

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
95th General Assembly
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As Engrossed: H4/2/25

A Bill

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



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

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

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

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

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

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

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

(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 provided under a plan under Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794 et seq., as it existed on January 1, 2025, or in accordance with the Americans with Disabilities Act of 1990, 42 U.S.C. § 12101 et seq., as it existed on January 1, 2025; or

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

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

(1) Be transparent and explicit; and

(2) Include information:

(A) Describing the process by which the institution of

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

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

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

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

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

6-60-1604. Establishment of reasonable accommodation.

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

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

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

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

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

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

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

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

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

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

Each institution of higher education shall:

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

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

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

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

/s/Ennett