

Bill Cassidy, M.D.

AMENDMENT NO. _____

Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—119th Cong., 2d Sess.

S. 3589

To amend the Higher Education Act of 1965 to provide students with disabilities and their families with access to critical information needed to select the right college and succeed once enrolled.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by _____

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Respond, Innovate,
5 Succeed, and Empower Act” or the “RISE Act”.

6 **SEC. 2. PERFECTING AMENDMENT TO THE DEFINITION OF**
7 **DISABILITY.**

8 Section 103(6) of the Higher Education Act of 1965
9 (20 U.S.C. 1003(6)) is amended by striking “section
10 3(2)” and inserting “section 3”.

1 **SEC. 3. SUPPORTING STUDENTS WITH DISABILITIES TO**
2 **SUCCEED ONCE ENROLLED IN COLLEGE.**

3 Section 487(a) of the Higher Education Act of 1965
4 (20 U.S.C. 1094(a)) is amended by adding at the end the
5 following:

6 “(30)(A) The institution will carry out the fol-
7 lowing:

8 “(i) Adopt policies that make any of the
9 following documentation submitted by an indi-
10 vidual sufficient to establish that such indi-
11 vidual is an individual with a disability:

12 “(I) Documentation that the indi-
13 vidual has had an individualized education
14 program (referred to in this paragraph as
15 an ‘IEP’) in accordance with section
16 614(d) of the Individuals with Disabilities
17 Education Act, if the IEP for the student
18 was utilized at any point in high school
19 (without regard as to whether the date of
20 the student’s most recent evaluation or re-
21 evaluation occurred before the student en-
22 tered high school).

23 “(II) Documentation describing serv-
24 ices or accommodations provided to the in-
25 dividual pursuant to section 504 of the Re-
26 habilitation Act of 1973 (29 U.S.C. 794)

1 (referred to in this paragraph as a ‘Section
2 504 plan’), if the Section 504 plan for the
3 student was utilized at any point in high
4 school (without regard as to whether the
5 date of the student’s most recent evalua-
6 tion or reevaluation occurred before the
7 student entered high school).

8 “(III) A plan or record of service for
9 the individual from a private high school,
10 a local educational agency, a State edu-
11 cational agency, or an institution of higher
12 education provided in accordance with the
13 Americans with Disabilities Act of 1990
14 (42 U.S.C. 12101 et seq.).

15 “(IV) A record or evaluation from a
16 relevant licensed professional finding that
17 the individual has a disability.

18 “(V) A plan or record of disability
19 from another institution of higher edu-
20 cation.

21 “(VI) Documentation of a disability
22 due to service in the uniformed services, as
23 defined in section 484C(a).

24 “(ii) Adopt policies that are transparent
25 and explicit regarding information about the

1 process by which the institution determines eli-
2 gibility for reasonable accommodations or modi-
3 fications consistent with section 504 of the Re-
4 habilitation Act of 1973 (29 U.S.C. 794) and
5 the Americans with Disabilities Act of 1990 (42
6 U.S.C. 12101 et seq.).

7 “(iii) Disseminate such information to stu-
8 dents, parents, and faculty in an accessible for-
9 mat, including during any student orientation
10 and making such information readily available
11 on a public website of the institution.

12 “(B) Nothing in this paragraph shall be con-
13 strued to preclude an institution from establishing
14 less burdensome criteria than that described in sub-
15 paragraph (A) to establish an individual as an indi-
16 vidual with a disability who may be eligible for rea-
17 sonable accommodations or modifications.”.

18 **SEC. 4. AUTHORIZATION OF FUNDS FOR THE NATIONAL**
19 **CENTER FOR INFORMATION AND TECHNICAL**
20 **SUPPORT FOR POSTSECONDARY STUDENTS**
21 **WITH DISABILITIES.**

22 Section 777(a) of the Higher Education Act of 1965
23 (20 U.S.C. 1140q(a)) is amended—

24 (1) in paragraph (1), by striking “From
25 amounts appropriated under section 778,” and in-

1 serting “From amounts appropriated under para-
2 graph (5),”; and

3 (2) by adding at the end the following:

4 “(5) AUTHORIZATION OF APPROPRIATIONS.—

5 There is authorized to be appropriated to carry out
6 this subsection a total of \$10,000,000 for fiscal
7 years 2027 through 2031.”.

8 **SEC. 5. INCLUSION OF INFORMATION ON STUDENTS WITH**
9 **DISABILITIES.**

10 (a) IN GENERAL.—Section 487(a) of the Higher
11 Education Act of 1965 (20 U.S.C. 1094(a)), as amended
12 by section 3, is further amended—

13 (1) by redesignating paragraphs (18) through
14 (30) as paragraphs (19) through (31), respectively;
15 and

16 (2) by inserting after paragraph (17) the fol-
17 lowing:

18 “(18)(A) The institution will submit, for inclu-
19 sion in the Integrated Postsecondary Education
20 Data System (IPEDS) or any other Federal postsec-
21 ondary institution data collection effort, key data re-
22 lated to undergraduate and graduate students en-
23 rolled in the institution who are formally registered
24 as students with disabilities with the institution’s of-
25 fice of disability services (which, for purposes of this

1 paragraph, includes an equivalent office), includ-
2 ing—

3 “(i) the total number of undergraduate
4 and graduate students registered with the insti-
5 tution’s office of disability services;

6 “(ii) the number of undergraduate and
7 graduate students accessing or receiving reason-
8 able accommodations or modifications, as volun-
9 tarily reported to the institution’s office of dis-
10 ability services;

11 “(iii) the percentage of undergraduate and
12 graduate students enrolled in the institution
13 who are registered with the institution’s office
14 of disability services; and

15 “(iv) the total number of undergraduate
16 and graduate certificates or degrees awarded to
17 students registered with the institution’s office
18 of disability services.

19 “(B) Notwithstanding subparagraph (A), an in-
20 stitution shall not be required to submit information
21 under this paragraph if the number of such students
22 would reveal personally identifiable information
23 about an individual student.”.

24 (b) CONFORMING AMENDMENTS.—

1 (1) HIGHER EDUCATION ACT OF 1965.—The
2 Higher Education Act of 1965 (20 U.S.C. 1001 et
3 seq.) is amended—

4 (A) in the matter preceding clause (i) of
5 section 152(a)(1)(A) (20 U.S.C.
6 1019a(a)(1)(A)), by striking “(a)(27)” and in-
7 serting “(a)(28)”;

8 (B) in section 153(c)(3) (20 U.S.C.
9 1019b(c)(3)), by striking “section 487(a)(25)”
10 each place the term appears and inserting “sec-
11 tion 487(a)(26)”;

12 (C) in section 487 (20 U.S.C. 1094)—

13 (i) in subsection (d), by striking “sub-
14 section (a)(24)” each place the term ap-
15 pears and inserting “subsection (a)(25)”;

16 (ii) in the matter preceding paragraph
17 (1) of subsection (e), by striking “sub-
18 section (a)(25)” and inserting “subsection
19 (a)(26)”;

20 (iii) in the matter preceding subpara-
21 graph (A) of subsection (h)(1), by striking
22 “subsection (a)(27)” and inserting “sub-
23 section (a)(28)”.

24 (2) TITLE 38, UNITED STATES CODE.—Title 38,
25 United States Code, is amended—

1 (Λ) in section 3679(f)(2)(C), by striking
2 “section 487(a)(20) of the Higher Education
3 Act of 1965 (20 U.S.C. 1094(a)(20))” and in-
4 serting “section 487(a)(21) of the Higher Edu-
5 cation Act of 1965 (20 U.S.C. 1094(a)(21))”;
6 and

7 (B) in section 3696(e)(2), by striking “sec-
8 tion 487(a)(20) of the Higher Education Act of
9 1965 (20 U.S.C. 1094(a)(20))” and inserting
10 “section 487(a)(21) of the Higher Education
11 Act of 1965 (20 U.S.C. 1094(a)(21))”.

12 **SEC. 6. RULES OF CONSTRUCTION.**

13 None of the amendments made by this Act shall be
14 construed to affect—

15 (1) the meanings of the terms “reasonable ac-
16 commodation”, “reasonable modification”, and
17 “record of impairment” under the Americans with
18 Disabilities Act of 1990 (42 U.S.C. 12101 et seq.)
19 or section 504 of the Rehabilitation Act of 1973 (29
20 U.S.C. 794); or

21 (2) the rights or remedies provided under such
22 Acts.