

## What if I need an accommodation?

Students have the right to a reasonable accommodation if the accommodation is necessary to allow them to access the school's services. Usually, this comes up for students with disabilities, but accommodations may also be granted for students based on religion or national origin. A reasonable accommodation can be a change to a physical space, a policy, or a practice which is necessary to allow a student access to the school's services and benefits.

*Disability:* The MHRA is not a special education law; separate federal and state laws address schools' obligations to provide an appropriate education to individuals with disabilities. Education programs nonetheless may be modified as a reasonable accommodation for a disability. Examples of potential accommodations might be an alternative study option for a student with severe allergies who cannot take a biology class involving live animals, provision of an ASL interpreter at a school assembly, or relocation of a class to the ground floor to allow access for a student in a wheelchair.

*Religion:* Schools must also provide reasonable accommodations for a student's religious beliefs. Examples of potential accommodations might be modification of a no-hats rule to allow students to wear yarmulkes or hijabs, or waiving an

attendance rule when a student misses time because of religious holidays.

*National origin:* Reasonable accommodations based on national origin might include providing worksheets in another language or arranging for tutoring so students can become proficient in English.

## What if the school treats me differently because I made a complaint?

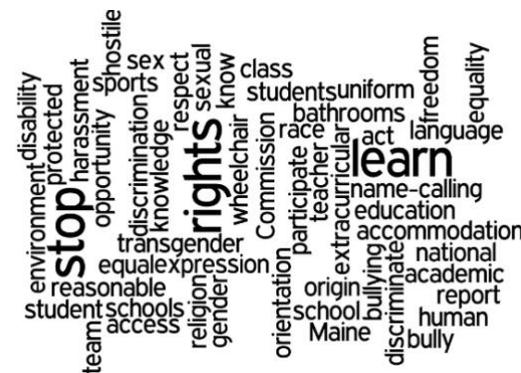
It's unlawful to threaten, intimidate, or retaliate against someone because they reported MHRA-based discrimination or harassment, or because they filed a charge with the Commission. You cannot be treated differently because of your complaint even if that complaint turns out not to be a violation of the MHRA, as long as you had a good faith belief that a violation had happened.

## How do I file a complaint?

If you're 18 or older, you can file a complaint directly; you can find our electronic intake form here:

<https://mainehumanrightscommission.forms.tack.com/forms/intake>. If you're a minor and not emancipated, you'll need a parent or guardian to file on your behalf. If that's not an option for you, please call us, and we'll see if we can help you.

# STUDENT RIGHTS UNDER THE MAINE HUMAN RIGHTS ACT



State of Maine  
**Maine Human Rights Commission**  
51 State House Station  
Augusta, Maine 04333-0051

(207) 624-6290 (phone)  
(207) 624-8729 (fax)  
TTY: Maine Relay 771

[www.maine.gov/mhrc](http://www.maine.gov/mhrc)



## **What does the Maine Human Rights Act cover?**

The Maine Human Rights Act (“MHRA”) prohibits educational discrimination on the basis of sex, sexual orientation, race, national origin, and physical or mental disability. Because schools are also places of public accommodation (places where services are offered to the general public), schools also cannot discriminate on the basis of color, ancestry, or religion.

### **That’s nice, but what does it *mean*?**

It means you can’t be treated differently because of your sex, sexual orientation, race, color, national origin, ancestry, religion, or physical or mental disability (these are called “protected classes”). Sex discrimination includes pregnancy; sexual orientation includes gender identity and expression. You can’t be segregated or separated from other students, or forced into certain schools or classes, or harassed if it’s because you belong to a protected class. The right to be free from discrimination in education includes extracurricular activities and sports programs.

It also means that in some cases, schools will have to accommodate you because you belong to a protected class. For example, you may need a ramp installed at your school, or an interpreter, or to be permitted to wear a head-cover in class.

## **Discrimination by school administration and staff:**

Discrimination complaints against a school system may be based on either system-wide policies or discriminatory acts by school staff. An example of a discriminatory policy might be a dress code prohibiting girls from wearing short skirts and dresses but allowing boys to wear shorts; or a policy requiring students to use the restroom matching their assigned sex at birth rather than their gender identity; or a practice of suspending Muslim students for rule violations but only giving detention to other students. These policies appear to violate the MHRA because they treat some students differently based on their protected class status rather than their individual characteristics.

Individual employee actions can also violate the MHRA. In these cases, the school’s policy isn’t the problem – it’s the action of the individual, regardless of what their supposed to do. Examples of this type of discrimination include a bus driver who makes Somali students sit in the back; a teacher who refuses to acknowledge a student’s gender identity; an educational technician making fun of a student with a learning disability; or a school employee who sexually abuses a student.

## **What about bullying by other students?**

If the bullying is based on a protected class, and creates a hostile educational environment, it’s covered. That means that the bullying has to be: because of the victim’s protected class status, both subjectively and objectively offensive, and severe or pervasive such that it interferes with the victim’s education and creates an abusive environment. The Commission will consider several factors in deciding if the bullying reaches this level: the age and maturity level of the students, the frequency of the harassment, and the type of behavior at issue (physical threats/name-calling). The school will be liable for bullying if it knew or should have known about it *and* failed to take prompt and appropriate action to stop it.

Examples of covered hostile educational environment cases might include: telling students from other countries to “go home” and calling them racial epithets; mocking a student who identifies as queer; or pulling a student’s hijab off repeatedly. There’s no clear rule, since each case depends on the severity and/or pervasiveness of the bullying and how it is perceived.

Bullying that isn’t based on a protected class is not covered, nor is bullying that does not meet the standard described above.