

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 16-0561.01 Brita Darling x2241

SENATE BILL 16-077

SENATE SPONSORSHIP

Kefalas, Aguilar

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Ginal and Primavera,

Senate Committees
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A BILL FOR AN ACT

101 CONCERNING A COLLABORATIVE MULTI-AGENCY APPROACH TO
102 INCREASING COMPETITIVE INTEGRATED EMPLOYMENT
103 OPPORTUNITIES FOR PERSONS WITH DISABILITIES, AND, IN
104 CONNECTION THEREWITH, DEVELOPING AND IMPLEMENTING AN
105 EMPLOYMENT FIRST POLICY.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The bill requires the heads of the department of health care policy and financing (HCPF), the department of labor and employment (CDLE),

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

the department of education (CDE), and the department of higher education (CDHE), (referred to as agency partners), to develop an employment first policy that increases competitive integrated employment, as defined in the bill, for persons with disabilities. The agency partners shall consult with the employment first advisory board (advisory board) as part of developing and implementing the employment first policy.

At a minimum, the employment first policy must:

- ! Ensure that competitive integrated employment is the primary objective for all working-age persons regardless of disability;
- ! Remove barriers to competitive integrated employment for persons with disabilities;
- ! Reallocate existing resources, where possible, to increase provider capacity through funding incentives;
- ! Include provisions relating to postsecondary education planning, career planning, transition planning, employment services, and closing gaps in service;
- ! Include provisions for data collection and sharing by agency partners relating to employment and postsecondary education for persons with disabilities, consistent with state and federal data privacy laws;
- ! Require professionals providing employment services to complete a nationally-certified program before providing employment services;
- ! Establish the employment first policy as part of the state's plan to address federal case law relating to providing disability services in an integrated setting; and
- ! Include a plan for a statewide outreach and training program.

Each agency partner shall implement the program pursuant to its statutory authority, available appropriations, and federal authority if changes relate to medicaid waivers. The agency partner's policy boards shall adopt any rules necessary to implement the program.

In addition to any other duties under the plan, HCPF shall:

- ! Develop a plan to expand competitive integrated employment for persons with intellectual and developmental disabilities that includes a gradual shift in funding from noncompetitive employment to competitive integrated employment;
- ! Limit pre-vocational services for persons receiving home- and community-based services to a maximum of 2 years, with extensions possible for up to 3 additional years;
- ! Provide persons with intellectual and developmental disabilities who work in segregated employment or

employment that pays below minimum wage with services related to exploring competitive integrated employment prior to allowing the individual to remain in segregated or low-wage employment;

- ! Establish baseline data for competitive integrated employment and set goals for annual increases in the number of persons in home- or community-based services who obtain competitive integrated employment;
- ! In consultation with the advisory board and by a certain date, develop a plan and implementation timeline to expand the medicaid buy-in program, and develop a plan to raise asset limits for medicaid eligibility categories that do not have federal limits, and develop recommendations for the development and implementation of career development plans;
- ! Dedicate a full-time staff member to oversee and coordinate employment support through medicaid waiver programs;
- ! Maintain Colorado's membership in the national employment leadership network for states;
- ! Actively participate in the United States department of labor's employment first state leadership mentoring program (federal mentoring program); and
- ! Prepare an annual report concerning the employment first policy and its implementation by agency partners and present the report to the general assembly committee of reference for HCPF.

In addition to any other duties under the plan, the CDLE shall:

- ! Establish Colorado's membership in the federal mentoring program;
- ! Promote partnerships with employers to overcome barriers to employment for persons with disabilities;
- ! Create a reimbursement code discovery process for persons with significant disabilities;
- ! Require workforce centers to use a federal reference guide and checklist to promote nondiscrimination and equal opportunities in employment for persons with disabilities; and
- ! Provide information to HCPF to prepare the annual report on the employment first policy and present the report to the general assembly's committee of reference for the CDLE.

The bill creates the advisory board in the CDLE. The advisory board will encompass the state's advisory group created for purposes of the federal mentoring plan, and will include that group's membership and duties, along with additional advisory board members and duties. The bill

1 UNDEREMPLOYED, DESPITE THEIR ABILITY, DESIRE, AND WILLINGNESS TO
2 WORK IN THE COMMUNITY;

3 (b) THE PERCENTAGE OF WORKING-AGE PEOPLE WITH ALL
4 DISABILITIES IN THE LABOR FORCE IS ABOUT ONE-THIRD THAT OF PERSONS
5 WITH NO DISABILITY;

6 (c) AS REPORTED BY THE BUREAU OF LABOR STATISTICS, PERSONS
7 WITH DISABILITIES WHO ARE NOT EMPLOYED OR UNDEREMPLOYED REPORT
8 MANY BARRIERS TO EMPLOYMENT, INCLUDING THE POTENTIAL FOR LOSS
9 OF MEDICAID BENEFITS DUE TO MEDICAID INCOME LIMITATIONS;

10 (d) PUBLIC POLICY DESIGNED TO INCREASE COMPETITIVE
11 INTEGRATED EMPLOYMENT FOR PERSONS WITH DISABILITIES MUST
12 ADDRESS THESE BARRIERS IN A NUMBER OF KEY WAYS BY PROMOTING
13 BEST PRACTICES; BETTER SCHOOL-TO-WORK TRANSITIONS; SERVICE
14 SYSTEM ENHANCEMENTS, INCLUDING THE ADOPTION OF EMPLOYMENT
15 FIRST POLICIES; AND TRAINING AND SUPPORTS FOR PERSONS WITH
16 DISABILITIES AND THOSE IMPLEMENTING PROGRAMS AND PROVIDING
17 SERVICES; AND

18 (e) THE ADOPTION OF AN EMPLOYMENT FIRST POLICY IS
19 CONSISTENT WITH THE UNITED STATES SUPREME COURT'S DECISION IN
20 *OLMSTEAD V. L.C.*, 527 U.S. 581 (1999), THAT PERSONS WITH DISABILITIES
21 RECEIVE SERVICES IN THE MOST INTEGRATED SETTING APPROPRIATE TO
22 THEIR NEEDS.

23 (2) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT
24 DEVELOPING AND IMPLEMENTING AN EMPLOYMENT FIRST POLICY WILL
25 BENEFIT PERSONS WITH DISABILITIES BY INCREASING:

26 (a) OPPORTUNITIES FOR POSTSECONDARY EDUCATION, INCLUDING
27 COLLEGE AND VOCATIONAL TRAINING, THAT LEAD TO BETTER JOBS;

1 (b) OPPORTUNITIES TO WORK IN JOBS THAT PAY FAIR AND
2 REASONABLE WAGES AND BENEFITS;

3 (c) OPPORTUNITIES FOR SELF-EMPLOYMENT AND BUSINESS
4 OWNERSHIP;

5 (d) OPPORTUNITIES TO WORK WITH AND EMPLOY PEOPLE WITHOUT
6 DISABILITIES;

7 (e) THE ABILITY TO EXPLORE NEW DIRECTIONS OVER TIME AND, AT
8 THE APPROPRIATE TIME, RETIRE; AND

9 (f) THE ABILITY TO ACCUMULATE EARNINGS AND ASSETS THROUGH
10 WORK WITHOUT LOSING ELIGIBILITY FOR NEEDED PUBLIC BENEFITS.

11 **25.5-10-502. Definitions.** AS USED IN THIS PART 5, UNLESS THE
12 CONTEXT OTHERWISE REQUIRES:

13 (1) "AGENCY PARTNERS" MEANS THE STATE DEPARTMENT, THE
14 DEPARTMENT OF LABOR AND EMPLOYMENT, THE DEPARTMENT OF
15 EDUCATION, AND THE DEPARTMENT OF HIGHER EDUCATION.

16 (2) "CAREER DEVELOPMENT PLAN" MEANS A PERSON-CENTERED
17 PLAN THAT IDENTIFIES THE INDIVIDUAL'S EMPLOYMENT GOALS AND
18 OBJECTIVES; THE SERVICES AND SUPPORTS NEEDED TO ACHIEVE THOSE
19 GOALS AND OBJECTIVES; THE PERSONS, AGENCIES, AND PROVIDERS
20 ASSIGNED TO ASSIST THE INDIVIDUAL IN ATTAINING THE GOALS; AND THE
21 OBSTACLES FACED BY THE INDIVIDUAL WORKING IN COMPETITIVE
22 INTEGRATED EMPLOYMENT.

23 (3) "COMPETITIVE INTEGRATED EMPLOYMENT" MEANS WORK PAID
24 DIRECTLY BY EMPLOYERS AT THE GREATER OF THE STATE OR FEDERAL
25 MINIMUM WAGE OR PREVAILING WAGE WITH COMMENSURATE BENEFITS,
26 OCCURRING IN A TYPICAL WORK SETTING WHERE THE EMPLOYEE WITH A
27 DISABILITY INTERACTS OR HAS THE OPPORTUNITY TO INTERACT

1 CONTINUOUSLY WITH COWORKERS WITHOUT DISABILITIES, NOT INCLUDING
2 SUPERVISORY PERSONNEL OR INDIVIDUALS WHO ARE PROVIDING SERVICES
3 TO THE EMPLOYEE WITH A DISABILITY, AND THE EMPLOYEE WITH A
4 DISABILITY HAS AN OPPORTUNITY FOR ADVANCEMENT OR JOB MOBILITY,
5 AND IS ENGAGED, PREFERABLY, IN FULL-TIME WORK.

6 (4) "EMPLOYMENT FIRST" MEANS A FRAMEWORK FOR CHANGE IN
7 THE PROVISION OF SERVICES THAT IS CENTERED ON THE PREMISE THAT ALL
8 PERSONS, INCLUDING PERSONS WITH SIGNIFICANT DISABILITIES, ARE
9 CAPABLE OF FULL PARTICIPATION IN COMPETITIVE INTEGRATED
10 EMPLOYMENT AND COMMUNITY LIFE. UNDER THIS FRAMEWORK, IN
11 PROVIDING PUBLICLY FUNDED SERVICES, EMPLOYMENT IN THE GENERAL
12 WORKFORCE IS THE FIRST AND PREFERRED OUTCOME FOR ALL
13 WORKING-AGE PERSONS WITH DISABILITIES, REGARDLESS OF THE LEVEL OF
14 DISABILITY. PUBLICLY FUNDED AGENCIES AND SYSTEMS ALIGN POLICIES,
15 SERVICE DELIVERY PRACTICES, FUNDING, AND REIMBURSEMENT
16 STRUCTURES IN ORDER TO ACHIEVE COMPETITIVE INTEGRATED
17 EMPLOYMENT.

18 (5) "EMPLOYMENT FIRST ADVISORY BOARD" MEANS THE
19 EMPLOYMENT FIRST ADVISORY BOARD CREATED AND EXISTING PURSUANT
20 TO SECTION 8-84-109, C.R.S.

21 (6) "EMPLOYMENT FIRST POLICY" MEANS THE EMPLOYMENT FIRST
22 POLICY FOR PERSONS WITH DISABILITIES DEVELOPED PURSUANT TO
23 SECTION 25.5-10-503.

24 **25.5-10-503. Employment first for persons with disabilities -**
25 **multi-agency policy - development - implementation.** (1) (a) IN
26 CONSULTATION WITH THE EMPLOYMENT FIRST ADVISORY BOARD, THE
27 EXECUTIVE DIRECTOR OF THE STATE DEPARTMENT, THE EXECUTIVE

1 DIRECTOR OF THE DEPARTMENT OF LABOR AND EMPLOYMENT, THE
2 COMMISSIONER OF EDUCATION, AND THE EXECUTIVE DIRECTOR OF THE
3 COLORADO COMMISSION ON HIGHER EDUCATION, OR THEIR DESIGNEES,
4 SHALL:

5 (I) JOINTLY DEVELOP AN EMPLOYMENT FIRST POLICY THAT ALIGNS
6 AGENCY PARTNER POLICIES, SERVICE DELIVERY PRACTICES, FUNDING, AND
7 REIMBURSEMENT STRUCTURES TO ACHIEVE COMPETITIVE INTEGRATED
8 EMPLOYMENT FOR PERSONS WITH DISABILITIES;

9 (II) REVIEW AGENCY PARTNER AUTHORITY AND RESOURCES TO
10 DEVELOP A PLAN AND TIMELINE FOR IMPLEMENTATION OF THE
11 EMPLOYMENT FIRST POLICY;

12 (III) MAKE RECOMMENDATIONS TO THE GENERAL ASSEMBLY AND
13 THE RELEVANT POLICY-MAKING BOARDS CONCERNING ANY CHANGES TO
14 STATE STATUTE OR AGENCY RULES NECESSARY TO FULLY IMPLEMENT THE
15 EMPLOYMENT FIRST POLICY;

16 (IV) ESTABLISH ONGOING COORDINATION AMONG THE AGENCY
17 PARTNERS TO ENSURE THAT THE IMPLEMENTATION OF AND RESOURCES
18 ALLOCATED TO THE EMPLOYMENT FIRST POLICY BY EACH AGENCY
19 PARTNER SUPPORTS THE ATTAINMENT OF COMPETITIVE INTEGRATED
20 EMPLOYMENT FOR PERSONS WITH DISABILITIES; AND

21 (V) REVIEW AND REVISE THE EMPLOYMENT FIRST POLICY, AS
22 NECESSARY.

23 (b) EACH AGENCY PARTNER SHALL IMPLEMENT THE EMPLOYMENT
24 FIRST POLICY TO THE EXTENT AUTHORIZED BY STATE STATUTE AND
25 PURSUANT TO AVAILABLE APPROPRIATIONS.

26 (2) THE EMPLOYMENT FIRST POLICY MUST, AT A MINIMUM:

27 (a) ENSURE THAT, IN PROVIDING PUBLICLY FUNDED SERVICES,

1 COMPETITIVE INTEGRATED EMPLOYMENT IS THE PRIMARY OBJECTIVE AND
2 PREFERRED OUTCOME FOR ALL WORKING-AGE PERSONS WITH DISABILITIES,
3 REGARDLESS OF THE LEVEL OF DISABILITY;

4 (b) EXPAND COMPETITIVE INTEGRATED EMPLOYMENT OUTCOMES
5 FOR PERSONS WITH DISABILITIES BY REMOVING BARRIERS;

6 (c) REALLOCATE EXISTING RESOURCES WITHIN OR AMONG AGENCY
7 PARTNERS, WHERE POSSIBLE, TO INCREASE COMPETITIVE INTEGRATED
8 EMPLOYMENT OPPORTUNITIES, INCLUDING INCREASING PROVIDER
9 CAPACITY THROUGH FUNDING INCENTIVES;

10 (d) ESTABLISH EVIDENCE-BASED EMPLOYMENT SERVICES POLICIES
11 THAT ARE BASED ON AN INDIVIDUAL'S CAPABILITIES, CHOICES, AND
12 STRENGTHS;

13 (e) INCLUDE POLICY PROVISIONS RELATING TO POSTSECONDARY
14 EDUCATION PLANNING, CAREER PLANNING, TRANSITION PLANNING,
15 EMPLOYMENT SERVICES, AND CLOSING GAPS IN SERVICE;

16 (f) CONSISTENT WITH STATE AND FEDERAL LAW CONCERNING
17 DATA PRIVACY, INCLUDE PROVISIONS FOR DATA COLLECTION AND SHARING
18 BY AGENCY PARTNERS RELATING TO PERSONS WITH DISABILITIES,
19 INCLUDING, AT A MINIMUM, THE FOLLOWING DATA IN NON-AGGREGATE
20 FORM:

21 (I) THE NUMBER OF INDIVIDUALS WHO HAVE BEEN ACCEPTED INTO
22 A POSTSECONDARY EDUCATIONAL INSTITUTION AT THE TIME OF HIGH
23 SCHOOL GRADUATION;

24 (II) THE NUMBER OF INDIVIDUALS WHO HAVE OBTAINED
25 COMPETITIVE INTEGRATED EMPLOYMENT AT THE TIME OF HIGH SCHOOL
26 GRADUATION; AND

27 (III) THE FOLLOWING INFORMATION IN NON-AGGREGATE FORM

1 COLLECTED THROUGH THE MEDICAID MANAGEMENT INFORMATION
2 SYSTEM, INCLUDING THE NUMBER OF HOURS IN THE FOLLOWING ACTIVITIES
3 AND THE WAGE PER HOUR EARNED, IF APPLICABLE:

4 (A) THE NUMBER OF INDIVIDUALS WITH A CAREER DEVELOPMENT
5 PLAN;

6 (B) THE NUMBER OF INDIVIDUALS IN PRE-EMPLOYMENT SERVICES;

7 (C) THE NUMBER OF INDIVIDUALS IN NON-INTEGRATED
8 EMPLOYMENT;

9 (D) THE NUMBER OF INDIVIDUALS IN INTEGRATED EMPLOYMENT;

10 (E) THE NUMBER OF INDIVIDUALS IN FACILITY-BASED NON-WORK;

11 AND

12 (F) THE NUMBER OF INDIVIDUALS IN INTEGRATED NON-WORK,
13 INCLUDING GROUP ACTIVITY, INDIVIDUAL ACTIVITY, GROUP VOLUNTEER
14 ACTIVITY, AND INDIVIDUAL VOLUNTEER ACTIVITY;

15 (g) REQUIRE THAT PROFESSIONALS PROVIDING EMPLOYMENT
16 SERVICES FOR JOB CREATION, JOB DEVELOPMENT, AND JOB COACHING
17 COMPLETE A NATIONALLY-CERTIFIED PROGRAM BEFORE PROVIDING
18 EMPLOYMENT SERVICES;

19 (h) ESTABLISH THE EMPLOYMENT FIRST POLICY AS PART OF THE
20 STATE'S PLAN RELATING TO THE UNITED STATES SUPREME COURT'S
21 DECISION IN *OLMSTEAD V. L.C.*, 527 U.S. 581 (1999); AND

22 (i) INCLUDE A PLAN FOR A STATEWIDE OUTREACH AND TRAINING
23 PROGRAM FOR THE EMPLOYMENT FIRST POLICY, INCLUDING THE TRAINING
24 OBJECTIVES, THE PERSONS BEING TRAINED, THE PARTNER AGENCY OR
25 AGENCIES THAT MAY PROVIDE THE TRAINING, AND RESOURCES AVAILABLE
26 OR NEEDED TO IMPLEMENT THE PLAN. AMONG OTHER COMPONENTS, THE
27 STATEWIDE OUTREACH AND TRAINING PROGRAM MUST:

1 (I) PROVIDE INFORMATION TO PERSONS WITH DISABILITIES AND
2 THEIR FAMILIES ON THE BENEFITS OF COMPETITIVE INTEGRATED
3 EMPLOYMENT IN ORDER TO ENCOURAGE PERSONS WITH DISABILITIES TO
4 SEEK EMPLOYMENT;

5 (II) ADDRESS THE PERCEIVED OBSTACLES TO PARTICIPATING IN
6 COMPETITIVE INTEGRATED EMPLOYMENT; AND

7 (III) INCLUDE EVIDENCE-BASED, BEST-PRACTICE MODELS FOR
8 SUPPORTED EMPLOYMENT AND CUSTOMIZED EMPLOYMENT, AND TRAINING
9 ON INCORPORATING THESE MODELS INTO DAY AND TRANSITION SERVICES.

10 **25.5-10-504. Employment first policy - state department duties**
11 **- state board rules - reporting.** (1) IN CONSULTATION WITH THE
12 EMPLOYMENT FIRST ADVISORY BOARD, AND IN CONJUNCTION WITH THE
13 AGENCY PARTNERS, THE EXECUTIVE DIRECTOR, OR HIS OR HER DESIGNEE,
14 SHALL PARTICIPATE IN THE DEVELOPMENT OF THE EMPLOYMENT FIRST
15 POLICY.

16 (2) PURSUANT TO ITS STATUTORY AUTHORITY AND AVAILABLE
17 APPROPRIATIONS, THE STATE DEPARTMENT SHALL IMPLEMENT THE
18 PROVISIONS OF THE EMPLOYMENT FIRST POLICY. PRIOR TO IMPLEMENTING
19 PROVISIONS OF THE EMPLOYMENT FIRST POLICY, THE STATE DEPARTMENT
20 SHALL SEEK ANY FEDERAL WAIVER OR AUTHORIZATION NECESSARY TO
21 ENSURE FULL FEDERAL MATCHING FUNDS. FURTHER, THE STATE
22 DEPARTMENT SHALL MAKE RECOMMENDATIONS TO THE GENERAL
23 ASSEMBLY CONCERNING ANY CHANGES TO STATE STATUTE NECESSARY TO
24 IMPLEMENT THE EMPLOYMENT FIRST POLICY.

25 (3) WITHIN ITS AUTHORITY, THE STATE BOARD SHALL
26 PROMULGATE ANY RULES NECESSARY TO IMPLEMENT THE EMPLOYMENT
27 FIRST POLICY.

1 (4) IN IMPLEMENTING THE EMPLOYMENT FIRST POLICY, IN
2 ADDITION TO ANY OTHER STATE DEPARTMENT DUTIES ESTABLISHED IN THE
3 EMPLOYMENT FIRST POLICY, THE STATE DEPARTMENT SHALL:

4 (a) DEVELOP A PLAN TO EXPAND COMPETITIVE INTEGRATED
5 EMPLOYMENT OUTCOMES FOR PERSONS WITH INTELLECTUAL AND
6 DEVELOPMENTAL DISABILITIES THAT INCLUDES A GRADUAL SHIFT IN
7 FUNDING FROM NONCOMPETITIVE EMPLOYMENT TO COMPETITIVE
8 INTEGRATED EMPLOYMENT;

9 (b) ESTABLISH A PREFERENCE FOR COMPETITIVE INTEGRATED
10 EMPLOYMENT OVER PRE-VOCATIONAL SERVICES AND LIMIT
11 PRE-VOCATIONAL SERVICES FOR PERSONS RECEIVING HOME- AND
12 COMMUNITY-BASED SERVICES TO A MAXIMUM OF TWO YEARS OF SERVICES;
13 EXCEPT THAT THE STATE DEPARTMENT MAY EXTEND PRE-VOCATIONAL
14 SERVICES ON A CASE-BY-CASE BASIS ANNUALLY FOR UP TO A MAXIMUM OF
15 THREE ADDITIONAL YEARS OF SERVICES;

16 (c) PROVIDE PERSONS WITH INTELLECTUAL AND DEVELOPMENTAL
17 DISABILITIES WHO WORK IN SEGREGATED EMPLOYMENT OR EMPLOYMENT
18 THAT PAYS BELOW MINIMUM WAGE WITH A VOCATIONAL ASSESSMENT TO
19 ENSURE INFORMED CHOICE, A TRIAL WORK EXPERIENCE, INFORMATION
20 CONCERNING THE BENEFITS OF COMPETITIVE INTEGRATED EMPLOYMENT,
21 BENEFITS COUNSELING, AND A REVIEW OF THE INDIVIDUAL'S CAREER
22 DEVELOPMENT PLAN, IF THE INDIVIDUAL HAS ONE, PRIOR TO ALLOWING
23 THE INDIVIDUAL TO REMAIN IN SEGREGATED OR BELOW-MINIMUM-WAGE
24 EMPLOYMENT;

25 (d) ESTABLISH BASELINE DATA CONCERNING THE NUMBER OF
26 PERSONS IN HOME- AND COMMUNITY-BASED SERVICES IN COMPETITIVE
27 INTEGRATED SERVICES, AND THE NUMBER OF PERSONS WITH

1 INTELLECTUAL AND DEVELOPMENTAL DISABILITIES WHO ARE IN
2 COMPETITIVE INTEGRATED EMPLOYMENT, AND SET CLEAR STATEWIDE
3 EXPECTATIONS FOR COMPETITIVE INTEGRATED EMPLOYMENT THAT
4 INCLUDE A FIVE PERCENT ANNUAL INCREASE IN THE NUMBER OF PERSONS
5 IN HOME- AND COMMUNITY-BASED PROGRAMS WHO OBTAIN COMPETITIVE
6 INTEGRATED EMPLOYMENT;

7 (e) IN CONSULTATION WITH THE EMPLOYMENT FIRST ADVISORY
8 BOARD, NO LATER THAN JUNE 30, 2017:

9 (I) DEVELOP A PLAN, INCLUDING AN IMPLEMENTATION TIMELINE,
10 TO EXPAND THE MEDICAID BUY-IN PROGRAM TO ALLOW PERSONS WITH
11 DISABILITIES TO BE EMPLOYED IN A JOB THAT WILL NOT RESULT IN A LOSS
12 OF MEDICAID BENEFITS, INCLUDING ANY APPLICABLE WAIVER BENEFITS;

13 (II) DEVELOP A PLAN TO RAISE ASSET LIMITS FOR ALL MEDICAID
14 ELIGIBILITY CATEGORIES THAT DO NOT HAVE FEDERAL ASSET LIMITS; AND

15 (III) DEVELOP RECOMMENDATIONS, INCLUDING AN
16 IMPLEMENTATION TIMELINE, FOR THE CREATION AND IMPLEMENTATION OF
17 CAREER DEVELOPMENT PLANS THAT:

18 (A) REFLECT A PRESUMPTION THAT ALL PERSONS RECEIVING
19 HOME- AND COMMUNITY-BASED SERVICES ARE CAPABLE OF WORKING IN
20 A COMPETITIVE INTEGRATED EMPLOYMENT SETTING;

21 (B) INCLUDE A GOAL FOR THE ENDING DATE OF PRE-EMPLOYMENT
22 SERVICES AND THE ATTAINMENT OF COMPETITIVE INTEGRATED
23 EMPLOYMENT FOR PERSONS WHO RECEIVE PRE-EMPLOYMENT SERVICES;

24 (C) PLACE THE FOCUS OF THE CAREER DEVELOPMENT PLAN ON THE
25 STRENGTHS OF THE INDIVIDUAL, WITH THE GOAL OF MAXIMIZING THE
26 NUMBER OF HOURS SPENT WORKING BASED ON THE PERSON'S ABILITIES
27 AND CHOICES; AND

1 (D) INCLUDE A GOAL FOR CREATING CAREER DEVELOPMENT PLANS
2 FOR ALL WORKING-AGE PERSONS RECEIVING HOME- AND
3 COMMUNITY-BASED SERVICES THAT ARE REVIEWED ANNUALLY AND THAT
4 ARE COMPLETED AUTOMATICALLY AS PART OF THE INTAKE PROCESS FOR
5 PERSONS ENROLLING IN HOME- AND COMMUNITY-BASED SERVICES;

6 (f) DEDICATE A FULL-TIME, STATEWIDE EMPLOYMENT
7 COORDINATOR TO OVERSEE AND COORDINATE EMPLOYMENT SUPPORTS
8 THROUGH MEDICAID WAIVER PROGRAMS;

9 (g) MAINTAIN COLORADO'S MEMBERSHIP IN THE STATE
10 EMPLOYMENT LEADERSHIP NETWORK THAT WAS FOUNDED AS A JOINT
11 PARTNERSHIP BETWEEN THE NATIONAL ASSOCIATION OF STATE DIRECTORS
12 OF DEVELOPMENTAL DISABILITIES SERVICES AND THE INSTITUTE FOR
13 COMMUNITY INCLUSION AT THE UNIVERSITY OF MASSACHUSETTS BOSTON,
14 OR ANOTHER SIMILAR ORGANIZATION THAT FACILITATES COLLABORATION
15 WITH OTHER STATES TO SHARE EFFECTIVE SOLUTIONS TO INCREASE
16 EMPLOYMENT OUTCOMES FOR PERSONS WITH DISABILITIES;

17 (h) ACTIVELY PARTICIPATE IN THE UNITED STATES DEPARTMENT
18 OF LABOR OFFICE OF DISABILITY EMPLOYMENT POLICY'S EMPLOYMENT
19 FIRST STATE LEADERSHIP MENTORING PROGRAM TO ALIGN POLICIES,
20 COORDINATE RESOURCES, AND UPDATE SERVICE DELIVERY MODELS TO
21 FACILITATE INCREASED COMPETITIVE INTEGRATED EMPLOYMENT
22 OUTCOMES; AND

23 (i) PREPARE AN ANNUAL REPORT CONCERNING THE EMPLOYMENT
24 FIRST POLICY AND ITS IMPLEMENTATION BY AGENCY PARTNERS THAT
25 INCLUDES DATA REQUIRED TO BE COLLECTED PURSUANT TO THE
26 EMPLOYMENT FIRST POLICY AND ANY RECOMMENDATIONS TO THE
27 GENERAL ASSEMBLY REGARDING STATUTORY CHANGES NECESSARY TO

1 FULLY IMPLEMENT THE EMPLOYMENT FIRST POLICY. THE STATE
2 DEPARTMENT SHALL PRESENT THE REPORT AS PART OF ITS ANNUAL
3 PRESENTATION TO THE LEGISLATIVE COMMITTEE OF REFERENCE PURSUANT
4 TO SECTION 2-7-203, C.R.S.

5 **SECTION 2.** In Colorado Revised Statutes, **add** 8-84-109 as
6 follows:

7 **8-84-109. Employment first policy - department duties -**
8 **advisory board - creation - rules - definitions - repeal.** (1) AS USED IN
9 THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

10 (a) "AGENCY PARTNERS" MEANS THE DEPARTMENT, THE
11 DEPARTMENT OF HEALTH CARE POLICY AND FINANCING, THE DEPARTMENT
12 OF EDUCATION, AND THE DEPARTMENT OF HIGHER EDUCATION.

13 (b) "COMPETITIVE INTEGRATED EMPLOYMENT" HAS THE SAME
14 MEANING AS SET FORTH IN SECTION 25.5-10-502, C.R.S.

15 (c) "EMPLOYMENT FIRST" HAS THE SAME MEANING AS SET FORTH
16 IN SECTION 25.5-10-502, C.R.S.

17 (d) "EMPLOYMENT FIRST ADVISORY BOARD" MEANS THE
18 EMPLOYMENT FIRST ADVISORY BOARD CREATED IN SUBSECTION (6) OF
19 THIS SECTION.

20 (e) "EMPLOYMENT FIRST POLICY" MEANS THE EMPLOYMENT FIRST
21 POLICY FOR PERSONS WITH DISABILITIES DEVELOPED PURSUANT TO
22 SECTION 25.5-10-503, C.R.S.

23 (f) "PERSON WITH AN INTELLECTUAL AND DEVELOPMENTAL
24 DISABILITY" HAS THE SAME MEANING AS SET FORTH IN SECTION
25 25.5-10-202, C.R.S.

26 (2) IN CONSULTATION WITH THE EMPLOYMENT FIRST ADVISORY
27 BOARD, AND IN CONJUNCTION WITH THE AGENCY PARTNERS, THE

1 EXECUTIVE DIRECTOR OF THE DEPARTMENT, OR HIS OR HER DESIGNEE,
2 SHALL PARTICIPATE IN THE DEVELOPMENT OF THE EMPLOYMENT FIRST
3 POLICY.

4 (3) PURSUANT TO ITS STATUTORY AUTHORITY AND AVAILABLE
5 APPROPRIATIONS, THE DEPARTMENT SHALL IMPLEMENT THE PROVISIONS
6 OF THE EMPLOYMENT FIRST POLICY. THE EXECUTIVE DIRECTOR SHALL
7 PROMULGATE ANY RULES NECESSARY TO IMPLEMENT THE EMPLOYMENT
8 FIRST POLICY. FURTHER, THE DEPARTMENT SHALL MAKE
9 RECOMMENDATIONS TO THE GENERAL ASSEMBLY CONCERNING ANY
10 CHANGES TO STATE STATUTE NECESSARY TO IMPLEMENT THE
11 EMPLOYMENT FIRST POLICY.

12 (4) AS PART OF IMPLEMENTING THE EMPLOYMENT FIRST POLICY,
13 IN ADDITION TO ANY OTHER DEPARTMENT DUTIES SET FORTH IN THE
14 EMPLOYMENT FIRST POLICY, THE DEPARTMENT SHALL:

15 (a) ESTABLISH COLORADO'S MEMBERSHIP IN THE UNITED STATES
16 DEPARTMENT OF LABOR OFFICE OF DISABILITY EMPLOYMENT POLICY'S
17 EMPLOYMENT FIRST STATE LEADERSHIP MENTORING PROGRAM TO ALIGN
18 POLICIES, COORDINATE RESOURCES, AND UPDATE SERVICE DELIVERY
19 MODELS TO FACILITATE INCREASED COMPETITIVE INTEGRATED
20 EMPLOYMENT OUTCOMES;

21 (b) PROMOTE PARTNERSHIPS WITH EMPLOYERS TO OVERCOME
22 BARRIERS TO MEETING WORKFORCE NEEDS THROUGH THE EMPLOYMENT
23 OF PERSONS WITH DISABILITIES;

24 (c) CREATE A SUPPORT RATE REIMBURSEMENT CODE IN THE
25 VENDOR FEE SCHEDULE FOR "DISCOVERY PROCESS" TO ALIGN ACROSS
26 AGENCIES WITH EVIDENCE-BASED BEST PRACTICES OF SUPPORTED AND
27 CUSTOMIZED EMPLOYMENT SERVICES FOR PERSONS WITH SIGNIFICANT

1 DISABILITIES; AND

2 (d) REQUIRE WORKFORCE CENTERS TO USE THE UNITED STATES
3 DEPARTMENT OF LABOR'S "PROMISING PRACTICES IN ACHIEVING
4 UNIVERSAL ACCESS AND EQUAL OPPORTUNITY: A SECTION 188
5 DISABILITY REFERENCE GUIDE", INCLUDING THE SECTION 188 CHECKLIST,
6 TO PROMOTE NONDISCRIMINATION AND EQUAL OPPORTUNITIES FOR
7 PERSONS WITH DISABILITIES, INCLUDING PERSONS WITH INTELLECTUAL
8 AND DEVELOPMENTAL DISABILITIES.

9 (5) PURSUANT TO SECTION 25.5-10-504 (4) (i), C.R.S., THE
10 DEPARTMENT OF HEALTH CARE POLICY AND FINANCING SHALL PREPARE AN
11 ANNUAL REPORT ON THE EMPLOYMENT FIRST POLICY AND ITS
12 IMPLEMENTATION BY THE AGENCY PARTNERS. TO FACILITATE THE
13 PREPARATION OF THE REPORT, THE DEPARTMENT SHALL PROVIDE THE
14 DEPARTMENT OF HEALTH CARE POLICY AND FINANCING WITH
15 INFORMATION CONCERNING ITS IMPLEMENTATION OF THE EMPLOYMENT
16 FIRST POLICY, ANY DATA REQUIRED TO BE COLLECTED BY THE
17 DEPARTMENT PURSUANT TO THE EMPLOYMENT FIRST POLICY, AND THE
18 DEPARTMENT'S RECOMMENDATIONS TO THE GENERAL ASSEMBLY
19 REGARDING STATUTORY CHANGES NECESSARY TO FULLY IMPLEMENT THE
20 EMPLOYMENT FIRST POLICY. THE DEPARTMENT SHALL PRESENT ITS
21 PORTION OF THE REPORT PREPARED BY THE DEPARTMENT OF HEALTH CARE
22 POLICY AND FINANCING AS PART OF THE DEPARTMENT'S ANNUAL
23 PRESENTATION TO THE LEGISLATIVE COMMITTEE OF REFERENCE PURSUANT
24 TO SECTION 2-7-203, C.R.S.

25 (6) (a) THERE IS HEREBY CREATED IN THE DEPARTMENT THE
26 EMPLOYMENT FIRST ADVISORY BOARD, REFERRED TO IN THIS SUBSECTION
27 (6) AS THE ADVISORY BOARD, TO ASSIST WITH DEVELOPING,

1 IMPLEMENTING, AND REVISING, AS NECESSARY, THE EMPLOYMENT FIRST
2 POLICY. IN ORDER TO COORDINATE STATE EFFORTS AND ACHIEVE
3 EFFICIENCIES IN DEVELOPING AND IMPLEMENTING THE STATE'S
4 EMPLOYMENT FIRST POLICY, THE ADVISORY BOARD ENCOMPASSES THE
5 EMPLOYMENT FIRST STATE LEADERSHIP MENTORING PROGRAM CORE
6 STATE ADVISORY GROUP, CREATED FOR PURPOSES OF THE UNITED STATES
7 DEPARTMENT OF LABOR OFFICE OF DISABILITY EMPLOYMENT POLICY'S
8 EMPLOYMENT FIRST STATE LEADERSHIP MENTORING PROGRAM, AND
9 INCLUDES ITS MEMBERSHIP AND DUTIES. IF PERMITTED UNDER THE
10 FEDERAL PROGRAM, THE ADVISORY BOARD SHALL ACCESS THE
11 EMPLOYMENT FIRST STATE LEADERSHIP MENTORING PROGRAM'S SERVICES,
12 INCLUDING MENTORING, TECHNICAL ASSISTANCE, AND TRAINING RELATING
13 TO EMPLOYMENT FIRST POLICIES.

14 (b) THE ADVISORY BOARD CONSISTS OF NOT LESS THAN ELEVEN
15 NOR MORE THAN FIFTEEN MEMBERS, INCLUDING ONE MEMBER FROM EACH
16 OF THE AGENCY PARTNERS, APPOINTED BY THE HEAD OF THE AGENCY, TWO
17 MEMBERS APPOINTED BY THE SPEAKER OF THE HOUSE OF
18 REPRESENTATIVES, TWO MEMBERS APPOINTED BY THE PRESIDENT OF THE
19 SENATE, AND UP TO SEVEN ADDITIONAL MEMBERS APPOINTED BY THE
20 GOVERNOR.

21 (c) WITH THE EXCEPTION OF THE REPRESENTATIVES OF THE
22 AGENCY PARTNERS, THE REMAINING APPOINTMENTS TO THE ADVISORY
23 BOARD MUST INCLUDE, AT A MINIMUM:

24 (I) ONE MEMBER REPRESENTING A NATIONAL ASSOCIATION OF
25 PERSONS SUPPORTING THE IMPLEMENTATION OF EMPLOYMENT FIRST
26 POLICIES;

27 (II) ONE MEMBER WHO IS AN ADVOCATE FOR PERSONS WITH

1 INTELLECTUAL AND DEVELOPMENTAL DISABILITIES;

2 (III) ONE MEMBER WHO IS A PERSON WITH A DISABILITY WHO HAS
3 OR IS SEEKING COMPETITIVE INTEGRATED EMPLOYMENT;

4 (IV) ONE MEMBER WHO IS A PARENT OR LEGAL GUARDIAN OF A
5 PERSON WITH A DISABILITY; AND

6 (V) ONE MEMBER REPRESENTING AN EMPLOYMENT SERVICE
7 AGENCY.

8 (d) THE INITIAL APPOINTMENTS TO THE ADVISORY BOARD SHALL
9 BE MADE NO LATER THAN SEPTEMBER 1, 2016, WITH THE MEMBERS
10 APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE
11 PRESIDENT OF THE SENATE SERVING TWO-YEAR TERMS. THE AGENCY
12 REPRESENTATIVES MAY SERVE INDEFINITE TERMS, AND THE GOVERNOR'S
13 APPOINTEES MAY SERVE A TERM SPECIFIED BY THE GOVERNOR. MEMBERS
14 SERVE AT THE PLEASURE OF THE APPOINTING AUTHORITY AND WITHOUT
15 COMPENSATION OR REIMBURSEMENT FOR EXPENSES.

16 (e) THE ADVISORY BOARD SHALL ELECT A MEMBER TO SERVE AS
17 CHAIR OF THE ADVISORY BOARD. THE ADVISORY BOARD SHALL MEET AS
18 OFTEN AS NECESSARY TO COMPLETE ITS DUTIES, BUT SHALL MEET AT
19 LEAST TWICE EVERY YEAR.

20 (f) WITH RESPECT TO THE EMPLOYMENT FIRST POLICY, THE
21 ADVISORY BOARD SHALL, AT A MINIMUM:

22 (I) IDENTIFY BARRIERS TO COMPETITIVE INTEGRATED
23 EMPLOYMENT FOR PERSONS WITH DISABILITIES, INCLUDING LEGAL,
24 PROCEDURAL, AND FINANCIAL BARRIERS;

25 (II) REVIEW AGENCY PARTNER RESPONSIBILITIES FOR PROGRAMS
26 AND SERVICES, STATE AND FEDERAL FUNDING, AND OVERSIGHT TO
27 DETERMINE WHETHER OPPORTUNITIES EXIST FOR MORE EFFICIENT OR

1 EFFECTIVE PROGRAMS OR SERVICES;

2 (III) MAKE RECOMMENDATION RELATING TO THE DEVELOPMENT
3 OF COMPETITIVE INTEGRATED EMPLOYMENT SUPPORT MODELS;

4 (IV) IDENTIFY BARRIERS TO SUCCESSFUL IMPLEMENTATION OF THE
5 EMPLOYMENT FIRST POLICY;

6 (V) MAKE RECOMMENDATIONS WITH RESPECT TO OUTREACH AND
7 TRAINING RELATING TO THE EMPLOYMENT FIRST POLICY;

8 (VI) COLLECT AND DISSEMINATE INFORMATION RELATING TO
9 EMPLOYMENT OPPORTUNITIES FOR PERSONS WITH DISABILITIES; AND

10 (VII) MAKE RECOMMENDATIONS, AS NECESSARY, CONCERNING
11 REVISIONS TO THE EMPLOYMENT FIRST POLICY.

12 (g) THE DEPARTMENT SHALL PROVIDE OFFICE SPACE, EQUIPMENT,
13 AND STAFF SERVICES AS MAY BE NECESSARY FOR THE ADVISORY BOARD.

14 (h) (I) THIS SUBSECTION (6) IS REPEALED, EFFECTIVE SEPTEMBER
15 1, 2026.

16 (II) PRIOR TO REPEAL OF THE ADVISORY BOARD, THE DEPARTMENT
17 OF REGULATORY AGENCIES SHALL CONDUCT A SUNSET REVIEW OF THE
18 ADVISORY BOARD PURSUANT TO THE PROVISIONS OF SECTION 2-3-1203,
19 C.R.S.

20 **SECTION 3.** In Colorado Revised Statutes, 2-3-1203, **add** (3)
21 (mm) (II) as follows:

22 **2-3-1203. Sunset review of advisory committees.** (3) The
23 following dates are the dates on which the statutory authorization for the
24 designated advisory committee is scheduled for repeal:

25 (mm) September 1, 2026:

26 (II) THE EMPLOYMENT FIRST ADVISORY BOARD IN THE
27 DEPARTMENT OF LABOR AND EMPLOYMENT CREATED IN SECTION 8-84-109,

1 C.R.S.;

2 **SECTION 4.** In Colorado Revised Statutes, **add 22-2-143** as
3 follows:

4 **22-2-143. Employment first policy - duties - state board rules**
5 **- definitions.** (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT
6 OTHERWISE REQUIRES:

7 (a) "AGENCY PARTNERS" MEANS THE DEPARTMENT OF LABOR AND
8 EMPLOYMENT, THE DEPARTMENT OF HEALTH CARE POLICY AND
9 FINANCING, THE DEPARTMENT, AND THE DEPARTMENT OF HIGHER
10 EDUCATION.

11 (b) "COMPETITIVE INTEGRATED EMPLOYMENT" HAS THE SAME
12 MEANING AS SET FORTH IN SECTION 25.5-10-502, C.R.S.

13 (c) "EMPLOYMENT FIRST" HAS THE SAME MEANING AS SET FORTH
14 IN SECTION 25.5-10-502, C.R.S.

15 (d) "EMPLOYMENT FIRST ADVISORY BOARD" MEANS THE
16 EMPLOYMENT FIRST ADVISORY BOARD CREATED AND EXISTING PURSUANT
17 TO SECTION 8-84-109, C.R.S.

18 (e) "EMPLOYMENT FIRST POLICY" MEANS THE EMPLOYMENT FIRST
19 POLICY FOR PERSONS WITH DISABILITIES DEVELOPED PURSUANT TO
20 SECTION 25.5-10-503, C.R.S.

21 (2) IN CONSULTATION WITH THE EMPLOYMENT FIRST ADVISORY
22 BOARD, AND IN CONJUNCTION WITH THE AGENCY PARTNERS, THE
23 COMMISSIONER, OR HIS OR HER DESIGNEE, SHALL PARTICIPATE IN THE
24 DEVELOPMENT OF THE EMPLOYMENT FIRST POLICY.

25 (3) PURSUANT TO ITS STATUTORY AUTHORITY AND AVAILABLE
26 APPROPRIATIONS, THE DEPARTMENT SHALL IMPLEMENT THE PROVISIONS
27 OF THE EMPLOYMENT FIRST POLICY. FURTHER, THE DEPARTMENT SHALL

1 MAKE RECOMMENDATIONS TO THE GENERAL ASSEMBLY CONCERNING ANY
2 CHANGES TO STATE STATUTE NECESSARY TO IMPLEMENT THE
3 EMPLOYMENT FIRST POLICY. THE STATE BOARD SHALL PROMULGATE ANY
4 RULES NECESSARY TO IMPLEMENT THE EMPLOYMENT FIRST POLICY.

5 (4) AS PART OF IMPLEMENTING THE EMPLOYMENT FIRST POLICY,
6 IN ADDITION TO ANY OTHER DEPARTMENT DUTIES SET FORTH IN THE
7 EMPLOYMENT FIRST POLICY, THE DEPARTMENT MAY, WITHIN EXISTING
8 POLICIES AND PROGRAMS AND IN CONJUNCTION WITH AGENCY PARTNERS:

9 (a) COORDINATE TRAINING AND CONSULTATION FOR PUBLIC
10 SCHOOLS CONCERNING EVIDENCE-BASED, BEST PRACTICE MODELS FOR
11 SUPPORTED EMPLOYMENT AND CUSTOMIZED EMPLOYMENT AND FOR
12 INCORPORATING THESE MODELS IN TRANSITION SERVICES OFFERED BY THE
13 PUBLIC SCHOOL;

14 (b) ENCOURAGE SCHOOL-TO-WORK TRANSITION PROGRAMS THAT
15 EXPOSE STUDENTS TO JOB OPPORTUNITIES, INCLUDING ENTREPRENEURIAL
16 EXPERIENCES, AND ENABLE STUDENTS TO GRADUATE WITH EMPLOYMENT;

17 (c) EXPAND TRANSITION PROGRAMS THAT EXPOSE STUDENTS TO
18 POSTSECONDARY EDUCATION OPTIONS AND CAREER PATHS;

19 (d) ENCOURAGE PUBLIC SCHOOLS TO PROVIDE INFORMATION TO
20 PARENTS AND LEGAL GUARDIANS OF STUDENTS WITH A DISABILITY, WHEN
21 APPROPRIATE, ABOUT THE ACHIEVING A BETTER LIFE EXPERIENCE (ABLE)
22 SAVINGS PROGRAM PURSUANT TO SECTION 23-3.1-311, C.R.S., THAT MAY
23 ALLOW THE STUDENT TO SAVE MONEY FOR, AMONG OTHER THINGS,
24 EDUCATION, EMPLOYMENT TRAINING AND SUPPORT, AND ASSISTIVE
25 TECHNOLOGY, WITHOUT DISQUALIFYING THE STUDENT FROM CERTAIN
26 FEDERAL BENEFITS;

27 (e) ACTIVELY PARTICIPATE IN THE UNITED STATES DEPARTMENT

1 OF LABOR OFFICE OF DISABILITY EMPLOYMENT POLICY'S EMPLOYMENT
2 FIRST STATE LEADERSHIP MENTORING PROGRAM TO ALIGN POLICIES,
3 COORDINATE RESOURCES, AND UPDATE SERVICE DELIVERY MODELS TO
4 FACILITATE INCREASED COMPETITIVE INTEGRATED EMPLOYMENT
5 OUTCOMES FOR PERSONS WITH DISABILITIES; AND

6 (f) ENSURE THAT PUBLIC SCHOOLS PROMOTE:

7 (I) EARLY TRANSITION PLANNING, INCLUDING COORDINATION WITH
8 CAREER DEVELOPMENT PLANS, AS APPROPRIATE;

9 (II) ASSESSMENT FOR AND USE OF APPROPRIATE ASSISTIVE
10 TECHNOLOGY;

11 (III) ONGOING INVOLVEMENT OF STATE AND LOCAL AGENCIES TO
12 SUPPORT COMPETITIVE INTEGRATED EMPLOYMENT;

13 (IV) WORK EXPERIENCE AND COMPETITIVE INTEGRATED
14 EMPLOYMENT; AND

15 (V) POSTSECONDARY CAREER DEVELOPMENT.

16 (5) PURSUANT TO SECTION 25.5-10-504 (4) (i), C.R.S., THE
17 DEPARTMENT OF HEALTH CARE POLICY AND FINANCING SHALL PREPARE AN
18 ANNUAL REPORT ON THE EMPLOYMENT FIRST POLICY AND ITS
19 IMPLEMENTATION BY THE AGENCY PARTNERS. TO FACILITATE THE
20 PREPARATION OF THE REPORT, THE DEPARTMENT SHALL PROVIDE THE
21 DEPARTMENT OF HEALTH CARE POLICY AND FINANCING WITH
22 INFORMATION CONCERNING THE DEPARTMENT'S IMPLEMENTATION OF THE
23 EMPLOYMENT FIRST POLICY, ANY DATA REQUIRED TO BE COLLECTED BY
24 THE DEPARTMENT PURSUANT TO THE EMPLOYMENT FIRST POLICY, AND THE
25 DEPARTMENT'S RECOMMENDATIONS TO THE GENERAL ASSEMBLY
26 REGARDING STATUTORY CHANGES NECESSARY TO FULLY IMPLEMENT THE
27 EMPLOYMENT FIRST POLICY. THE DEPARTMENT SHALL PRESENT ITS

1 PORTION OF THE REPORT PREPARED BY THE DEPARTMENT OF HEALTH CARE
2 POLICY AND FINANCING AS PART OF THE DEPARTMENT'S ANNUAL
3 PRESENTATION TO THE LEGISLATIVE COMMITTEE OF REFERENCE PURSUANT
4 TO SECTION 2-7-203, C.R.S.

5 **SECTION 5.** In Colorado Revised Statutes, **add** 23-1-134 as
6 follows:

7 **23-1-134. Department directive - employment first policy -**
8 **definitions.** (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT
9 OTHERWISE REQUIRES:

10 (a) "AGENCY PARTNERS" MEANS THE DEPARTMENT OF LABOR AND
11 EMPLOYMENT, THE DEPARTMENT OF HEALTH CARE POLICY AND
12 FINANCING, THE DEPARTMENT OF EDUCATION, AND THE DEPARTMENT.

13 (b) "COMPETITIVE INTEGRATED EMPLOYMENT" HAS THE SAME
14 MEANING AS SET FORTH IN SECTION 25.5-10-502, C.R.S.

15 (c) "EMPLOYMENT FIRST" HAS THE SAME MEANING AS SET FORTH
16 IN SECTION 25.5-10-502, C.R.S.

17 (d) "EMPLOYMENT FIRST ADVISORY BOARD" MEANS THE
18 EMPLOYMENT FIRST ADVISORY BOARD CREATED AND EXISTING PURSUANT
19 TO SECTION 8-84-109, C.R.S.

20 (e) "EMPLOYMENT FIRST POLICY" MEANS THE EMPLOYMENT FIRST
21 POLICY FOR PERSONS WITH DISABILITIES DEVELOPED PURSUANT TO
22 SECTION 25.5-10-503, C.R.S.

23 (2) IN CONSULTATION WITH THE EMPLOYMENT FIRST ADVISORY
24 BOARD, AND IN CONJUNCTION WITH THE AGENCY PARTNERS, THE
25 EXECUTIVE DIRECTOR, OR HIS OR HER DESIGNEE, SHALL PARTICIPATE IN
26 THE DEVELOPMENT OF THE EMPLOYMENT FIRST POLICY.

27 (3) PURSUANT TO ITS STATUTORY AUTHORITY AND AVAILABLE

1 APPROPRIATIONS, THE DEPARTMENT SHALL IMPLEMENT THE PROVISIONS
2 OF THE EMPLOYMENT FIRST POLICY. FURTHER, THE DEPARTMENT SHALL
3 MAKE RECOMMENDATIONS TO THE GENERAL ASSEMBLY CONCERNING ANY
4 CHANGES TO STATE STATUTE NECESSARY TO IMPLEMENT THE
5 EMPLOYMENT FIRST POLICY. THE COMMISSION SHALL ESTABLISH ANY
6 GUIDELINES OR PROCEDURES NECESSARY TO IMPLEMENT THE
7 EMPLOYMENT FIRST POLICY.

8 (4) AS PART OF IMPLEMENTING THE EMPLOYMENT FIRST POLICY,
9 IN ADDITION TO ANY OTHER DEPARTMENT DUTIES SET FORTH IN THE
10 EMPLOYMENT FIRST POLICY, THE DEPARTMENT SHALL:

11 (a) COLLABORATE WITH THE DEPARTMENT OF EDUCATION
12 CONCERNING POLICIES AND PROGRAMS THAT:

13 (I) EXPOSE STUDENTS TO POSTSECONDARY EDUCATION OPTIONS
14 AND CAREER PATHS;

15 (II) PROMOTE EARLY TRANSITION PLANNING, INCLUDING
16 POSTSECONDARY EDUCATION;

17 (III) SUPPORT THE USE OF APPROPRIATE ASSISTIVE TECHNOLOGY;

18 (IV) SUPPORT POSTSECONDARY CAREER DEVELOPMENT AND
19 COMPETITIVE INTEGRATED EMPLOYMENT;

20 (V) SUPPORT THE RETENTION AND GRADUATION OF STUDENTS
21 WITH DISABILITIES;

22 (VI) ASSIST WITH JOB PLACEMENT;

23 (b) PROVIDE INFORMATION ABOUT THE ACHIEVING A BETTER LIFE
24 EXPERIENCE (ABLE) SAVINGS PROGRAM PURSUANT TO SECTION
25 23-3.1-311, C.R.S., WHICH MAY ALLOW A QUALIFIED STUDENT WITH A
26 DISABILITY TO SAVE MONEY FOR, AMONG OTHER THINGS, EDUCATION,
27 EMPLOYMENT TRAINING AND SUPPORT, AND ASSISTIVE TECHNOLOGY,

1 WITHOUT DISQUALIFYING THE STUDENT FROM CERTAIN FEDERAL BENEFITS;
2 AND

3 (c) ACTIVELY PARTICIPATE IN THE UNITED STATES DEPARTMENT
4 OF LABOR OFFICE OF DISABILITY EMPLOYMENT POLICY'S EMPLOYMENT
5 FIRST STATE LEADERSHIP MENTORING PROGRAM TO ALIGN POLICIES,
6 COORDINATE RESOURCES, AND UPDATE SERVICE DELIVERY MODELS TO
7 FACILITATE INCREASED COMPETITIVE INTEGRATED EMPLOYMENT
8 OUTCOMES FOR PERSONS WITH DISABILITIES.

9 (5) PURSUANT TO SECTION 25.5-10-504 (4) (i), C.R.S., THE
10 DEPARTMENT OF HEALTH CARE POLICY AND FINANCING SHALL PREPARE AN
11 ANNUAL REPORT ON THE EMPLOYMENT FIRST POLICY AND ITS
12 IMPLEMENTATION BY THE AGENCY PARTNERS. TO FACILITATE THE
13 PREPARATION OF THE REPORT, THE DEPARTMENT SHALL PROVIDE THE
14 DEPARTMENT OF HEALTH CARE POLICY AND FINANCING WITH
15 INFORMATION CONCERNING THE DEPARTMENT'S IMPLEMENTATION OF THE
16 EMPLOYMENT FIRST POLICY, ANY DATA REQUIRED TO BE COLLECTED BY
17 THE DEPARTMENT PURSUANT TO THE EMPLOYMENT FIRST POLICY, AND THE
18 DEPARTMENT'S RECOMMENDATIONS TO THE GENERAL ASSEMBLY
19 REGARDING STATUTORY CHANGES NECESSARY TO FULLY IMPLEMENT THE
20 EMPLOYMENT FIRST POLICY. THE DEPARTMENT SHALL PRESENT ITS
21 PORTION OF THE REPORT PREPARED BY THE DEPARTMENT OF HEALTH CARE
22 POLICY AND FINANCING AS PART OF THE DEPARTMENT'S ANNUAL
23 PRESENTATION TO THE LEGISLATIVE COMMITTEE OF REFERENCE PURSUANT
24 TO SECTION 2-7-203, C.R.S.

25 **SECTION 6. Effective date.** This act takes effect July 1, 2016.

26 **SECTION 7. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, and safety.