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HOUSE BILL NO. 509

Offered January 10, 2024

Prefiled January 8, 2024

A *BILL to amend the Code of Virginia by adding a section numbered 23.1-401.3, relating to public institutions of higher education; policies; individuals with disabilities.*

Patrons—Cohen, Shin, Laufer, Lopez and Thomas

Referred to Committee on Education

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 23.1-401.3 as follows:

§ 23.1-401.3. Individuals with disabilities; documentation; accommodations.

A. Each public institution of higher education shall adopt a policy that makes any of the following documentation or evidence that is submitted by an enrolled or admitted student sufficient to establish that the student is an individual with a disability:

1. Documentation that the individual has had an individualized education program (IEP) in accordance with the federal Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq. The public institution of higher education may request additional documentation from such an individual if the IEP was not in effect immediately prior to the date on which the individual graduated from or was otherwise no longer enrolled in high school;

2. Documentation that the individual has received services or accommodations pursuant to a Section 504 Plan prepared in accordance with § 504 of the federal Rehabilitation Act of 1973, 29 U.S.C. § 794. The public institution of higher education may request additional documentation from such an individual if the Section 504 Plan was not in effect immediately prior to the date on which the individual graduated from or was otherwise no longer enrolled in high school;

3. Documentation of a plan or record of service for the individual from a private school, a local educational agency, a state educational agency, or an institution of higher education (i) pursuant to a Section 504 Plan prepared in accordance with § 504 of the federal Rehabilitation Act of 1973, 29 U.S.C. § 794 or (ii) in accordance with Title II of the federal Americans with Disabilities Act, 42 U.S.C. § 12131 et seq.;

4. A record or evaluation from a relevant licensed professional finding that the individual has a disability;

5. A plan relating to or record of the individual's disability from another institution of higher education;

6. Documentation of the individual's disability due to service in the Armed Forces of the United States or the Commonwealth; and

7. Any other documentation or evidence that the institution deems appropriate for such purpose.

B. Each policy adopted pursuant to subsection A shall include a transparent and explicit process by which the institution determines eligibility for accommodations for an individual with a disability. Each public institution of higher education shall disseminate information about such process to students, the parents of students as appropriate, and faculty in accessible formats, including during any student orientation, and make such information available on a conspicuous and publicly accessible page on the institution's website.

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