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 Assembly, do enact as follows:

Section 1. Short title. This act shall be known and may be cited as the "removing barriers to higher education success act".

§ 2. Definition. For purposes of this act, "public institution of higher education" shall mean the state university of New York and the city university of New York.

§ 3. Students with disabilities policy and documentation; dissemination of information. 1. Each public institution of higher education shall adopt a policy that makes any of the documentation described in subdivision two of this section submitted by an enrolled or admitted student sufficient to establish that such student is an individual with a disability.

2. Such policy required pursuant to subdivision 1 of this section shall provide that any of the following documentation submitted by an enrolled or admitted student is sufficient to establish that the student is an individual with a disability:

(a) documentation that the individual has had an individualized education program (IEP) in accordance with section 614(d) of the Individuals with Disabilities Education Act, 20 USC 1400 et seq. The public institution of higher education may request additional documentation from an individual who has had an IEP if the IEP was not in effect immediately prior to the date when the individual exited high school;

(b) documentation that the individual has received services or accommodations provided to the individual under a Section 504 plan provided to the individual pursuant to section 504 of the Rehabilitation Act of 1973, 29 USC 701 et seq. The public institution of higher education may request additional documentation from an individual who has received 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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504 plan if the Section 504 plan was not in effect immediately prior to the date when the individual exited high school;

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

(d) a record or evaluation from a relevant licensed professional finding that the individual has a disability;

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

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

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

4. A public institution of higher education may establish less burdensome criteria than the criteria described in this section to establish whether an enrolled or admitted student is an individual with a disability.

§ 4. Establishment of reasonable accommodation. A public institution of higher education shall engage in an interactive process to establish a reasonable accommodation, including requesting additional documentation, if needed, for an individual pursuant to section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990.

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

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