



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

HB2157

Introduced 2/7/2023, by Rep. Gregg Johnson

#### 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 27293 RJT 53664 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.