

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 16-0561.01 Brita Darling x2241

SENATE BILL 16-077

SENATE SPONSORSHIP

Kefalas, Aguilar

HOUSE SPONSORSHIP

Ginal and Primavera,

Senate Committees

Finance
Appropriations

House Committees

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, ADVANCING AN EMPLOYMENT FIRST**
105 **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.

SENATE
3rd Reading Unamended
April 28, 2016

SENATE
Amended 2nd Reading
April 27, 2016

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

includes the structure of the advisory board, including the advisory board's membership and appointing authorities. In addition, the bill requires a sunset review of the advisory board by the department of regulatory affairs before the advisory board's repeal date in 2026.

In addition to any other duties under the plan, the bill encourages the CDE, in conjunction with the agency partners, to facilitate, encourage, and expand programs and supports for students with disabilities relating to, among other provisions, school-to-work transitions, early transition planning, and postsecondary education options and career paths. Further, the bill directs the CDE to actively participate in the federal mentoring program to coordinate employment first practices that affect public schools. Finally, the bill requires the CDE to 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 CDE.

In addition to any other duties under the plan, the bill requires the CDHE, among other provisions, to collaborate with the CDE concerning policies and programs that support early transition planning, including postsecondary education; the use of assistive technology; and the retention and graduation of students with disabilities attending higher education institutions. The bill directs the CDHE to actively participate in the federal mentoring program to coordinate employment first practices in the higher education setting. The CDHE shall 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 CDHE.

The bill takes effect July 1, 2016.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 hereby finds and declares that:

4 (a) The value of meaningful work has significance and importance
5 to all working-age individuals, including persons with disabilities, which
6 includes veterans with service-connected disabilities;

7 (b) Eighty-five percent of adults with intellectual and
8 developmental disabilities are either unemployed or underemployed due
9 to many employment barriers and disincentives, despite their ability,
10 desire, and willingness to work in the community;

1 (c) Public policy designed to increase competitive integrated
2 employment for persons with disabilities must address these barriers by
3 promoting best practices relating to youth transitions; employer
4 engagement; service system enhancements, including the adoption of
5 employment first policies; and training and supports for persons with
6 disabilities and those delivering services and support;

7 (d) The adoption of employment first policies is consistent with
8 the "Workforce Innovation and Opportunity Act" (WIOA); the Centers
9 for Medicare and Medicaid Services' final federal rule setting forth
10 requirements for home- and community-based services; and the United
11 States Supreme Court's decision in *Olmstead v. L.C.* that requires that
12 persons with disabilities receive services in the most integrated setting
13 appropriate to the person's needs;

14 (e) Free-market principles can guide employers to use innovative
15 methods for employing persons with disabilities; and

16 (f) Nothing in this act requires any employer to give hiring
17 preferences to persons with disabilities; rather the intent is to strengthen
18 supports and relationships for employers to hire persons with disabilities.

19 (2) Therefore, the general assembly declares that developing and
20 implementing employment first policies will benefit persons with
21 disabilities and the state of Colorado by increasing;

22 (a) The number of people entering the workforce who contribute
23 to Colorado's tax base;

24 (b) The self-worth and dignity of people with disabilities who are
25 gainfully employed working alongside people without disabilities;

26 (c) Opportunities to do meaningful and gainful work, thereby
27 lessening dependence on Medicaid and other public assistance;

1 (d) Opportunities for postsecondary education, including college
2 and vocational training; and

3 (e) The effectiveness of the service systems currently serving
4 people with disabilities who are seeking meaningful employment.

5 **SECTION 2.** In Colorado Revised Statutes, **add** part 3 to article
6 84 of title 8 as follows:

7 PART 3
8 EMPLOYMENT FIRST FOR
9 PERSONS WITH DISABILITIES

10 **8-84-301. Definitions.** AS USED IN THIS PART 3, UNLESS THE
11 CONTEXT OTHERWISE REQUIRES:

12 (1) "AGENCY PARTNERS" MEANS THE DEPARTMENT, THE
13 DEPARTMENT OF HEALTH CARE POLICY AND FINANCING, THE DEPARTMENT
14 OF EDUCATION, THE DEPARTMENT OF HIGHER EDUCATION, AND THE
15 DEPARTMENT OF HUMAN SERVICES.

16 (2) "CAREER DEVELOPMENT PLANNING" MEANS A
17 PERSON-CENTERED PROCESS THAT IDENTIFIES THE INDIVIDUAL'S
18 EMPLOYMENT GOALS AND OBJECTIVES; THE SERVICES AND SUPPORTS
19 NEEDED TO ACHIEVE THOSE GOALS AND OBJECTIVES; THE PERSONS,
20 AGENCIES, AND PROVIDERS ASSIGNED TO ASSIST THE INDIVIDUAL IN
21 ATTAINING THE GOALS; AND THE OBSTACLES FACED BY THE INDIVIDUAL
22 WORKING IN COMPETITIVE INTEGRATED EMPLOYMENT. CAREER
23 DEVELOPMENT PLANNING REFLECTS A PRESUMPTION THAT ALL PERSONS
24 WITH DISABILITIES ARE CAPABLE OF WORKING IN A COMPETITIVE
25 INTEGRATED EMPLOYMENT SETTING.

26 (3) "COMPETITIVE INTEGRATED EMPLOYMENT" MEANS WORK PAID
27 DIRECTLY BY EMPLOYERS AT THE GREATER OF THE STATE OR FEDERAL

1 MINIMUM WAGE OR PREVAILING WAGE WITH COMMENSURATE BENEFITS,
2 OCCURRING IN A TYPICAL WORK SETTING WHERE THE EMPLOYEE WITH A
3 DISABILITY INTERACTS OR HAS THE OPPORTUNITY TO INTERACT
4 CONTINUOUSLY WITH COWORKERS WITHOUT DISABILITIES, NOT INCLUDING
5 SUPERVISORY PERSONNEL OR INDIVIDUALS WHO ARE PROVIDING SERVICES
6 TO THE EMPLOYEE WITH A DISABILITY, AND THE EMPLOYEE WITH A
7 DISABILITY HAS AN OPPORTUNITY FOR ADVANCEMENT OR JOB MOBILITY,
8 AND IS ENGAGED, PREFERABLY, IN FULL-TIME WORK.

9 (4) "DISCOVERY PROCESS" MEANS A PROCESS TO DISCOVER
10 ALREADY-EXISTING INFORMATION ABOUT A JOB SEEKER THAT IS BASED ON
11 INFORMATION OBTAINED FROM A PERSON'S ENTIRE LIFE AND NOT FROM
12 SHORT INSTANCES OF JOB PERFORMANCE. THE INFORMATION IS GATHERED
13 FROM THE JOB SEEKER AND OTHERS TO DETERMINE THE JOB SEEKER'S
14 INTERESTS, SKILLS, AND PREFERENCES RELATED TO POTENTIAL
15 EMPLOYMENT THAT GUIDE THE DEVELOPMENT OF A CUSTOMIZED JOB.

16 (5) "EMPLOYMENT FIRST" MEANS A FRAMEWORK FOR CHANGE IN
17 THE PROVISION OF SERVICES THAT IS CENTERED ON THE PREMISE THAT ALL
18 PERSONS, INCLUDING PERSONS WITH SIGNIFICANT DISABILITIES, ARE
19 CAPABLE OF FULL PARTICIPATION IN COMPETITIVE INTEGRATED
20 EMPLOYMENT AND COMMUNITY LIFE. UNDER THIS FRAMEWORK, IN
21 PROVIDING PUBLICLY FUNDED SERVICES, EMPLOYMENT IN THE GENERAL
22 WORKFORCE IS THE FIRST AND PREFERRED OUTCOME FOR ALL
23 WORKING-AGE PERSONS WITH DISABILITIES, REGARDLESS OF THE LEVEL OF
24 DISABILITY. PUBLICLY FUNDED AGENCIES AND SYSTEMS ALIGN POLICIES,
25 SERVICE DELIVERY PRACTICES, FUNDING, AND REIMBURSEMENT
26 STRUCTURES IN ORDER TO ACHIEVE COMPETITIVE INTEGRATED
27 EMPLOYMENT.

1 (6) "EMPLOYMENT FIRST ADVISORY PARTNERSHIP" OR
2 "PARTNERSHIP" MEANS THE PARTNERSHIP DESCRIBED IN SECTION
3 8-84-303.

4 (7) "PERSONS WITH INTELLECTUAL AND DEVELOPMENTAL
5 DISABILITIES" HAS THE SAME MEANING AS "PERSON WITH AN
6 INTELLECTUAL AND DEVELOPMENTAL DISABILITY"AS SET FORTH IN
7 SECTION 25.5-10-202, C.R.S.

8 (8) "STATE EMPLOYMENT LEADERSHIP NETWORK" MEANS THE
9 JOINT PARTNERSHIP BETWEEN THE NATIONAL ASSOCIATION OF STATE
10 DIRECTORS OF DEVELOPMENTAL DISABILITIES SERVICES AND THE
11 INSTITUTE FOR COMMUNITY INCLUSION AT THE UNIVERSITY OF
12 MASSACHUSETTS BOSTON OR ANOTHER SIMILAR ORGANIZATION THAT
13 FACILITATES COLLABORATION WITH OTHER STATES TO SHARE EFFECTIVE
14 SOLUTIONS TO INCREASE EMPLOYMENT OUTCOMES FOR PERSONS WITH
15 DISABILITIES.

16 **8-84-302. Duties of the department.** (1) PURSUANT TO ITS
17 STATUTORY AUTHORITY AND AVAILABLE APPROPRIATIONS, THE
18 DEPARTMENT SHALL:

19 (a) REVIEW AND MAKE RECOMMENDATIONS FOR AMENDMENTS, IF
20 NECESSARY, TO COLORADO'S COMBINED PLAN FOR EXECUTION OF
21 WORKFORCE DEVELOPMENT ACTIVITIES DEVELOPED IN ACCORDANCE WITH
22 THE FEDERAL "WORKFORCE INNOVATION AND OPPORTUNITY ACT", PUB.
23 L. 113-128, AS AMENDED, TO ENSURE THAT PERSONS WITH INTELLECTUAL
24 AND DEVELOPMENTAL DISABILITIES ARE SUPPORTED IN ACHIEVING
25 EMPLOYMENT;

26 (b) DEVELOP PRACTICES THAT REFLECT A PRESUMPTION THAT ALL
27 PERSONS WITH DISABILITIES ARE CAPABLE OF WORKING IN COMPETITIVE

1 INTEGRATED EMPLOYMENT IF THEY CHOOSE TO DO SO, AND ENSURE THAT
2 OPTIONS FOR COMPETITIVE INTEGRATED EMPLOYMENT WITH APPROPRIATE
3 SUPPORTS ARE EXPLORED BEFORE CONSIDERATION OF SEGREGATED
4 ACTIVITIES;

5 (c) PROMOTE YOUTH TRANSITIONS THAT FOCUS ON
6 PUBLIC-PRIVATE COLLABORATION, AND EMPLOYER ENGAGEMENT THAT
7 EMPHASIZES FREE-MARKET SOLUTIONS;

8 (d) PROVIDE DEPARTMENT INPUT AND ASSISTANCE TO THE
9 EMPLOYMENT FIRST ADVISORY PARTNERSHIP DESCRIBED IN SECTION
10 8-84-303 IN CARRYING OUT ITS DUTIES; AND

11 (e) PRESENT THE REPORTS AND RECOMMENDATIONS OF THE
12 EMPLOYMENT FIRST ADVISORY PARTNERSHIP TO THE DEPARTMENT'S
13 LEGISLATIVE COMMITTEE OF REFERENCE PURSUANT TO SECTION 8-84-303
14 (7).

15 **8-84-303. Employment first advisory partnership -**
16 **memorandum of understanding - reporting - repeal.** (1) THE
17 EMPLOYMENT FIRST ADVISORY PARTNERSHIP IS HEREBY ESTABLISHED AS
18 A PARTNERSHIP OF EXISTING ENTITIES INCLUDING THE STATE
19 REHABILITATION COUNCIL, ESTABLISHED BY THE DEPARTMENT, THE STATE
20 WORK FORCE DEVELOPMENT COUNCIL, CREATED IN ARTICLE 46.3 OF TITLE
21 24, C.R.S., AND THE EMPLOYMENT FIRST STATE LEADERSHIP MENTORING
22 PROGRAM CORE STATE ADVISORY GROUP, ESTABLISHED BY THE
23 DEPARTMENT. THE PARTNERSHIP SHALL ALSO CONSULT WITH THE STATE
24 LEADERSHIP EMPLOYMENT NETWORK FOR BEST PRACTICES IN DEVELOPING
25 EMPLOYMENT FIRST POLICIES AND INCREASING COMPETITIVE INTEGRATED
26 EMPLOYMENT FOR PERSONS WITH DISABILITIES. THE STATE
27 REHABILITATION COUNCIL SHALL SERVE AS THE LEAD AGENCY TO

1 COORDINATE CROSS-DEPARTMENTAL AND INTER-AGENCY COLLABORATION
2 WITHIN THE DEPARTMENT AND AMONG THE AGENCY PARTNERS AND TO
3 MAKE RECOMMENDATIONS TO THE GENERAL ASSEMBLY AND AGENCY
4 PARTNERS RELATING TO EMPLOYMENT FIRST POLICIES.

5 (2) ON OR BEFORE DECEMBER 30, 2016, EACH AGENCY PARTNER
6 SHALL IDENTIFY THE STAFF MEMBER OR MEMBERS WITHIN THE AGENCY
7 CHARGED WITH PROVIDING AGENCY INPUT AND ASSISTANCE RELATING TO
8 THE MEMORANDUM OF UNDERSTANDING PURSUANT TO SUBSECTION (3) OF
9 THIS SECTION AND THE DUTIES OF THE PARTNERSHIP SET FORTH IN SECTION
10 8-84-304.

11 (3) ON OR BEFORE JANUARY 30, 2017, THE STATE REHABILITATION
12 COUNCIL SHALL CONVENE A MEETING OR MEETINGS OF THE PARTNERSHIP
13 AND AGENCY PARTNERS TO DEVELOP A MEMORANDUM OF
14 UNDERSTANDING FOR THE PARTNERSHIP RELATING TO THE DUTIES OF THE
15 PARTNERSHIP SET FORTH IN SECTION 8-84-304. AT A MINIMUM, THE
16 MEMORANDUM OF UNDERSTANDING SHALL INCLUDE THE RESPONSIBILITIES
17 OF EACH MEMBER OF THE PARTNERSHIP AND EACH AGENCY PARTNER AND
18 A PLAN FOR COMPLETING THE WORK OF THE PARTNERSHIP, INCLUDING
19 TIME FRAMES.

20 (4) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT, THROUGH
21 THE EMPLOYMENT FIRST ADVISORY PARTNERSHIP, EMPLOYMENT FIRST
22 POLICIES ARE CONSIDERED AND RECOMMENDED THAT REFLECT NOT ONLY
23 THE PERSPECTIVE OF THE AGENCY PARTNERS BUT ALSO PERSONS WITH
24 DISABILITIES, ADVOCATES, SERVICE PROVIDERS, EMPLOYERS, AND
25 MEMBERS OF THE COMMUNITY. THEREFORE, UNLESS PROVIDED THROUGH
26 THE MEMBERSHIP OF THE PARTNERSHIP, THE PARTNERSHIP SHALL SEEK
27 STAKEHOLDER PARTICIPATION FROM, AT A MINIMUM:

1 (a) REPRESENTATIVES OF A NATIONAL ASSOCIATION OF PERSONS
2 SUPPORTING THE IMPLEMENTATION OF EMPLOYMENT FIRST POLICIES;

3 (b) ADVOCATES FOR PERSONS WITH INTELLECTUAL AND
4 DEVELOPMENTAL DISABILITIES;

5 (c) PERSONS WITH DISABILITIES WHO HAVE SECURED OR ARE
6 SEEKING COMPETITIVE INTEGRATED EMPLOYMENT; AND

7 (d) MEMBERS OF THE COMMUNITY WHO ARE NOT CONNECTED TO
8 ANY SERVICE AGENCY.

9 (5) AT ITS DISCRETION, THE PARTNERSHIP MAY FORM SUBGROUPS
10 COMPRISED OF MEMBERS AND STAKEHOLDERS TO CONSIDER SPECIFIC
11 ISSUES RELATING TO THE STRATEGIC PLAN AND THE RECOMMENDATIONS
12 OF THE PARTNERSHIP.

13 (6) THE PARTNERSHIP SHALL MEET AS OFTEN AS NECESSARY TO
14 COMPLETE ITS DUTIES BUT SHALL MEET AT LEAST ONCE EVERY QUARTER.

15 (7) (a) THE AGENCY PARTNERS SHALL PRESENT THE INITIAL
16 REPORT OF THE STRATEGIC PLAN AND RECOMMENDATIONS DEVELOPED
17 PURSUANT TO SECTION 8-84-304 TO THE LEGISLATIVE COMMITTEES OF
18 REFERENCE FOR THE AGENCY PARTNERS AS PART OF EACH AGENCY'S
19 ANNUAL PRESENTATION MADE PURSUANT TO SECTION 2-7-103, C.R.S.,
20 DURING THE INTERIM BETWEEN NOVEMBER 1, 2017, AND THE START OF
21 THE 2018 REGULAR LEGISLATIVE SESSION. THEREAFTER, EACH AGENCY
22 PARTNER SHALL INFORM THE LEGISLATIVE COMMITTEE OF REFERENCE OF
23 REVISIONS TO THE STRATEGIC PLAN AND THE IMPLEMENTATION OF
24 EMPLOYMENT FIRST POLICIES AS PART OF THE AGENCY'S ANNUAL
25 PRESENTATION MADE PURSUANT TO SECTION 2-7-103, C.R.S.

26 (b) AFTER THE PRESENTATION OF THE INITIAL REPORT OF THE
27 STRATEGIC PLAN, THE EMPLOYMENT FIRST ADVISORY PARTNERSHIP SHALL

1 CONTINUE TO MEET, AS NECESSARY, TO WORK ON THE DUTIES SET FORTH
2 IN SECTION 8-84-304; TO CONSIDER REVISIONS TO THE PLAN; AND TO
3 PROVIDE ADVICE AND EXPERTISE RELATING TO THE SUBSEQUENT
4 IMPLEMENTATION OF THE PLAN.

5 (8) (a) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2021.

6 (b) PRIOR TO REPEAL OF THE EMPLOYMENT FIRST ADVISORY
7 PARTNERSHIP, THE DEPARTMENT OF REGULATORY AGENCIES SHALL
8 CONDUCT A SUNSET REVIEW PURSUANT TO THE PROVISIONS OF SECTION
9 2-3-1203, C.R.S.

10 **8-84-304. Duties of the employment first advisory partnership**

11 **- strategic plan. (1) (a) AFTER CONSIDERING THE DUTIES SET FORTH IN**
12 **SUBSECTION (2) OF THIS SECTION, THE EMPLOYMENT FIRST ADVISORY**
13 **PARTNERSHIP SHALL DEVELOP A STRATEGIC PLAN TO EXPAND**
14 **COMPETITIVE INTEGRATED EMPLOYMENT OUTCOMES FOR PERSONS WITH**
15 **DISABILITIES THROUGH EMPLOYMENT FIRST POLICIES AND PRACTICES. THE**
16 **STRATEGIC PLAN MUST INCLUDE RECOMMENDATIONS TO THE GENERAL**
17 **ASSEMBLY AND THE RELEVANT POLICY-MAKING BOARDS CONCERNING ANY**
18 **CHANGES TO STATE STATUTES OR RULES NECESSARY TO IMPLEMENT THE**
19 **STRATEGIC PLAN, ALONG WITH A FISCAL ANALYSIS OF IMPLEMENTATION**
20 **COSTS, WHERE PRACTICABLE.**

21 (b) THE EMPLOYMENT FIRST ADVISORY PARTNERSHIP SHALL
22 PREPARE AN INITIAL REPORT OF THE STRATEGIC PLAN NO LATER THAN
23 NOVEMBER 1, 2017, AND SHALL REVISE THE STRATEGIC PLAN AS THE
24 PARTNERSHIP CONSIDERS ADDITIONAL ISSUES DESCRIBED IN SUBSECTION
25 (2) OF THIS SECTION.

26 (2) IN DEVELOPING THE STRATEGIC PLAN TO EXPAND COMPETITIVE
27 INTEGRATED EMPLOYMENT OUTCOMES FOR PERSONS WITH DISABILITIES

1 THROUGH EMPLOYMENT FIRST POLICIES AND PRACTICES, AND IN
2 FORMULATING THE RECOMMENDATIONS OF THE EMPLOYMENT FIRST
3 ADVISORY PARTNERSHIP, THE EMPLOYMENT FIRST ADVISORY PARTNERSHIP
4 SHALL:

5 (a) MAKE RECOMMENDATIONS TO ENSURE THAT, IN PROVIDING
6 PUBLICLY FUNDED SERVICES, COMPETITIVE INTEGRATED EMPLOYMENT IS
7 THE PRIMARY OBJECTIVE AND PREFERRED OUTCOME FOR ALL
8 WORKING-AGE PERSONS WITH DISABILITIES, REGARDLESS OF THE LEVEL OF
9 DISABILITY;

10 (b) IDENTIFY THE BARRIERS TO COMPETITIVE INTEGRATED
11 EMPLOYMENT FOR PERSONS WITH DISABILITIES, INCLUDING POLICY,
12 PROCEDURAL, FINANCIAL, EDUCATIONAL, TRANSPORTATION, SERVICE
13 DELIVERY, AND OTHER BARRIERS;

14 (c) IDENTIFY UNNECESSARY, INEFFICIENT, OR CONFLICTING
15 AGENCY RULES AND REGULATIONS THAT MAKE IT MORE DIFFICULT FOR
16 EMPLOYERS TO HIRE PERSONS WITH DISABILITIES;

17 (d) IDENTIFY TRAINING AND KNOWLEDGE GAPS AMONG AGENCY
18 STAFF, AGENCY VENDORS, AND INDIVIDUALS WITH DISABILITIES AND THEIR
19 FAMILIES, THAT MAY CREATE OBSTACLES AND PERCEIVED OBSTACLES FOR
20 PERSONS WITH DISABILITIES, INCLUDING SIGNIFICANT DISABILITIES, FROM
21 PARTICIPATING IN COMPETITIVE INTEGRATED EMPLOYMENT;

22 (e) IDENTIFY THE DATA AVAILABLE AND THE GAPS IN DATA
23 COLLECTION THAT PROHIBIT THE MEASUREMENT OF COLORADO'S
24 PROGRESS TOWARDS COMPLIANCE WITH THE UNITED STATES SUPREME
25 COURT'S DECISION IN *OLMSTEAD V. L.C.*; AND

26 (f) MAKE RECOMMENDATIONS RELATING TO PRE-VOCATIONAL
27 SERVICES TO ENSURE THAT, IN COMPLIANCE WITH FEDERAL LAW, THE

1 SERVICES ARE TIME LIMITED AND REASONABLY LEAD TO COMPETITIVE
2 INTEGRATED EMPLOYMENT. THE EMPLOYMENT FIRST ADVISORY
3 PARTNERSHIP'S CONSIDERATION SHALL INCLUDE THE AVERAGE TIME
4 CURRENTLY SPENT IN PRE-EMPLOYMENT SERVICES BY PERSONS THROUGH
5 THE HOME- AND COMMUNITY-BASED SERVICES INTELLECTUAL AND
6 DEVELOPMENTAL DISABILITIES WAIVER COMBINED WITH THE TIME
7 PREVIOUSLY SPENT IN SHELTERED WORKSHOPS.

8 (3) THE EMPLOYMENT FIRST ADVISORY PARTNERSHIP MAY
9 CONSIDER EMPLOYMENT FIRST ISSUES AND MAKE RECOMMENDATIONS ON
10 ISSUES THAT ARE NOT DESCRIBED IN SUBSECTION (2) OF THIS SECTION,
11 WHICH ISSUES MAY INCLUDE CAREER DEVELOPMENT PLANNING AND
12 DISCOVERY PROCESS. THE PARTNERSHIP MAY ALSO PRIORITIZE ITS WORK
13 ON THE ISSUES, INCLUDING DECIDING NOT TO PURSUE AN ISSUE, IN ORDER
14 TO ACHIEVE AN EFFICIENT USE OF THE EMPLOYMENT FIRST ADVISORY
15 PARTNERSHIP'S TIME AND RESOURCES.

16 **SECTION 3.** In Colorado Revised Statutes, 2-3-1203, **add** (3)
17 (hh.5) (II) as follows:

18 **2-3-1203. Sunset review of advisory committees.** (3) The
19 following dates are the dates on which the statutory authorization for the
20 designated advisory committee is scheduled for repeal:

21 (hh.5) September 1, 2021:

22 (II) THE EMPLOYMENT FIRST ADVISORY PARTNERSHIP IN THE
23 DEPARTMENT OF LABOR AND EMPLOYMENT DESCRIBED IN SECTION
24 8-84-303, C.R.S.:

25 **SECTION 4.** In Colorado Revised Statutes, 25.5-10-202, **add**
26 (5.5) as follows:

27 **25.5-10-202. Definitions.** As used in this article, unless the

1 context otherwise requires:

2 (5.5) "COMPETITIVE INTEGRATED EMPLOYMENT" HAS THE SAME
3 MEANING AS SET FORTH IN SECTION 8-84-301, C.R.S.

4 **SECTION 5.** In Colorado Revised Statutes, 25.5-10-204, **amend**
5 (1) (e) and (1) (f); and **add** (1) (g) as follows:

6 **25.5-10-204. Duties of the executive director - state board**
7 **rules.** (1) In order to implement the provisions of this article, the
8 executive director shall, subject to available appropriations, carry out the
9 following duties:

10 (e) Implement the provision of home- and community-based
11 services to eligible persons with intellectual and developmental
12 disabilities and pursue other medicaid-funded services determined by the
13 state department to be appropriate for persons with intellectual and
14 developmental disabilities, pursuant to part 4 of article 6 of this title and
15 subject to available appropriations; and

16 (f) Promote effective coordination with agencies serving persons
17 with intellectual and developmental disabilities in order to improve
18 continuity of services and supports for persons facing life transitions from
19 toddler to preschool, school to adult life, and work to retirement; AND

20 (g) FACILITATE EMPLOYMENT FIRST POLICIES AND PRACTICES BY:

21 (I) DEVELOPING PRACTICES THAT REFLECT A PRESUMPTION THAT
22 ALL PERSONS WITH DISABILITIES ARE CAPABLE OF WORKING IN
23 COMPETITIVE INTEGRATED EMPLOYMENT IF THEY CHOOSE TO DO SO, AND
24 ENSURING THAT OPTIONS FOR COMPETITIVE INTEGRATED EMPLOYMENT
25 WITH APPROPRIATE SUPPORTS ARE EXPLORED BEFORE CONSIDERATION OF
26 SEGREGATED ACTIVITIES;

27 (II) PROVIDING STATE DEPARTMENT INPUT AND ASSISTANCE TO

1 THE EMPLOYMENT FIRST ADVISORY PARTNERSHIP DESCRIBED IN SECTION
2 8-84-303, C.R.S., IN CARRYING OUT ITS DUTIES;

3 (III) ESTABLISHING ANNUAL REPORTING OF THE NUMBER OF
4 INDIVIDUALS EMPLOYED, NUMBER OF INDIVIDUALS EMPLOYED IN
5 COMPETITIVE INTEGRATED EMPLOYMENT, WAGES PER HOUR EARNED, AND
6 HOURS WORKED PER WEEK FOR INDIVIDUALS SERVED BY THE DIVISION;

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

15 (V) PRESENTING THE REPORTS AND RECOMMENDATIONS OF THE
16 EMPLOYMENT FIRST ADVISORY PARTNERSHIP TO THE STATE DEPARTMENT'S
17 LEGISLATIVE COMMITTEE OF REFERENCE PURSUANT TO SECTION 8-84-303
18 (7), C.R.S.

19 SECTION 6. In Colorado Revised Statutes, 22-2-112, add (1) (s)
20 as follows:

21 22-2-112. Commissioner - duties. (1) Subject to the supervision
22 of the state board, the commissioner has the following duties:

23 (s) TO FACILITATE EMPLOYMENT FIRST POLICIES AND PRACTICES
24 BY:

25 (I) PROVIDING INPUT AND ASSISTANCE TO THE EMPLOYMENT FIRST
26 ADVISORY PARTNERSHIP DESCRIBED IN SECTION 8-84-303, C.R.S., IN
27 CARRYING OUT ITS DUTIES; AND

1 (II) PRESENTING THE REPORTS AND RECOMMENDATIONS OF THE
2 EMPLOYMENT FIRST ADVISORY PARTNERSHIP TO THE DEPARTMENT'S
3 LEGISLATIVE COMMITTEE OF REFERENCE PURSUANT TO SECTION 8-84-303
4 (7), C.R.S.

5 SECTION 7. In Colorado Revised Statutes, add 23-1-109.8 as
6 follows:

7 23-1-109.8. Duties and powers of the commission with regard
8 to employment first policies. (1) THE COMMISSION SHALL FACILITATE
9 EMPLOYMENT FIRST POLICIES AND PRACTICES BY PROVIDING DEPARTMENT
10 INPUT AND ASSISTANCE TO THE EMPLOYMENT FIRST ADVISORY
11 PARTNERSHIP DESCRIBED IN SECTION 8-84-303, C.R.S., IN CARRYING OUT
12 ITS DUTIES.

13 (2) THE DEPARTMENT SHALL PRESENT THE REPORTS AND
14 RECOMMENDATIONS OF THE EMPLOYMENT FIRST ADVISORY PARTNERSHIP
15 TO THE DEPARTMENT'S LEGISLATIVE COMMITTEE OF REFERENCE PURSUANT
16 TO SECTION 8-84-303 (7), C.R.S.

17 SECTION 8. In Colorado Revised Statutes, 27-10.5-103, amend
18 (1) (b) and (1) (c); and add (1) (d) as follows:

19 27-10.5-103. Duties of the executive director - rules. (1) In
20 order to implement the provisions of this article, the executive director
21 shall carry out the following duties, subject to available appropriations:

22 (b) Conduct appropriate part C child find activities as described
23 in section 27-10.5-704. Part C child find activities conducted by the
24 department shall include, but need not be limited to, case management,
25 referral, transitions, and public education outreach and awareness of early
26 intervention services; and

27 (c) Operate regional centers pursuant to part 3 of this article; AND

1 (d) FACILITATE EMPLOYMENT FIRST POLICIES AND PRACTICES BY:

2 (I) PROVIDING DEPARTMENT INPUT AND ASSISTANCE TO THE
3 EMPLOYMENT FIRST ADVISORY PARTNERSHIP ESTABLISHED IN PART 3 OF
4 ARTICLE 84 OF TITLE 8, C.R.S., IN CARRYING OUT ITS DUTIES; AND

5 (II) PRESENTING THE REPORTS AND RECOMMENDATIONS OF THE
6 EMPLOYMENT FIRST ADVISORY PARTNERSHIP TO THE DEPARTMENT'S
7 LEGISLATIVE COMMITTEE OF REFERENCE PURSUANT TO SECTION 8-84-303
8 (7), C.R.S.

9 **SECTION 9. Effective date.** This act takes effect July 1, 2016.

10 **SECTION 10. Safety clause.** The general assembly hereby finds,
11 determines, and declares that this act is necessary for the immediate
12 preservation of the public peace, health, and safety.