

1 State of Arkansas
2 95th General Assembly
3 Regular Session, 2025

A Bill

HOUSE BILL 1766

4
5 By: Representative Ennett
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7

For An Act To Be Entitled

8
9 AN ACT TO AMEND THE LAW REGARDING HIGHER EDUCATION;
10 TO CREATE THE ARKANSAS RESPOND, INNOVATE, SUCCEED,
11 AND EMPOWER (RISE) ACT; AND FOR OTHER PURPOSES.
12
13

Subtitle

14
15 TO CREATE THE ARKANSAS RESPOND,
16 INNOVATE, SUCCEED, AND EMPOWER (RISE)
17 ACT.
18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code Title 6, Chapter 60, is amended to add an
22 additional subchapter to read as follows:

23 Subchapter 16 – Students with Disabilities

24
25 6-60-1601. Title.

26 This act shall be known and may be cited as the "Arkansas Respond,
27 Innovate, Succeed, and Empower (RISE) Act".
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29 6-60-1602. Definitions.

30 As used in this subchapter:

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

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

36 (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.

8
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.