

State of Arkansas

As Engrossed: H4/2/25

95th General Assembly

## A Bill

Regular Session, 2025

HOUSE BILL 1766

By: Representative Ennett

By: Senator B. Davis

### For An Act To Be Entitled

AN ACT TO AMEND THE LAW REGARDING HIGHER EDUCATION;  
TO CREATE THE ARKANSAS RESPOND, INNOVATE, SUCCEED,  
AND EMPOWER (RISE) ACT; AND FOR OTHER PURPOSES.

### Subtitle

TO CREATE THE ARKANSAS RESPOND,  
INNOVATE, SUCCEED, AND EMPOWER (RISE)  
ACT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code Title 6, Chapter 60, is amended to add an  
additional subchapter to read as follows:

#### Subchapter 16 – Students with Disabilities

##### 6-60-1601. Title.

This act shall be known and may be cited as the "Arkansas Respond,  
Innovate, Succeed, and Empower (RISE) Act".

##### 6-60-1602. Definitions.

As used in this subchapter:

(1) "Institution of higher education" means a public institution  
of higher education, tribal college, or a private institution of higher  
education that receives federal funding;

(2) "Plain language" means communication an audience can  
understand the first time the audience reads or hears it; and

(3) "Student with a disability" means an admitted or enrolled



1 student who meets the definition of an individual with a disability under the  
2 Americans with Disabilities Act of 1990, 42 U.S.C. § 12101 et seq., as it  
3 existed on January 1, 2025, and includes a student with an intellectual  
4 disability as defined in 34 C.F.R. § 668.231(b), as it existed on January 1,  
5 2025, who is admitted or enrolled in a comprehensive transition or  
6 postsecondary program as defined in 34 C.F.R. § 668.231(a), as it existed on  
7 January 1, 2025.

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9 6-60-1603. Policy – Documentation – Dissemination of information.

10 (a)(1) Each institution of higher education shall adopt a policy  
11 providing that the documentation under subsection (b) of this section will be  
12 considered in evaluating whether a student is a student with a disability.

13 (2) The institution of higher education may request additional  
14 documentation if needed to evaluate whether a student is a student with a  
15 disability.

16 (b) The following information submitted by either an admitted or an  
17 enrolled student will be considered in evaluating whether a student is a  
18 student with a disability:

19 (1) Documentation that the individual has had an individualized  
20 education program as defined in § 6-41-217;

21 (2) Documentation that the individual has received services or  
22 accommodations under a plan under Section 504 of the Rehabilitation Act of  
23 1973, 29 U.S.C. § 794 et seq., as it existed on January 1, 2025;

24 (3) Documentation of a plan or record of service for the  
25 individual from a private school, a local educational agency, a state  
26 educational agency, or an institution of higher education provided under a  
27 plan under Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794 et  
28 seq., as it existed on January 1, 2025, or in accordance with the Americans  
29 with Disabilities Act of 1990, 42 U.S.C. § 12101 et seq., as it existed on  
30 January 1, 2025; or

31 (4) Documentation of a disability due to military service.

32 (c) The policy adopted under this subsection (a) of this section  
33 shall:

34 (1) Be transparent and explicit; and

35 (2) Include information:

36 (A) Describing the process by which the institution of

1 higher education determines eligibility for accommodations for a student with  
2 a disability; and

3 (B) Regarding any disability resource center or other  
4 areas within the institution of higher education that provide accommodations  
5 for students with disabilities, including without limitation housing and  
6 residence life.

7 (e) Each institution of higher education shall disseminate the  
8 information required under subsection (c) of this section:

9 (1) To applicants, students, parents, and faculty in plain  
10 language and in formats consistent with the Americans with Disabilities Act  
11 of 1990, 42 U.S.C. § 12101 et seq., as it existed on January 1, 2025; and

12 (2) During the student application process, at student  
13 orientation, in academic catalogs, and on the institution of higher  
14 education's public website.

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16 6-60-1604. Establishment of reasonable accommodation.

17 (a)(1) An institution of higher education shall engage in an  
18 interactive process to:

19 (A) Document the accommodation needs of a student with a  
20 disability; and

21 (B) Establish a reasonable accommodation or accommodations  
22 for a student with a disability.

23 (2) The institution of higher education may request additional  
24 documentation if needed during the interactive process.

25 (b)(1) An institution of higher education shall include a  
26 representative list of reasonable accommodations and disability resources for  
27 students with a disability that is accessible to applicants, students,  
28 parents, and faculty in plain language and in formats consistent with the  
29 Americans with Disabilities Act of 1990, 42 U.S.C. § 12101 et seq., as it  
30 existed on January 1, 2025.

31 (2) Before a determination that a reasonable accommodation or  
32 disability resource presented on a representative list for students with a  
33 disability is provided under subdivision (b)(1) of this section, the student  
34 shall present written documentation indicating the need for the reasonable  
35 accommodation or disability resource.

36 (3) The information required under subdivision (b)(1) of this

1 section shall be provided during the student application process, at student  
2 orientation, in academic catalogs, and on the institution of higher  
3 education's public website.

4 (c) The reasonable accommodations and disability resources available  
5 to students shall be individualized and not limited to the list provided  
6 under subsection (b) of this section.

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8 6-60-1605. Requirements for institutions of higher education.

9 Each institution of higher education shall:

10 (1) Advise admitted students who have self-identified as having  
11 a disability for which they are requesting an accommodation of the process  
12 for requesting accommodations;

13 (2) Not require a student to be reevaluated for the presence of  
14 a permanent disability if the student previously provided proof to the  
15 institution of higher education of a permanent disability status; and

16 (3) Have an established process to follow if an instructor or  
17 academic office believes that an accommodation would fundamentally or  
18 substantially alter an essential requirement of a course or program or pose  
19 an undue burden on the institution of higher education.

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21 SECTION 2. EFFECTIVE DATE. Section 1 of this act is effective January  
22 1, 2026.

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24 */s/Ennett*

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27 **APPROVED: 4/21/25**  
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