

1 SENATE BILL NO. 21

2 AMENDMENT IN THE NATURE OF A SUBSTITUTE

3 (Proposed by the Senate Committee on Education and Health

4 on January 25, 2024)

5 (Patron Prior to Substitute--Senator Salim)

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

8 **Be it enacted by the General Assembly of Virginia:**

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

10 **§ 23.1-401.3. Individuals with disabilities; documentation; accommodations.**

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

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

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

24 3. Documentation of a plan or record of service for the individual from a private school, a local
25 educational agency, a state educational agency, or an institution of higher education (i) pursuant to a
26 Section 504 Plan prepared in accordance with § 504 of the federal Rehabilitation Act of 1973, 29 U.S.C.
27 § 794 or (ii) in accordance with Title II of the federal Americans with Disabilities Act, 42 U.S.C. § 12131
28 et seq.;

29 4. A record or evaluation from a relevant licensed professional finding that the individual has a
30 disability, provided that such record or evaluation was completed no more than four years prior to the
31 student's application for admission to the institution;

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

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

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

37 B. Each policy adopted pursuant to subsection A shall include a transparent and explicit process
38 by which the institution determines eligibility for accommodations for an individual with a disability.
39 Each public institution of higher education shall disseminate information about such process to students,
40 including all new students, to the parents of students as appropriate, and to faculty in accessible formats
41 and make such information available in a conspicuous and publicly accessible manner, including on the
42 institution's website.

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