

CHAPTER 117

EDUCATION - POSTSECONDARY

HOUSE BILL 22-1255

BY REPRESENTATIVE(S) Ortiz and Bradfield, Larson, Amabile, Bacon, Benavidez, Bernett, Bird, Boesenecker, Caraveo, Cutter, Duran, Esgar, Exum, Froelich, Gonzales-Gutierrez, Gray, Herod, Jodeh, Kennedy, Kipp, Lontine, McCluskie, McCormick, McKean, McLachlan, Michaelson Jenet, Roberts, Sirota, Snyder, Titone, Valdez A., Valdez D., Weissman, Woodrow, Young, Garnett;

also SENATOR(S) Zenzinger and Kirkmeyer, Bridges, Buckner, Cooke, Coram, Danielson, Donovan, Fields, Gardner, Ginal, Gonzales, Hinrichsen, Hisey, Holbert, Jaquez Lewis, Kolker, Liston, Moreno, Pettersen, Priola, Rankin, Rodriguez, Scott, Simpson, Smallwood, Sonnenberg, Story, Winter, Woodward, Fenberg.

AN ACT**CONCERNING MEASURES TO IMPROVE POSTSECONDARY EDUCATION OUTCOMES FOR STUDENTS WITH A DISABILITY.**

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

SECTION 1. Legislative declaration. (1) The general assembly finds that:

(a) According to a 2013 report from the Georgetown University Center on Education and the Workforce, approximately seventy-five percent of jobs in Colorado require postsecondary education, while only approximately sixty-one percent of adults in Colorado have earned a degree or certificate;

(b) According to a 2011 longitudinal study funded by the United States Department of Education, national completion rates for students with disabilities in postsecondary education was thirty-eight percent compared to fifty-one percent for students without a reported disability;

(c) According to a 2019 report from Colorado State University, students who receive appropriate disability support services and accommodations experience better academic outcomes that support post-graduate employment;

(d) To ensure the economic vitality of Colorado, every industry needs access to a skilled workforce, and every Coloradan needs access to sustainable employment;

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(e) The statewide implementation of universal and inclusive services, supports, and accommodations for students with disabilities can greatly improve cost efficiencies for institutions of higher education, improve access and successful outcomes for all students, and sustain the workforce and economic vitality of Colorado;

(f) Students with disabilities must be recognized for who they are and supported to address their needs most effectively; and

(g) Colorado does not have statewide data to examine the postsecondary outcomes for students with disabilities, and the lack of information prevents Colorado from connecting students with disabilities to the workforce.

(2) Therefore, the general assembly declares that in order to meet the economic demands of Colorado, it is essential to collect significant data and examine the postsecondary services, supports, and accommodations necessary for students with disabilities to improve postsecondary education and career outcomes.

SECTION 2. In Colorado Revised Statutes, **add** article 79 to title 23 as follows:

ARTICLE 79
Improve Postsecondary Education for
Students with Disabilities

23-79-101. Definitions. AS USED IN THIS ARTICLE 79, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "DEPARTMENT" MEANS THE DEPARTMENT OF HIGHER EDUCATION CREATED AND EXISTING PURSUANT TO SECTION 24-1-114.

(2) "DISABILITY" HAS THE SAME MEANING AS SET FORTH IN THE FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC. 12101 ET SEQ., AND ITS RELATED AMENDMENTS AND IMPLEMENTING REGULATIONS.

(3) "INSTITUTION OF HIGHER EDUCATION" MEANS A STATE INSTITUTION OF HIGHER EDUCATION, AS DEFINED IN SECTION 23-18-102 (10)(a), OR AN ACCREDITED CAMPUS OF A STATE INSTITUTION OF HIGHER EDUCATION; A PARTICIPATING PRIVATE INSTITUTION OF HIGHER EDUCATION, AS DEFINED IN SECTION 23-18-102 (8); A LOCAL DISTRICT COLLEGE, AS DEFINED IN SECTION 23-71-102 (1)(a); AND AN AREA TECHNICAL COLLEGE, AS DEFINED IN SECTION 23-60-103 (1).

23-79-102. Students with disabilities - report. (1) BEGINNING IN 2024, AND EVERY YEAR THEREAFTER, THE DEPARTMENT SHALL INCLUDE AS PART OF ITS "STATE MEASUREMENT FOR ACCOUNTABLE, RESPONSIVE, AND TRANSPARENT (SMART) GOVERNMENT ACT" HEARING REQUIRED BY SECTION 2-7-203 THE FOLLOWING AVAILABLE DATA, GATHERED BY THE DEPARTMENT IN COLLABORATION WITH INSTITUTIONS OF HIGHER EDUCATION:

(a) THE NUMBER OF STUDENTS ENROLLED AT AN INSTITUTION OF HIGHER EDUCATION WHO IDENTIFY AS HAVING A DISABILITY, REPORTED FOR THE STATE AS A WHOLE AND FOR EACH INSTITUTION OF HIGHER EDUCATION, IN TOTAL AND

DISAGGREGATED BY RACE, ETHNICITY, FIRST-GENERATION STATUS, FEDERAL PELL GRANT ELIGIBILITY, AND MILITARY STATUS;

(b) THE NUMBER OF STUDENTS WITH A DISABILITY WHO RECEIVE A SERVICE, SUPPORT, OR ACCOMMODATION FROM THE INSTITUTION OF HIGHER EDUCATION THAT IS RELATED TO THE STUDENT'S DISABILITY, REPORTED FOR THE STATE AS A WHOLE AND FOR EACH INSTITUTION OF HIGHER EDUCATION, IN TOTAL AND DISAGGREGATED BY RACE, ETHNICITY, FIRST-GENERATION STATUS, FEDERAL PELL GRANT ELIGIBILITY, AND MILITARY STATUS;

(c) THE NUMBER OF STUDENTS WITH A DISABILITY WHO CONTINUED ENROLLMENT IN AN INSTITUTION OF HIGHER EDUCATION IN A SUBSEQUENT ACADEMIC YEAR, REPORTED FOR THE STATE AS A WHOLE AND FOR EACH INSTITUTION OF HIGHER EDUCATION, IN TOTAL AND DISAGGREGATED BY RACE, ETHNICITY, FIRST-GENERATION STATUS, FEDERAL PELL GRANT ELIGIBILITY, AND MILITARY STATUS;

(d) THE NUMBER OF STUDENTS WITH A DISABILITY WHO GRADUATED FROM AN INSTITUTION OF HIGHER EDUCATION, REPORTED FOR THE STATE AS A WHOLE AND FOR EACH INSTITUTION OF HIGHER EDUCATION, IN TOTAL AND DISAGGREGATED BY RACE, ETHNICITY, FIRST-GENERATION STATUS, FEDERAL PELL GRANT ELIGIBILITY, AND MILITARY STATUS;

(e) THE NUMBER OF STUDENTS WITH A DISABILITY WHO RECEIVE A SERVICE OR SUPPORT FROM THE DIVISION OF VOCATIONAL REHABILITATION IN THE DEPARTMENT OF LABOR AND EMPLOYMENT AT THE INSTITUTION OF HIGHER EDUCATION THAT IS RELATED TO THE STUDENT'S DISABILITY, REPORTED FOR THE STATE AS A WHOLE AND FOR EACH INSTITUTION OF HIGHER EDUCATION, IN TOTAL AND DISAGGREGATED BY RACE, ETHNICITY, FIRST-GENERATION STATUS, FEDERAL PELL GRANT ELIGIBILITY, AND MILITARY STATUS; AND

(f) THE NUMBER OF STUDENTS WITH A DISABILITY WHO RECEIVED A SERVICE OR SUPPORT FROM THE DIVISION OF VOCATIONAL REHABILITATION IN THE DEPARTMENT OF LABOR AND EMPLOYMENT AT THE INSTITUTION OF HIGHER EDUCATION THAT IS RELATED TO THE STUDENT'S DISABILITY AND GRADUATED FROM THE INSTITUTION OF HIGHER EDUCATION, REPORTED FOR THE STATE AS A WHOLE AND FOR EACH INSTITUTION OF HIGHER EDUCATION, IN TOTAL AND DISAGGREGATED BY RACE, ETHNICITY, FIRST-GENERATION STATUS, FEDERAL PELL GRANT ELIGIBILITY, AND MILITARY STATUS.

23-79-103. Postsecondary services advisory committee - creation - appointment - duties - report - repeal. (1) THERE IS CREATED IN THE DEPARTMENT THE POSTSECONDARY SERVICES ADVISORY COMMITTEE, REFERRED TO IN THIS SECTION AS THE "COMMITTEE", FOR THE PURPOSE OF MAKING RECOMMENDATIONS TO INSTITUTIONS OF HIGHER EDUCATION AND THE GENERAL ASSEMBLY CONCERNING NECESSARY SERVICES AND BEST PRACTICES TO IMPROVE SUCCESSFUL OUTCOMES FOR STUDENTS WITH DISABILITIES AT INSTITUTIONS OF HIGHER EDUCATION.

(2) (a) THE COMMITTEE CONSISTS OF FIFTEEN MEMBERS APPOINTED BY THE DEPARTMENT'S EXECUTIVE DIRECTOR, AS FOLLOWS:

(I) TWO MEMBERS WHO ARE RESPONSIBLE FOR DISABILITY OR ACCESSIBILITY SERVICES AT BACCALAUREATE- AND GRADUATE-AWARDING INSTITUTIONS OF HIGHER EDUCATION;

(II) ONE MEMBER WHO IS RESPONSIBLE FOR DISABILITY OR ACCESSIBILITY SERVICES AT A COMMUNITY COLLEGE;

(III) ONE MEMBER WHO IS RESPONSIBLE FOR DISABILITY OR ACCESSIBILITY SERVICES AT AN AREA TECHNICAL COLLEGE;

(IV) ONE MEMBER WHO IS A CHIEF ACADEMIC OFFICER, OR A CHIEF ACADEMIC OFFICER'S DESIGNEE, FROM AN INSTITUTION OF HIGHER EDUCATION;

(V) ONE MEMBER WITH EXPERTISE IN FEDERAL AND STATE DISABILITIES LAWS AND THE LAWS' APPLICABILITY TO INSTITUTIONS OF HIGHER EDUCATION;

(VI) ONE MEMBER WHO IS RESPONSIBLE FOR ACTIVE DUTY AND VETERAN AFFAIRS SERVICES AT AN INSTITUTION OF HIGHER EDUCATION;

(VII) ONE MEMBER WHO IS A REGISTRAR, OR A REGISTRAR'S DESIGNEE, FROM AN INSTITUTION OF HIGHER EDUCATION;

(VIII) ONE MEMBER WHO REPRESENTS THE OFFICE OF SPECIAL EDUCATION IN THE DEPARTMENT OF EDUCATION;

(IX) ONE MEMBER WHO IDENTIFIES AS HAVING A DISABILITY AND IS A CURRENT STUDENT OR RECENT GRADUATE OF AN INSTITUTION OF HIGHER EDUCATION;

(X) ONE MEMBER WHO REPRESENTS AN ORGANIZATION PROVIDING EMPLOYMENT TRAINING AND SUPPORT TO PERSONS WITH DISABILITIES;

(XI) TWO MEMBERS WHO EACH REPRESENT A COMMUNITY OR NONPROFIT ORGANIZATION THAT SERVES INDIVIDUALS WITH DISABILITIES;

(XII) ONE MEMBER WHO IS RESPONSIBLE FOR ACCESSIBLE ELECTRONIC INFORMATION AND TECHNOLOGY AT AN INSTITUTION OF HIGHER EDUCATION; AND

(XIII) ONE MEMBER WHO REPRESENTS THE DIVISION OF VOCATIONAL REHABILITATION IN THE DEPARTMENT OF LABOR AND EMPLOYMENT.

(b) THE DEPARTMENT'S EXECUTIVE DIRECTOR SHALL, TO THE EXTENT PRACTICABLE, APPOINT TO THE COMMITTEE MEMBERS WHO IDENTIFY AS HAVING A DISABILITY.

(c) THE DEPARTMENT'S EXECUTIVE DIRECTOR SHALL MAKE THE INITIAL APPOINTMENTS TO THE COMMITTEE NO LATER THAN SEPTEMBER 30, 2022.

(3) EACH MEMBER OF THE COMMITTEE WHO IS APPOINTED PURSUANT TO SUBSECTION (2) OF THIS SECTION SERVES AT THE PLEASURE OF THE DEPARTMENT'S EXECUTIVE DIRECTOR. THE TERM OF APPOINTMENT IS UNTIL JUNE 30, 2024.

(4) THE MEMBERS OF THE COMMITTEE SERVE WITHOUT COMPENSATION AND WITHOUT REIMBURSEMENT FOR EXPENSES.

(5) THE COMMITTEE SHALL EXAMINE THE FOLLOWING ISSUES, INCLUDING, BUT NOT LIMITED TO:

(a) POSTSECONDARY OUTCOMES FOR STUDENTS WITH DISABILITIES, AND WHETHER OUTCOMES ARE ALSO AFFECTED BY A STUDENT WITH A DISABILITY'S RACE, ETHNICITY, FEDERAL PELL GRANT ELIGIBILITY, SEX, GENDER EXPRESSION, OR MILITARY STATUS;

(b) THE ABILITY FOR INSTITUTIONS OF HIGHER EDUCATION TO IMPLEMENT SERVICES AND BEST PRACTICES THAT EXCEED THE MINIMUM REQUIREMENTS OF FEDERAL AND STATE LAWS FOR STUDENTS WITH DISABILITIES; AND

(c) THE AVAILABILITY OF FINANCIAL ASSISTANCE FOR STUDENTS WITH DISABILITIES.

(6) ON OR BEFORE JUNE 15, 2023, AND ON OR BEFORE JUNE 14, 2024, THE COMMITTEE SHALL COMPLETE AND SUBMIT A REPORT TO THE EDUCATION COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR COMMITTEES. THE REPORT MUST INCLUDE:

(a) A DESCRIPTION OF THE COMMITTEE'S FINDINGS PURSUANT TO SUBSECTION (5) OF THIS SECTION; AND

(b) RECOMMENDATIONS FOR RESOURCES, STATUTORY CHANGES, DEPARTMENT POLICY CHANGES, OR INSTITUTION OF HIGHER EDUCATION POLICY CHANGES THAT ARE NECESSARY TO IMPROVE SUCCESSFUL OUTCOMES FOR STUDENTS WITH DISABILITIES AT INSTITUTIONS OF HIGHER EDUCATION.

(7) THIS SECTION IS REPEALED, EFFECTIVE JUNE 30, 2024.

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Approved: April 21, 2022