

SB0099



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB0099

Introduced 1/24/2023, by Sen. Laura Fine

SYNOPSIS AS INTRODUCED:

New Act

Creates the Respond, Innovate, Succeed, and Empower Act. Requires a public institution of higher education to adopt a policy that makes certain documentation submitted by an enrolled or admitted student sufficient to establish that the student is an individual with a disability. Requires the policy to 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. Provides that each public institution of higher education shall disseminate such information to students, parents, and faculty in accessible formats and make the information readily available on a public website of the institution. Allows a public institution of higher education to establish less burdensome criteria to establish whether an enrolled or admitted student is an individual with a disability. Requires a public institution of higher education to engage in an interactive process to establish a reasonable accommodation for an individual pursuant to the federal Rehabilitation Act of 1973 and the federal Americans with Disabilities Act of 1990.

LRB103 05883 NHT 50904 b

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

A BILL FOR

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Respond, Innovate, Succeed, and Empower Act.

6 Section 5. Definition. For purposes of this Act, "public
7 institution of higher education" means the University of
8 Illinois, Southern Illinois University, Chicago State
9 University, Eastern Illinois University, Governors State
10 University, Illinois State University, Northeastern Illinois
11 University, Northern Illinois University, Western Illinois
12 University, a public community college of this State, or any
13 other public university, college, or community college now or
14 hereafter established or authorized by the General Assembly.

15 Section 10. Students with disabilities policy and
16 documentation; dissemination of information.

17 (a) Each public institution of higher education shall
18 adopt a policy that makes any of the documentation described
19 in subsection (b) submitted by an enrolled or admitted student
20 sufficient to establish that the student is an individual with
21 a disability.

22 (b) The policy adopted under subsection (a) must provide

1 that any of the following documentation submitted by an
2 enrolled or admitted student is sufficient to establish that
3 the student is an individual with a disability:

4 (1) Documentation that the individual has had an
5 individualized education program (IEP) in accordance with
6 Section 614(d) of the federal Individuals with
7 Disabilities Education Act, including an IEP that may not
8 be current on the date of the determination that the
9 individual has a disability. The public institution of
10 higher education may request additional documentation from
11 an individual who had an IEP but who was subsequently
12 evaluated and determined to be ineligible for services
13 under the federal Individuals with Disabilities Education
14 Act, including an individual determined to be ineligible
15 during elementary school.

16 (2) Documentation describing services or
17 accommodations provided to the individual pursuant to
18 Section 504 of the federal Rehabilitation Act of 1973,
19 commonly known as a "Section 504 plan".

20 (3) A plan or record of service for the individual
21 from a private school, a local educational agency, a State
22 educational agency, or an institution of higher education
23 provided in accordance with the federal Americans with
24 Disabilities Act of 1990.

25 (4) A record or evaluation from a relevant licensed
26 professional finding that the individual has a disability.

1 (5) A plan or record of disability from another
2 institution of higher education.

3 (6) Documentation of a disability due to military
4 service in the uniformed services.

5 (c) The policy adopted under subsection (a) must be
6 transparent and explicit regarding information about the
7 process by which the public institution of higher education
8 determines eligibility for accommodations for an individual
9 with a disability. Each public institution of higher education
10 shall disseminate such information to students, parents, and
11 faculty in accessible formats, including during any student
12 orientation, and make the information readily available on a
13 public website of the institution.

14 (d) A public institution of higher education may establish
15 less burdensome criteria than the criteria described in this
16 Section to establish whether an enrolled or admitted student
17 is an individual with a disability.

18 Section 15. Establishment of reasonable accommodation. A
19 public institution of higher education shall engage in an
20 interactive process to establish a reasonable accommodation,
21 including requesting additional documentation, if needed, for
22 an individual pursuant to Section 504 of the federal
23 Rehabilitation Act of 1973 and the federal Americans with
24 Disabilities Act of 1990.

1 Section 90. Construction with federal law. Nothing in this
2 Act shall be construed to conflict with the terms "reasonable
3 accommodation" and "record of such an impairment" under the
4 federal Americans with Disabilities Act of 1990 or the rights
5 or remedies provided under the federal Americans with
6 Disabilities Act of 1990.