

Senate Bill 1001

Sponsored by COMMITTEE ON EDUCATION

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

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

1
2 Relating to higher education.

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

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

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

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

14 (a) Qualifies as an individual with a disability under section 504 of the Rehabilitation Act,
15 29 U.S.C. 794, as amended and in effect on the effective date of this 2017 Act;

16 (b) Has an identified physical or mental impairment, which substantially limits one or
17 more major life activities;

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

20 (d) Has been identified by a member of the faculty or staff of the community college or
21 public university as having a learning disability and the student would benefit from a section
22 504 plan.

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

25 (a) For a student who does not have a section 504 plan, that the community college or
26 public university conduct an evaluation to determine whether the student should have a
27 section 504 plan; or

28 (b) For a student who has a section 504 plan, that the community college or public uni-
29 versity conduct a review of the section 504 plan.

30 (2) A community college or public university:

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 (a) May, instead of conducting an evaluation under subsection (1)(a) of this section, de-
2 velop a section 504 plan using documentation that demonstrates the student had a disability
3 during high school.

4 (b) May not charge a student a fee for conducting an evaluation or a review under sub-
5 section (1) of this section.

6 (3) In developing a section 504 plan, a community college or public university must allow
7 a student to have assistance from support personnel, including but not limited to parents,
8 guardians or other persons knowledgeable in the development and review of section 504
9 plans.

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

12 (a) The community college or public university's non-discrimination statements, disabili-
13 ty access information, grievance procedures and other disability-related policies are current,
14 publicly available and widely distributed;

15 (b) Services, activities and facilities are accessible to, and usable by, students with disa-
16 bilities;

17 (c) Faculty and staff understand their responsibilities under section 504 of the Rehabili-
18 tation Act, 29 U.S.C. 794;

19 (d) There is a system at each community college and public university for responding to
20 disability concerns in a timely and appropriate manner;

21 (e) There are consistent procedures in place for students with disabilities regarding the
22 referral, evaluation and implementation of section 504 plans;

23 (f) Faculty and staff are informed about developments in both recommended educational
24 interventions and legal requirements for students with disabilities;

25 (g) Faculty and staff are provided with training for interactions with students with disa-
26 bilities;

27 (h) A formal complaint process and grievance policy are in place for students with disa-
28 bilities; and

29 (i) The complaint process and grievance policy required under paragraph (h) of this sub-
30 section require prompt and impartial investigations into complaints made by students with
31 disabilities and that complainants are notified of the outcomes of these investigations.

32 (5) Each community college and public university shall inform every student enrolled at
33 the community college or public university about the rights and protections for students
34 with disabilities set forth in this section at an informational session to be held annually.
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