

STATE OF NEW YORK

10468

IN ASSEMBLY

May 29, 2024

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Simon) --
read once and referred to the Committee on Higher Education

AN ACT establishing the "removing barriers to higher education success
act"

The People of the State of New York, represented in Senate and Assem-
bly, do enact as follows:

1 Section 1. Short title. This act shall be known and may be cited as
2 the "removing barriers to higher education success act".
3 § 2. Definition. For purposes of this act, "public institution of
4 higher education" shall mean the state university of New York and the
5 city university of New York.
6 § 3. Students with disabilities policy and documentation; dissem-
7 ination of information. 1. Each public institution of higher education
8 shall adopt a policy that makes any of the documentation described in
9 subdivision two of this section submitted by an enrolled or admitted
10 student sufficient to establish that such student is an individual with
11 a disability.
12 2. Such policy required pursuant to subdivision 1 of this section
13 shall provide that any of the following documentation submitted by an
14 enrolled or admitted student is sufficient to establish that the student
15 is an individual with a disability:
16 (a) documentation that the individual has had an individualized educa-
17 tion program (IEP) in accordance with section 614(d) of the Individuals
18 with Disabilities Education Act, 20 USC 1400 et seq. The public insti-
19 tution of higher education may request additional documentation from an
20 individual who has had an IEP if the IEP was not in effect immediately
21 prior to the date when the individual exited high school;
22 (b) documentation that the individual has received services or accom-
23 modations provided to the individual under a Section 504 plan provided
24 to the individual pursuant to section 504 of the Rehabilitation Act of
25 1973, 29 USC 701 et seq. The public institution of higher education may
26 request additional documentation from an individual who has received
27 services or accommodations provided to the individual under a Section

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 504 plan if the Section 504 plan was not in effect immediately prior to
2 the date when the individual exited high school;

3 (c) documentation of a plan or record of service for the individual
4 from a private school, a local educational agency, a state educational
5 agency, or an institution of higher education provided under a Section
6 504 plan pursuant to section 504 of the Rehabilitation Act of 1973 or in
7 accordance with the Americans with Disabilities Act of 1990;

8 (d) a record or evaluation from a relevant licensed professional find-
9 ing that the individual has a disability;

10 (e) a plan or record of disability from another institution of higher
11 education; or

12 (f) documentation of a disability due to military service in the
13 uniformed services.

14 3. The policy adopted pursuant to subdivision 1 of this section shall
15 be transparent and explicit regarding information about the process by
16 which the public institution of higher education determines eligibility
17 for accommodations for an individual with a disability. Each public
18 institution of higher education shall disseminate such information to
19 students, parents, and faculty in accessible formats, including during
20 any student orientation, and make the information readily available on a
21 public website of the institution.

22 4. A public institution of higher education may establish less burden-
23 some criteria than the criteria described in this section to establish
24 whether an enrolled or admitted student is an individual with a disabil-
25 ity.

26 § 4. Establishment of reasonable accommodation. A public institution
27 of higher education shall engage in an interactive process to establish
28 a reasonable accommodation, including requesting additional documenta-
29 tion, if needed, for an individual pursuant to section 504 of the Reha-
30 bilitation Act of 1973 and the Americans with Disabilities Act of 1990.

31 § 5. Construction with federal law. Nothing in this act shall be
32 construed to conflict with the terms "reasonable accommodation" and
33 "record of such an impairment" under the Americans with Disabilities Act
34 of 1990 or the rights or remedies provided under the Americans with
35 Disabilities Act of 1990.

36 § 6. This act shall take effect January 1, 2025. Effective immediate-
37 ly, the addition, amendment and/or repeal of any rule or regulation
38 necessary for the implementation of this act on its effective date are
39 authorized to be made and completed on or before such effective date.