

118TH CONGRESS
1ST SESSION

S. 1071

To amend the Higher Education Act of 1965 to provide students with disabilities and their families with access to critical information needed to select the right college and succeed once enrolled.

IN THE SENATE OF THE UNITED STATES

MARCH 30, 2023

Mr. CASEY (for himself, Mr. CASSIDY, Ms. HASSAN, Mr. YOUNG, Mr. MARKEY, Mr. KAINE, Mrs. SHAHEEN, and Mrs. CAPITO) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend the Higher Education Act of 1965 to provide students with disabilities and their families with access to critical information needed to select the right college and succeed once enrolled.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Respond, Innovate,
5 Succeed, and Empower Act” or the “RISE Act”.

1 **SEC. 2. PERFECTING AMENDMENT TO THE DEFINITION OF**
2 **DISABILITY.**

3 Section 103(6) of the Higher Education Act of 1965
4 (20 U.S.C. 1003(6)) is amended by striking “section
5 3(2)” and inserting “section 3”.

6 **SEC. 3. SUPPORTING STUDENTS WITH DISABILITIES TO**
7 **SUCCEED ONCE ENROLLED IN COLLEGE.**

8 Section 487(a) of the Higher Education Act of 1965
9 (20 U.S.C. 1094(a)) is amended by adding at the end the
10 following:

11 “(30)(A) The institution will carry out the fol-
12 lowing:

13 “(i) Adopt policies that make any of the
14 following documentation submitted by an indi-
15 vidual sufficient to establish that such indi-
16 vidual is an individual with a disability:

17 “(I) Documentation that the indi-
18 vidual has had an individualized education
19 program (IEP) in accordance with section
20 614(d) of the Individuals with Disabilities
21 Education Act, including an IEP that may
22 not be current on the date of the deter-
23 mination that the individual has a dis-
24 ability. The institution may ask for addi-
25 tional documentation from an individual
26 who had an IEP but who was subsequently

1 evaluated and determined to be ineligible
2 for services under the Individuals with Dis-
3 abilities Education Act, including an indi-
4 vidual determined to be ineligible during
5 elementary school.

6 “(II) Documentation describing serv-
7 ices or accommodations provided to the in-
8 dividual pursuant to section 504 of the Re-
9 habilitation Act of 1973 (29 U.S.C. 794)
10 (commonly referred to as a ‘Section 504
11 plan’).

12 “(III) A plan or record of service for
13 the individual from a private school, a local
14 educational agency, a State educational
15 agency, or an institution of higher edu-
16 cation provided in accordance with the
17 Americans with Disabilities Act of 1990
18 (42 U.S.C. 12101 et seq.).

19 “(IV) A record or evaluation from a
20 relevant licensed professional finding that
21 the individual has a disability.

22 “(V) A plan or record of disability
23 from another institution of higher edu-
24 cation.

1 “(VI) Documentation of a disability
2 due to service in the uniformed services, as
3 defined in section 484C(a).

4 “(ii) Adopt policies that are transparent
5 and explicit regarding information about the
6 process by which the institution determines eli-
7 gibility for accommodations.

8 “(iii) Disseminate such information to stu-
9 dents, parents, and faculty in an accessible for-
10 mat, including during any student orientation
11 and making such information readily available
12 on a public website of the institution.

13 “(B) Nothing in this paragraph shall be con-
14 strued to preclude an institution from establishing
15 less burdensome criteria than that described in sub-
16 paragraph (A) to establish an individual as an indi-
17 vidual with a disability and therefore eligible for ac-
18 commodations.”.

19 **SEC. 4. AUTHORIZATION OF FUNDS FOR THE NATIONAL**
20 **CENTER FOR INFORMATION AND TECHNICAL**
21 **SUPPORT FOR POSTSECONDARY STUDENTS**
22 **WITH DISABILITIES.**

23 Section 777(a) of the Higher Education Act of 1965
24 (20 U.S.C. 1140q(a)) is amended—

1 (1) in paragraph (1), by striking “From
2 amounts appropriated under section 778,” and in-
3 sserting “From amounts appropriated under para-
4 graph (5),”; and

5 (2) by adding at the end the following:

6 “(5) AUTHORIZATION OF APPROPRIATIONS.—
7 There is authorized to be appropriated to carry out
8 this subsection \$10,000,000.”.

9 **SEC. 5. INCLUSION OF INFORMATION ON STUDENTS WITH**
10 **DISABILITIES.**

11 Section 487(a) of the Higher Education Act of 1965
12 (20 U.S.C. 1094(a)), as amended by section 3, is further
13 amended by adding at the end the following:

14 “(31) The institution will submit, for inclusion
15 in the Integrated Postsecondary Education Data
16 System (IPEDS) or any other Federal postsec-
17 ondary institution data collection effort, key data re-
18 lated to undergraduate students enrolled at the in-
19 stitution who are formally registered as students
20 with disabilities with the institution’s office of dis-
21 ability services (or the equivalent office), including
22 the total number of students with disabilities en-
23 rolled, the number of students accessing or receiving
24 accommodations, the percentage of students with
25 disabilities of all undergraduate students, and the

1 total number of undergraduate certificates or de-
2 grees awarded to students with disabilities. An insti-
3 tution shall not be required to submit the informa-
4 tion described in the preceding sentence if the num-
5 ber of such students would reveal personally identifi-
6 able information about an individual student.”.

7 **SEC. 6. RULE OF CONSTRUCTION.**

8 None of the amendments made by this Act shall be
9 construed to affect the meaning of the terms “reasonable
10 accommodation” or “record of impairment” under the
11 Americans with Disabilities Act of 1990 (42 U.S.C. 12101
12 et seq.) or the rights or remedies provided under such Act.

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