

D R A F T

SUMMARY

Permits each student enrolled at community college or public university to request, at no cost to student, evaluation to determine whether student should have section 504 plan or review of student's existing section 504 plan.

Requires community colleges and public universities to establish rights and protections for students with disabilities.

A BILL FOR AN ACT

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Relating to higher education.

Be It Enacted by the People of the State of Oregon:

SECTION 1. As used in this section and section 2 of this 2017 Act:

(1) "Section 504 plan" means a written statement of an educational program for each student with a disability that is developed, reviewed and revised in accordance with criteria established by rules of the Higher Education Coordinating Commission and in compliance with the requirements of section 504 of the Rehabilitation Act, 29 U.S.C. 794, as amended and in effect on the effective date of this 2017 Act.

(2) "Student with a disability" means an individual enrolled in a community college or public university listed in ORS 352.002 who the Higher Education Coordinating Commission has determined, through a process established by the commission by rule, is entitled to a section 504 plan because the student:

(a) Qualifies as an individual with a disability under section 504 of the Rehabilitation Act, 29 U.S.C. 794, as amended and in effect on the effective date of this 2017 Act;

(b) Has an identified physical or mental impairment, which sub-

1 **stantially limits one or more major life activities;**

2 **(c) Has a record or history of being classified as having a physical**
3 **or mental impairment of the type described in paragraph (b) of this**
4 **subsection; or**

5 **(d) Has been identified by a member of the faculty or staff of the**
6 **community college or public university as having a learning disability**
7 **and the student would benefit from a section 504 plan.**

8 **SECTION 2. (1) Each student enrolled at a community college or**
9 **public university listed in ORS 352.002 has the right to request:**

10 **(a) For a student who does not have a section 504 plan, that the**
11 **community college or public university conduct an evaluation to de-**
12 **termine whether the student should have a section 504 plan; or**

13 **(b) For a student who has a section 504 plan, that the community**
14 **college or public university conduct a review of the section 504 plan.**

15 **(2) A community college or public university:**

16 **(a) May, instead of conducting an evaluation under subsection (1)(a)**
17 **of this section, develop a section 504 plan using documentation that**
18 **demonstrates the student had a disability during high school.**

19 **(b) May not charge a student a fee for conducting an evaluation or**
20 **a review under subsection (1) of this section.**

21 **(3) In developing a section 504 plan, a community college or public**
22 **university must allow a student to have assistance from support per-**
23 **sonnel, including but not limited to parents, guardians or other per-**
24 **sons knowledgeable in the development and review of section 504**
25 **plans.**

26 **(4) Each community college and public university shall establish**
27 **procedural safeguards for students with disabilities ensuring that:**

28 **(a) The community college or public university's non-discrimination**
29 **statements, disability access information, grievance procedures and**
30 **other disability-related policies are current, publicly available and**
31 **widely distributed;**

1 **(b) Services, activities and facilities are accessible to, and usable**
2 **by, students with disabilities;**

3 **(c) Faculty and staff understand their responsibilities under section**
4 **504 of the Rehabilitation Act, 29 U.S.C. 794;**

5 **(d) There is a system at each community college and public uni-**
6 **versity for responding to disability concerns in a timely and appropri-**
7 **ate manner;**

8 **(e) There are consistent procedures in place for students with disa-**
9 **bilities regarding the referral, evaluation and implementation of sec-**
10 **tion 504 plans;**

11 **(f) Faculty and staff are informed about developments in both re-**
12 **commended educational interventions and legal requirements for stu-**
13 **dents with disabilities;**

14 **(g) Faculty and staff are provided with training for interactions**
15 **with students with disabilities;**

16 **(h) A formal complaint process and grievance policy are in place for**
17 **students with disabilities; and**

18 **(i) The complaint process and grievance policy required under par-**
19 **agraph (h) of this subsection require prompt and impartial investi-**
20 **gations into complaints made by students with disabilities and that**
21 **complainants are notified of the outcomes of these investigations.**

22 **(5) Each community college and public university shall inform ev-**
23 **ery student enrolled at the community college or public university**
24 **about the rights and protections for students with disabilities set forth**
25 **in this section at an informational session to be held annually.**

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