

HB 1639 -- ACCOMMODATIONS FOR INDIVIDUALS WITH DISABILITIES

SPONSOR: Overcast

This bill creates the "Missouri Pathways to Access and Success Act" (PASA) which requires public institutions of higher education to adopt a policy on the documentation required for students to establish a disability and that they are eligible for accommodations.

The bill provides examples of acceptable documentation including a prior individualized education program (IEP), 504 plan, or services under the Americans with Disabilities Act (ADA), among others listed in the bill.

Institutions must be transparent and provide information on the determination of eligibility to students, parents, and faculty as well as on the institution's website.

The bill requires licensing bodies that administer a professional licensing exam as a requirement for obtaining a license, certificate, registration, permit, or other authorization to legally practice an occupation or profession in Missouri to take into account an applicant's documented history of accommodations on comparable standardized exams. Such accommodations must be granted to applicants unless evidence indicates that the nature of the exam would be altered or an undue burden would occur.

Licensing bodies must treat qualified treating professionals' opinions with deference and consider them valid. Written notification from the licensing bodies must be provided within 30 days after receiving an application requesting accommodations and denials must include detailed explanations. Documentation requirements must not be excessive and applicants have a right to appeal a denial to an independent review panel established within the Division of Professional Registration of the Department of Commerce and Insurance.

The bill provides for reimbursement of attorney's fees and costs incurred in administrative proceedings, appeals, or litigation necessary to obtain accommodations if the review panel finds in favor of the applicant.

The bill requires that before February 1st licensing bodies report annually to the Department on the number of requests received, granted, denied, and appealed and the outcomes of each request and that such bodies complete ADA and accommodation

compliance training every two years. The training will be provided by an approved ADA compliance expert as determined by the Missouri Commission on Human Rights or a Federally recognized entity.