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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 4565

03/04/2024 Authored by Hanson, J., The bill was read for the first time and referred to the Committee on Higher Education Finance and Policy

1.1 A bill for an act
1.2 relating to higher education; specifying documentation and other requirements for
1.3 higher education students with a disability; proposing coding for new law in
1.4 Minnesota Statutes, chapter 135A; repealing Minnesota Statutes 2022, section
1.5 135A.16.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. 135A.163 STUDENTS WITH DISABILITIES; ACCOMMODATIONS;
1.8 GENERAL REQUIREMENTS.

1.9 Subdivision 1. Short title. This act may be cited as the "Minnesota Respond, Innovate,
1.10 Succeed, and Empower (RISE) Act."

1.11 Subd. 2. Definitions. (a) For purposes of this section, the following terms have the
1.12 meanings given.

1.13 (b) "Institution of higher education" means a public institution of higher education,
1.14 Tribal colleges, and private institutions of higher education that receive federal funding.
1.15 The Board of Regents of the University of Minnesota is requested to comply with this
1.16 section.

1.17 (c) "Plain language" is communication the audience can understand the first time the
1.18 audience reads or hears it.

1.19 (d) "Student with a disability" is an admitted or enrolled student who meets the definition
1.20 of an individual with a disability under the Americans with Disabilities Act and includes a
1.21 student with an intellectual disability as defined in Code of Federal Regulations, title 34,
1.22 section 668.231, who is admitted or enrolled in a comprehensive transition and postsecondary
1.23 program.

2.1 Subd. 3. Students with disabilities policy; documentation; dissemination of
2.2 information. (a) Each institution of higher education shall adopt a policy making the
2.3 documentation under paragraph (b) sufficient to establish that a student is an individual
2.4 with a disability.

2.5 (b) The following documentation submitted by either an admitted or an enrolled student
2.6 is sufficient to establish that the student is an individual with a disability:

2.7 (1) documentation that the individual has had an individualized education program (IEP).
2.8 The institution of higher education may request additional documentation from an individual
2.9 who has had an IEP if the IEP was not in effect immediately before the date when the
2.10 individual exited high school;

2.11 (2) documentation that the individual has received services or accommodations under
2.12 a section 504 plan. The institution of higher education may request additional documentation
2.13 from an individual who has received services or accommodations provided to the individual
2.14 under a section 504 plan if the section 504 plan was not in effect immediately before the
2.15 date when the individual exited high school;

2.16 (3) documentation of a plan or record of service for the individual from a private school,
2.17 a local educational agency, a state educational agency, or an institution of higher education
2.18 provided under a section 504 plan or in accordance with the Americans with Disabilities
2.19 Act of 1990;

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

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

2.23 (6) documentation of a disability due to military service.

2.24 (c) An institution of higher education may establish less burdensome criteria to determine
2.25 if an enrolled or admitted student is an individual with a disability.

2.26 (d) The policy adopted under this section must be transparent and explicit, including
2.27 information describing the process by which the institution of higher education determines
2.28 eligibility for accommodations for an individual with a disability and information about the
2.29 disability resource center and other areas within the institution that provide student
2.30 accommodations, such as housing and residence life. Each institution of higher education
2.31 shall disseminate the information to applicants, students, parents, and faculty in plain
2.32 language accessible formats. This information must be available in languages that reflect
2.33 the primary languages of the institution's student body. The information must be available

3.1 during the student application process, student orientation, and in academic catalogs and
3.2 on the institution's public website.

3.3 Subd. 4. **Establishment of reasonable accommodation.** (a) An institution of higher
3.4 education shall engage in an interactive process to document the student's accommodation
3.5 needs and establish a reasonable accommodation, including requesting additional
3.6 documentation if needed.

3.7 (b) An institution of higher education shall include a representative list of reasonable
3.8 accommodations and disability resources for individuals with a disability that is accessible
3.9 to applicants, students, parents, and faculty in plain language accessible formats. This
3.10 information must be available in languages that reflect the primary languages of the
3.11 institution's student body. The information must be provided during the student application
3.12 process, student orientation, and in academic catalogs and on the institution's public website.
3.13 The reasonable accommodations and disability resources available to students are
3.14 individualized and not limited to the list.

3.15 Subd. 5. **Higher education requirements for students with disabilities.** Institutions
3.16 of higher education shall:

3.17 (1) prior to the beginning of the term, contact admitted students and inquire as to whether
3.18 the student has a disability for which they may request an accommodation;

3.19 (2) initiate contact with admitted students who have self-identified as having a disability
3.20 for which they are requesting an accommodation;

3.21 (3) not require a student to be reevaluated for the presence of a permanent disability if
3.22 the student previously provided proof of their disability status;

3.23 (4) provide the student's accommodation letter to the student's instructors at the beginning
3.24 of each semester if the student gives affirmative permission to share the information;

3.25 (5) require an instructor who refuses or cannot provide accommodations to provide a
3.26 written statement detailing why an accommodation is not provided to the student with a
3.27 disability and submit that information to the student, and the person or office responsible
3.28 for arranging accommodations; and

3.29 (6) allow a student with a disability who is denied accommodations to withdraw from
3.30 the class without academic or financial penalty.

3.31 **EFFECTIVE DATE.** This section is effective January 1, 2025.

4.1 Sec. 2. **REPEALER.**

4.2 Minnesota Statutes 2022, section 135A.16, is repealed.

4.3 **EFFECTIVE DATE.** This section is effective January 1, 2025.

135A.16 POLICY FOR STUDENTS WITH DISABILITIES.

Subdivision 1. **Development.** Each public postsecondary governing board shall have a policy to provide for the needs of enrolled or admitted students on its campuses who have disabilities under section 504 of the Rehabilitation Act of 1973, Public Law 93-112. Governing boards of private postsecondary institutions are requested to develop similar policies.

Subd. 2. **Content.** Each policy shall include a list of services each campus must make available to any student who, through a recent assessment, can document a disability. The following three services must be included in the policy:

(1) support, counseling, and information that may include support groups, individual counseling, career counseling and assessment, and referral services;

(2) academic assistance services that may include early registration services, early syllabus availability, course selection and program advising, coursework and testing assistance and modification, and tutoring; and

(3) advocacy services that may include a designated ombudsman serving as the primary contact and coordinator for students needing services, assistance in working individually with faculty and administrators, intervention procedures, and grievance procedures.

Subd. 3. **Availability.** The policy and related information must be readily available to enrolled students and applicants for admission. At a minimum, information on services, including a contact person and location, must be included in the campus catalog and in the schedule of course offerings each term.