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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 85 Session of  
2021

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INTRODUCED BY D. MILLER, GALLOWAY, HILL-EVANS, McNEILL, SANCHEZ,  
LEE, HOHENSTEIN, DRISCOLL, SCHLOSSBERG, HOWARD, O'MARA,  
OTTEN, DEASY AND SCHWEYER, JANUARY 11, 2021

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REFERRED TO COMMITTEE ON EDUCATION, JANUARY 11, 2021

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AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An  
2 act relating to the public school system, including certain  
3 provisions applicable as well to private and parochial  
4 schools; amending, revising, consolidating and changing the  
5 laws relating thereto," providing for students with  
6 disabilities at institutions of higher education.

7 The General Assembly of the Commonwealth of Pennsylvania  
8 hereby enacts as follows:

9 Section 1. The act of March 10, 1949 (P.L.30, No.14), known  
10 as the Public School Code of 1949, is amended by adding an  
11 article to read:

12 ARTICLE XX-K

13 STUDENTS WITH DISABILITIES AT

14 INSTITUTIONS OF HIGHER EDUCATION

15 Section 2001-K. Definitions.

16 The following words and phrases when used in this article  
17 shall have the meanings given to them in this section unless the  
18 context clearly indicates otherwise:

19 "Individualized Education Program" or "IEP." A written

1 statement for a child with a disability that is developed,  
2 reviewed or revised in a meeting in accordance with the  
3 Individuals with Disabilities Education Act (Public Law 91-230,  
4 20 U.S.C. § 1400 et seq.) and 22 Pa. Code Ch. 14 (relating to  
5 special education services and programs).

6 "Institution of higher education." Any of the following:

7 (1) An institution of the State System of Higher  
8 Education created under Article XX-A.

9 (2) A community college created under Article XIX-A.

10 (3) The Pennsylvania State University, the University of  
11 Pittsburgh, Temple University, Lincoln University and their  
12 branch campuses.

13 (4) An institution as the term is defined under 24  
14 Pa.C.S. § 6501(a) (relating to applicability of chapter) that  
15 is accredited by the Middle States Commission on Higher  
16 Education.

17 Section 2002-K. Student with a disability transition planning  
18 requirement.

19 No later than upon entering the twelfth grade, IEP transition  
20 planning for a student who is an individual with a disability  
21 shall identify and include student goals that are likely to  
22 continue to need to be addressed should the student attend an  
23 institution of higher education.

24 Section 2003-K. Supporting students with disabilities to  
25 succeed once enrolled.

26 An institution of higher education shall:

27 (1) Adopt policies that, at a minimum, make the  
28 following documentation submitted by a student sufficient to  
29 establish that the student is an individual with a  
30 disability:

1           (i) Documentation that the student has had an  
2 individualized education program in accordance with  
3 section 614(d) of the Individuals with Disabilities  
4 Education Act (Public Law 91-230, 20 U.S.C. § 1414),  
5 including an IEP that may not be current or up-to-date on  
6 the date of the determination. If the IEP is not current,  
7 the last-adopted IEP may be submitted as documentation.  
8 The institution may ask for additional documentation from  
9 the student if the individual was found ineligible for  
10 services or exited from eligibility under the Individuals  
11 with Disabilities Education Act during elementary school.

12           (ii) Documentation that the student has had a plan  
13 prepared under section 504 of the Rehabilitation Act of  
14 1973 (Public Law 93-112, 29 U.S.C. § 794).

15           (iii) A plan or record of service for the student  
16 from a private school, a local educational agency, a  
17 State educational agency or another institution of higher  
18 education provided in accordance with the Americans with  
19 Disabilities Act of 1990 (Public Law 101-336, 42 U.S.C. §  
20 12101 et seq.).

21           (iv) A record or evaluation from a relevant licensed  
22 professional finding that the individual has a  
23 disability.

24           (v) A plan or record of disability from another  
25 institution of higher education.

26           (vi) Documentation of a disability due to service in  
27 the uniformed services as defined in section 484(c) of  
28 the Higher Education Act of 1965 (Public Law 89-329, 20  
29 U.S.C. § 1091).

30           (2) Adopt policies that are transparent and explicit

1 regarding information about the process by which the  
2 institution of higher education determines eligibility for  
3 accommodations relating to students with disabilities and how  
4 such issues are addressed.

5 (3) Disseminate the information to students, parents and  
6 faculty in an accessible format, including during a student  
7 orientation, and make the information readily available on a  
8 publicly accessible Internet website of the institution of  
9 higher education.

10 Section 2. This act shall take effect in 60 days.