

Senate Engrossed House Bill  
higher education; individuals with disabilities

State of Arizona  
House of Representatives  
Fifty-fifth Legislature  
Second Regular Session  
2022

# HOUSE BILL 2031

AN ACT

AMENDING TITLE 15, CHAPTER 14, ARIZONA REVISED STATUTES, BY ADDING  
ARTICLE 1.1; RELATING TO HIGHER EDUCATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 15, chapter 14, Arizona Revised Statutes, is  
3 amended by adding article 1.1, to read:

4 ARTICLE 1.1. INDIVIDUALS WITH DISABILITIES

5 15-1811. Individuals with disabilities; policies;  
6 documentation; dissemination

7 A. A UNIVERSITY UNDER THE JURISDICTION OF THE ARIZONA BOARD OF  
8 REGENTS OR A COMMUNITY COLLEGE AS DEFINED IN SECTION 15-1401 MUST ADOPT  
9 POLICIES THAT MEET BOTH OF THE FOLLOWING:

10 1. MAKE ANY OF THE FOLLOWING SUBMITTED BY AN ENROLLED OR ADMITTED  
11 STUDENT AT THE UNIVERSITY OR COMMUNITY COLLEGE SUFFICIENT TO ESTABLISH  
12 THAT THE INDIVIDUAL IS AN INDIVIDUAL WITH A DISABILITY:

13 (a) DOCUMENTATION THAT THE INDIVIDUAL HAS HAD AN INDIVIDUALIZED  
14 EDUCATION PROGRAM IN ACCORDANCE WITH SECTION 614(d) OF THE INDIVIDUALS  
15 WITH DISABILITIES EDUCATION ACT (P.L. 91-230; 84 STAT. 175 TO 188),  
16 INCLUDING AN INDIVIDUALIZED EDUCATION PROGRAM THAT IS NOT CURRENT ON THE  
17 DATE OF THE DETERMINATION THAT THE INDIVIDUAL HAS A DISABILITY. THE  
18 UNIVERSITY OR COMMUNITY COLLEGE MAY ASK FOR ADDITIONAL DOCUMENTATION FROM  
19 AN INDIVIDUAL WHO HAD AN INDIVIDUALIZED EDUCATION PROGRAM BUT WHO WAS  
20 SUBSEQUENTLY EVALUATED AND DETERMINED TO BE INELIGIBLE FOR SERVICES UNDER  
21 THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT (P.L. 91-230; 84 STAT. 175  
22 TO 188), INCLUDING AN INDIVIDUAL DETERMINED TO BE INELIGIBLE DURING  
23 ELEMENTARY SCHOOL.

24 (b) DOCUMENTATION DESCRIBING SERVICES OR ACCOMMODATIONS PROVIDED TO  
25 THE INDIVIDUAL PURSUANT TO A SECTION 504 PLAN AS DEFINED IN SECTION  
26 15-731.

27 (c) A PLAN OR RECORD OF SERVICE FOR THE INDIVIDUAL FROM A PRIVATE  
28 SCHOOL, A LOCAL EDUCATION AGENCY, A STATE EDUCATIONAL AGENCY OR AN  
29 INSTITUTION OF HIGHER EDUCATION PROVIDED IN ACCORDANCE WITH THE AMERICANS  
30 WITH DISABILITIES ACT OF 1990 (P.L. 101-336; 104 STAT. 327).

31 (d) A RECORD OR EVALUATION FROM A RELEVANT LICENSED PROFESSIONAL  
32 FINDING THAT THE INDIVIDUAL HAS A DISABILITY.

33 (e) A PLAN OR RECORD OF DISABILITY FROM ANOTHER INSTITUTION OF  
34 HIGHER EDUCATION.

35 (f) DOCUMENTATION OF A DISABILITY DUE TO SERVICE IN THE UNIFORMED  
36 SERVICES.

37 2. ARE TRANSPARENT AND EXPLICIT REGARDING INFORMATION ABOUT THE  
38 PROCESS BY WHICH THE UNIVERSITY OR COMMUNITY COLLEGE DETERMINES  
39 ELIGIBILITY FOR ACCOMMODATIONS FOR AN INDIVIDUAL WITH A DISABILITY.

40 B. A UNIVERSITY UNDER THE JURISDICTION OF THE ARIZONA BOARD OF  
41 REGENTS OR A COMMUNITY COLLEGE AS DEFINED IN SECTION 15-1401 SHALL  
42 DISSEMINATE THE POLICIES ADOPTED PURSUANT TO SUBSECTION A OF THIS SECTION  
43 TO STUDENTS, FACULTY AND THE PUBLIC IN ACCESSIBLE FORMATS, INCLUDING

1 DURING ANY STUDENT ORIENTATION AND ON THE UNIVERSITY'S OR COMMUNITY  
2 COLLEGE'S WEBSITE.

3 C. A UNIVERSITY OR COMMUNITY COLLEGE MAY ESTABLISH LESS BURDENSOME  
4 CRITERIA THAN THE CRITERIA PRESCRIBED IN SUBSECTION A OF THIS SECTION TO  
5 ESTABLISH AN INDIVIDUAL AS AN INDIVIDUAL WITH A DISABILITY.

6 D. A UNIVERSITY UNDER THE JURISDICTION OF THE ARIZONA BOARD OF  
7 REGENTS OR A COMMUNITY COLLEGE AS DEFINED IN SECTION 15-1401 SHALL ENGAGE  
8 IN THE INTERACTIVE PROCESS TO ESTABLISH A REASONABLE ACCOMMODATION,  
9 INCLUDING REQUESTING ADDITIONAL DOCUMENTATION, IF NEEDED, FOR AN  
10 INDIVIDUAL PURSUANT TO SECTION 504 OF THE REHABILITATION ACT OF 1973  
11 (P.L. 93-112; 87 STAT. 355; 29 UNITED STATES CODE SECTION 794) AND THE  
12 AMERICANS WITH DISABILITIES ACT OF 1990 (P.L. 101-336; 104 STAT. 327).

13 E. THIS SECTION DOES NOT AFFECT THE MEANING OF THE TERMS  
14 "REASONABLE ACCOMMODATION" OR "RECORD OF IMPAIRMENT" UNDER THE AMERICANS  
15 WITH DISABILITIES ACT OF 1990 (P.L. 101-336; 104 STAT. 327) OR THE RIGHTS  
16 OR REMEDIES PROVIDED UNDER THE AMERICANS WITH DISABILITIES ACT OF 1990  
17 (P.L. 101-336; 104 STAT. 327).