. The system shall design a form for requesting
13 accommodation for a student with a disability or a student with
14 an illness. The form must comply with federal and state law and
15 must be designed so that a health care professional may provide
16 information regarding the student's disability or illness.

18 2. Priority. In determining whether to make an
19 accommodation and what types of accommodation to make and
20 accommodation services to offer, the system must give particular
21 weight to the opinions, diagnoses and recommendations of health
22 care professionals who provide information under subsection 1.

24 3. Decision. The system shall make a determination
25 regarding accommodation for a student with a disability or a
26 student with an illness within 30 days of receiving a completed
27 request form. If the system fails to make a decision as required
28 by this subsection, the system shall fully refund all tuition and
29 fees paid by the student and shall reimburse the student for the
30 student's expenses and any lost wages from missed employment as a
31 result of pursuing the request.

32 4. Direct accommodations and services. The system shall
33 offer to a student with a disability or a student with an illness
34 who qualifies for accommodation options that must include, but
35 are not limited to, lecture notes or tapes from the student's
36 classes, section meetings and laboratory sessions and reasonable
37 accommodation services as required for the student.

38 5. Direct accommodation costs. A majority of the system's
39 funds budgeted for disability accommodation must be spent on
40 accommodations and accommodation services.

41 6. Legal fees. The system shall establish a limitation on
42 legal fees for an accommodation request that is legally
43 disputed. If the system anticipates exceeding the legal fee
44 limitation for a request, the system shall notify the joint
45 standing committee of the Legislature having jurisdiction over
46 education matters for the committee to consider reference of the
47 request.

2 request to the federal Department of Education or to binding
3 arbitration.

4

5 SUMMARY

6

7 This bill provides a framework for the accommodation of
8 students with disabilities and students with illnesses in the
9 University of Maine System and in the Maine Community College
10 System. The bill requires the adoption of a request form and
11 particular weight to be given to the recommendations of health
12 care professionals. The bill sets 30 days as the time limit for
13 the university or the system to decide upon an accommodation
14 request and requires refunds to students for whom the
15 accommodation request is not decided within that time limit. The
16 bill limits legal fees.