

114TH CONGRESS  
2D SESSION

# S. 3521

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.

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## IN THE SENATE OF THE UNITED STATES

DECEMBER 8, 2016

Mr. CASEY (for himself, Mr. HATCH, and Mr. CASSIDY) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## 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 of 2016” or the “RISE Act  
6 of 2016”.

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) The institution will carry out the fol-  
12 lowing:

13 “(A) Adopt policies that, at a minimum,  
14 make the following documentation submitted by  
15 an individual sufficient to establish that such  
16 individual 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 or up-to-date on the date of  
23 the determination. The institution may ask  
24 for additional documentation from an indi-  
25 vidual who had an IEP who was found in-  
26 eligible for services or exited from eligi-

1 bility under such Act during elementary  
2 school.

3 “(ii) Documentation that the indi-  
4 vidual has had a plan prepared under sec-  
5 tion 504 of the Rehabilitation Act of 1973  
6 (29 U.S.C. 794).

7 “(iii) A plan or record of service for  
8 the individual from a private school, a local  
9 educational agency, a State educational  
10 agency, or an institution of higher edu-  
11 cation provided in accordance with the  
12 Americans with Disabilities Act of 1990  
13 (42 U.S.C. 12101 et seq.).

14 “(iv) A record or evaluation from a  
15 relevant licensed professional finding that  
16 the individual has a disability.

17 “(v) A plan or record of disability  
18 from another institution of higher edu-  
19 cation.

20 “(vi) Documentation of a disability  
21 due to service in the uniformed services, as  
22 defined in section 484C(a).

23 “(B) Adopt policies that are transparent  
24 and explicit regarding information about the

1 process by which the institution determines eli-  
2 gibility for accommodations.

3 “(C) Disseminate such information to stu-  
4 dents, parents, and faculty in an accessible for-  
5 mat, including during any student orientation  
6 and making such information readily available  
7 on a public website of the institution.”.

8 **SEC. 4. AUTHORIZATION OF FUNDS FOR THE NATIONAL**  
9 **CENTER FOR INFORMATION AND TECHNICAL**  
10 **SUPPORT FOR POSTSECONDARY STUDENTS**  
11 **WITH DISABILITIES.**

12 Section 777(a) of the Higher Education Act of 1965  
13 (20 U.S.C. 1140q(a)) is amended—

14 (1) in paragraph (1), by striking “From  
15 amounts appropriated under section 778,” and in-  
16 serting “From amounts appropriated under para-  
17 graph (5),”; and

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

19 “(5) **AUTHORIZATION OF APPROPRIATIONS.—**  
20 There is authorized to be appropriated to carry out  
21 this subsection \$10,000,000.”.

1 **SEC. 5. INCLUSION OF INFORMATION ON STUDENTS WITH**  
2 **DISABILITIES.**

3 Section 487(a) of the Higher Education Act of 1965  
4 (20 U.S.C. 1094(a)), as amended by section 3, is further  
5 amended by adding at the end the following:

6 “(31) The institution will submit, for inclusion  
7 in the Integrated Postsecondary Education Data  
8 System (IPEDS) or any other Federal postsec-  
9 ondary institution data collection effort, key data re-  
10 lated to undergraduate students enrolled at the in-  
11 stitution who are formally registered as students  
12 with disabilities with the institution’s office of dis-  
13 ability services (or the equivalent office), including  
14 graduation rates for students with disabilities and  
15 the number and percentage of students with disabil-  
16 ities accessing or receiving accommodations at the  
17 institution. An institution shall not be required to  
18 submit the information described in the preceding  
19 sentence if the number of such students is equal to  
20 or less than 10, so as not to reveal personally identi-  
21 fiable information about an individual student.”.

22 **SEC. 6. RULE OF CONSTRUCTION.**

23 None of the amendments made by this Act shall be  
24 construed to affect the meaning of the terms “reasonable  
25 accommodation” or “record of impairment” under the

1 Americans with Disabilities Act of 1990 (42 U.S.C. 12101  
2 et seq.) or the rights or remedies provided under such Act.

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