

ACLU OF RI POSITION: AMEND

**TESTIMONY ON 25-H 5280,
AN ACT RELATING TO HIGHER EDUCATION OPPORTUNITIES
FOR STUDENTS WITH DISABILITIES**

May 1, 2025

The ACLU of RI applauds this bill's goal of providing young students with severe disabilities the ability to audit courses at the state's colleges and universities and to attend courses under certain conditions. However, in order to accomplish the legislation's laudable stated goal, we urge consideration of one amendment to the bill.

Specifically, language on Page 5, lines 5-11, appears to prevent any individual from challenging a state college or university that blatantly violates the bill's provisions, essentially making the legislation more of a guideline than a requirement. Under the bill's language, to give an example, a college that completely barred a student with disabilities from auditing a course without any justification could not be sued by the student despite the institution's actions directly contrary to the bill's provisions.

We understand the desire to provide good faith legal protection to institutions, administrators and others in their implementation of a law like this. However, the section of the bill cited above goes much further by offering *blanket immunity* and banning *any* private cause of action by a student when their rights provided by the legislation are deliberately ignored or otherwise violated.

We therefore urge that this section of the bill be amended to allow for its judicial enforcement by individuals under appropriate circumstances. Thank you for your consideration of our views.