

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 342 Session of 2023

INTRODUCED BY D. MILLER, VENKAT, MADDEN, CERRATO, SANCHEZ,  
McNEILL, KAZEEM, ABNEY, HOHENSTEIN, DELLOSO, FLEMING,  
GALLOWAY, KINKEAD, FRANKEL, MALAGARI AND O'MARA,  
MARCH 13, 2023

REFERRED TO COMMITTEE ON HUMAN SERVICES, MARCH 13, 2023

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An  
2 act relating to the public school system, including certain  
3 provisions applicable as well to private and parochial  
4 schools; amending, revising, consolidating and changing the  
5 laws relating thereto," providing for students with  
6 disabilities at institutions of higher education.

7 The General Assembly of the Commonwealth of Pennsylvania  
8 hereby enacts as follows:

9 Section 1. The act of March 10, 1949 (P.L.30, No.14), known  
10 as the Public School Code of 1949, is amended by adding an  
11 article to read:

12 ARTICLE XX-L

13 STUDENTS WITH DISABILITIES AT

14 INSTITUTIONS OF HIGHER EDUCATION

15 Section 2001-L. Definitions.

16 The following words and phrases when used in this article  
17 shall have the meanings given to them in this section unless the  
18 context clearly indicates otherwise:

19 "Individualized Education Program" or "IEP." A written

1 statement for a child with a disability that is developed,  
2 reviewed or revised in a meeting in accordance with 20 U.S.C.  
3 Ch. 33 (relating to education of individuals with disabilities)  
4 and 22 Pa. Code Ch. 14 (relating to special education services  
5 and programs).

6 "Institution of higher education." Any of the following:

7 (1) An institution of the State System of Higher  
8 Education created under Article XX-A.

9 (2) A community college created under Article XIX-A.

10 (3) The Pennsylvania State University, the University of  
11 Pittsburgh, Temple University, Lincoln University and their  
12 branch campuses.

13 (4) An institution as the term is defined under 24  
14 Pa.C.S. § 6501(a) (relating to applicability of chapter) that  
15 is accredited by the Middle States Commission on Higher  
16 Education.

17 Section 2002-L. Student with a disability transition planning  
18 requirement.

19 No later than upon entering the twelfth grade, IEP transition  
20 planning for a student who is an individual with a disability  
21 shall identify and include student goals that are likely to  
22 continue to need to be addressed should the student attend an  
23 institution of higher education.

24 Section 2003-L. Supporting students with disabilities to  
25 succeed once enrolled.

26 An institution of higher education shall:

27 (1) Adopt policies that, at a minimum, make the  
28 following documentation submitted by a student sufficient to  
29 establish that the student is an individual with a  
30 disability:

1           (i) Documentation that the student has had an  
2           individualized education program in accordance with 20  
3           U.S.C. § 1414(d) (relating to evaluations, eligibility  
4           determinations, individualized education programs, and  
5           educational placements), including an IEP that may not be  
6           current or up-to-date on the date of the determination.  
7           If the IEP is not current, the last-adopted IEP may be  
8           submitted as documentation. The institution may ask for  
9           additional documentation from the student if the  
10           individual was found ineligible for services or exited  
11           from eligibility under 20 U.S.C. Ch. 33 (relating to  
12           education of individuals with disabilities), including an  
13           individual determined to be ineligible during elementary  
14           school.

15           (ii) Documentation describing services or  
16           accommodations provided to the student in accordance with  
17           29 U.S.C. § 794 (relating to nondiscrimination under  
18           Federal grants and programs).

19           (iii) A plan or record of service for the student  
20           from a private school, a local educational agency, a  
21           State educational agency or another institution of higher  
22           education provided in accordance with 42 U.S.C. Ch. 126  
23           (relating to equal opportunity for individuals with  
24           disabilities).

25           (iv) A record or evaluation from a relevant licensed  
26           professional finding that the individual has a  
27           disability.

28           (v) A plan or record of disability from another  
29           institution of higher education.

30           (vi) Documentation of a disability due to service in

1 the uniformed services as defined in 20 U.S.C. § 1091c(a)  
2 (relating to readmission requirements for  
3 servicemembers).

4 (2) Adopt policies that are transparent and explicit  
5 regarding information about the process by which the  
6 institution of higher education determines eligibility for  
7 accommodations for students with disabilities.

8 (3) Disseminate the information to students, parents and  
9 faculty in an accessible format, including during a student  
10 orientation, and make the information readily available on a  
11 publicly accessible Internet website of the institution of  
12 higher education.

13 Section 2004-L. Construction.

14 Nothing in this article shall be construed to preclude an  
15 institution of higher education from establishing less  
16 burdensome criteria than that described in this article to  
17 establish an individual as an individual with a disability and  
18 therefore eligible for accommodations.

19 Section 2. This act shall take effect in 60 days.