

CHAPTER 235

EDUCATION - POSTSECONDARY

HOUSE BILL 22-1107

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AN ACT

CONCERNING MEASURES RELATED TO CREATING HIGHER EDUCATION OPPORTUNITIES FOR PERSONS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, **add** article 80 to title 23 as follows:

ARTICLE 80
Inclusive Higher Education for
Students with Intellectual and Developmental Disabilities

23-80-101. Short title. THE SHORT TITLE OF THIS ARTICLE 80 IS THE "INCLUSIVE HIGHER EDUCATION ACT".

23-80-102. Legislative declaration. (1) THE GENERAL ASSEMBLY FINDS THAT:

(a) AS OF THE 2020-21 SCHOOL YEAR, THE DEPARTMENT OF EDUCATION REPORTED THAT AN ESTIMATED SIX THOUSAND NINE HUNDRED TWO STUDENTS WITH INTELLECTUAL DISABILITIES RESIDE IN COLORADO;

(b) HISTORICALLY, SOCIETY'S LOW EXPECTATIONS AND LIMITED OPPORTUNITIES HAVE PREVENTED PEOPLE WITH INTELLECTUAL DISABILITIES FROM THE BENEFITS ASSOCIATED WITH HIGHER EDUCATION. AS A RESULT, MANY PEOPLE WITH INTELLECTUAL DISABILITIES LIVE IN POVERTY WITH FEW PROSPECTS OTHER THAN EXCEPTIONALLY LOW-PAYING JOBS OR SITTING IDLY AT HOME.

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.

(c) ALTHOUGH STUDENTS WITH INTELLECTUAL DISABILITIES HAVE HISTORICALLY BEEN DENIED HIGHER EDUCATION OPPORTUNITIES, WHEN OPPORTUNITIES ARISE, STUDENTS COMPLETING HIGHER EDUCATION PROGRAMS REAP THE BENEFITS OF HIGHER EDUCATION, INCLUDING HIGH EMPLOYMENT RATES, BETTER WAGES, INCREASED SOCIALIZATION, COMMUNITY BELONGING, AND GREATER INDEPENDENCE;

(d) IN 2014, UNDER THE LEADERSHIP OF IN! PATHWAYS TO INCLUSIVE HIGHER EDUCATION, EDUCATORS, ADVOCATES FOR PERSONS WITH INTELLECTUAL DISABILITIES, STUDENTS, AND FAMILIES BEGAN WORKING TO CREATE INCLUSIVE OPPORTUNITIES FOR STUDENTS WITH INTELLECTUAL DISABILITIES, AS COLORADO WAS ONE OF ONLY FOUR STATES THAT DID NOT HAVE AN INCLUSIVE HIGHER EDUCATION PATHWAY FOR STUDENTS WITH INTELLECTUAL DISABILITIES;

(e) IN 2016, THE GENERAL ASSEMBLY ENACTED A FIVE-YEAR INCLUSIVE HIGHER EDUCATION PILOT PROGRAM AT THE UNIVERSITY OF NORTHERN COLORADO, THE UNIVERSITY OF COLORADO AT COLORADO SPRINGS, AND ARAPAHOE COMMUNITY COLLEGE;

(f) AS OF 2022, APPROXIMATELY SEVENTY STUDENTS WITH INTELLECTUAL DISABILITIES ARE ENROLLED IN A HIGHER EDUCATION INSTITUTION, PARTICIPATING IN TRADITIONAL CLASSES AND COURSE WORK, LIVING INCLUSIVELY ON CAMPUS, AND PREPARING FOR THEIR CAREERS;

(g) INCLUSIVE HIGHER EDUCATION PATHWAYS ARE DESIGNED TO FOCUS ON ACADEMIC GROWTH, SOCIAL DEVELOPMENT, INDEPENDENCE, AND CAREER ADVANCEMENT;

(h) HIGHER EDUCATION OPPORTUNITIES FOR STUDENTS WITH INTELLECTUAL DISABILITIES:

(I) CREATE CAREER PATHWAYS FOR STUDENTS WITH INTELLECTUAL DISABILITIES;

(II) ENSURE STUDENTS WITH INTELLECTUAL DISABILITIES ENTER THE WORKFORCE WITH IN-DEMAND SKILLS;

(III) INCREASE INCLUSION, SOCIAL INTERACTIONS, AND MEANINGFUL COMMUNITY CONTRIBUTIONS FOR STUDENTS WITH INTELLECTUAL DISABILITIES;

(IV) REDUCE RELIANCE ON FAMILY AND COMMUNITY RESOURCES BY STUDENTS WITH INTELLECTUAL DISABILITIES; AND

(V) PROVIDE EMPLOYERS WITH ACCESS TO A HISTORICALLY UNDERUTILIZED WORKFORCE;

(i) SINCE 2016, UNDER THE LEADERSHIP OF IN! PATHWAYS TO INCLUSIVE HIGHER EDUCATION AND THE COLORADO INCLUSION CONSORTIUM, MANY ADVANCEMENTS HAVE BEEN MADE IN COLORADO FOR INCLUSIVE HIGHER EDUCATION FOR STUDENTS WITH INTELLECTUAL DISABILITIES, INCLUDING THE ABILITY TO EARN CREDENTIALS AT GRADUATION, ACCESS TO FEDERAL FINANCIAL AID, AND PARTNERSHIPS TO SUPPORT VOCATIONAL GOALS; AND

(j) THE SUCCESS OF THE PILOT PROGRAM HAS CREATED SIGNIFICANT DEMAND FOR MORE OPPORTUNITIES THROUGHOUT COLORADO.

(2) THEREFORE, THE GENERAL ASSEMBLY DECLARES IT IS BENEFICIAL TO CREATE HIGHER EDUCATION OPPORTUNITIES THAT SUPPORT STUDENTS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES AND TO DEVELOP INCLUSIVE HIGHER EDUCATION PROGRAMS IN COLORADO.

23-80-103. Definitions. AS USED IN THIS ARTICLE 80, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "ADMINISTERING ENTITY" MEANS THE ENTITY SELECTED BY THE DEPARTMENT TO ADMINISTER THE INCLUSIVE HIGHER EDUCATION GRANT PROGRAM.

(2) "COMMISSION" MEANS THE COLORADO COMMISSION ON HIGHER EDUCATION ESTABLISHED IN SECTION 23-1-102.

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

(4) "GRANT PROGRAM" MEANS THE INCLUSIVE HIGHER EDUCATION GRANT PROGRAM CREATED IN SECTION 23-80-104.

(5) "INCLUSIVE HIGHER EDUCATION" MEANS ACCESS TO HIGHER EDUCATION, AS PROVIDED BY A STATE INSTITUTION OF HIGHER EDUCATION, BY STUDENTS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES THAT:

(a) ENABLES THE STUDENT TO HAVE ALL OF THE RIGHTS, RESPONSIBILITIES, PRIVILEGES, BENEFITS, AND OUTCOMES THAT RESULT FROM A HIGHER EDUCATION EXPERIENCE TO THE GREATEST EXTENT POSSIBLE, INCLUDING ACADEMIC SUCCESS, CAREER DEVELOPMENT, CAMPUS ENGAGEMENT, SELF-DETERMINATION, PARTICIPATION IN PAID WORK EXPERIENCES, ON-CAMPUS OR OFF-CAMPUS LIVING, INCLUSIVE SOCIAL ACTIVITIES, AND ACCESS TO AND INSTRUCTION IN TECHNOLOGY; AND

(b) UPON SUCCESSFUL COMPLETION OF AN INCLUSIVE HIGHER EDUCATION PROGRAM, RESULTS IN THE STUDENT RECEIVING A MEANINGFUL CREDENTIAL FROM THE STATE INSTITUTION OF HIGHER EDUCATION.

(6) "STATE INSTITUTION OF HIGHER EDUCATION" MEANS A STATE INSTITUTION OF HIGHER EDUCATION AS DEFINED IN SECTION 23-18-102 (10).

(7) "STUDENT" MEANS A PERSON WITH AN INTELLECTUAL OR DEVELOPMENTAL DISABILITY WHO IS ENROLLED IN AN INCLUSIVE HIGHER EDUCATION PROGRAM IN A STATE INSTITUTION OF HIGHER EDUCATION.

23-80-104. Inclusive higher education grant program - created - duties - policies. (1) THERE IS CREATED IN THE DEPARTMENT THE INCLUSIVE HIGHER EDUCATION GRANT PROGRAM TO PROVIDE GRANTS TO STATE INSTITUTIONS OF HIGHER EDUCATION FOR THE PURPOSE OF ESTABLISHING, OR EXPANDING EXISTING, INCLUSIVE HIGHER EDUCATION PROGRAMS FOR STUDENTS WITH INTELLECTUAL AND

DEVELOPMENTAL DISABILITIES.

(2) A STATE INSTITUTION OF HIGHER EDUCATION THAT RECEIVES A GRANT THROUGH THE GRANT PROGRAM SHALL USE THE MONEY FOR THE PURPOSE OF ESTABLISHING AN, OR EXPANDING AN EXISTING, INCLUSIVE HIGHER EDUCATION PROGRAM. THE GRANT RECIPIENT MAY USE THE GRANT AWARD TO:

(a) PERFORM AN INSTITUTIONAL ASSESSMENT TO DETERMINE TRAINING, TECHNICAL ASSISTANCE, AND THE CAPACITY NEEDED TO PROVIDE INCLUSIVE HIGHER EDUCATION OPPORTUNITIES FOR STUDENTS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES;

(b) IDENTIFY INSTITUTIONAL POLICIES AND PRACTICES THAT FOSTER OR IMPEDE INCLUSIVE HIGHER EDUCATION OPPORTUNITIES;

(c) OFFER PROGRAMS AND SUPPORTS FOR THE STUDENTS THAT ALLOW EACH STUDENT TO TAKE FOR CREDIT OR TO AUDIT A MINIMUM OF TWO ON-CAMPUS UNDERGRADUATE COURSES EACH SEMESTER IN A STUDENT'S CHOSEN AREA OF STUDY, AND TO TAKE A COURSE EACH SEMESTER THAT IS DESIGNED TO MEET THE NEEDS OF EACH STUDENT AND NECESSARY TO RECEIVE THE AWARD OF A CREDENTIAL IN THE STUDENT'S CHOSEN AREA OF STUDY;

(d) INTEGRATE THE STUDENTS ACADEMICALLY AND SOCIALLY INTO THE NORMATIVE OFFERINGS OF THE STATE INSTITUTION OF HIGHER EDUCATION;

(e) PROVIDE PEER MENTORING SERVICES FOR THE STUDENTS;

(f) COORDINATE PROGRAMS AND SUPPORTS WITH AVAILABLE VOCATIONAL REHABILITATION THROUGH THE DEPARTMENT OF LABOR AND EMPLOYMENT;

(g) PROVIDE PROGRAMS AND SUPPORTS THAT PREPARE THE STUDENTS FOR GAINFUL COMPETITIVE EMPLOYMENT;

(h) PROVIDE PROGRAMS AND SUPPORTS FOR THE STUDENTS TO DEVELOP INDEPENDENT LIVING SKILLS, INCLUDING SELF-CARE, SOCIALIZATION, CAREER READINESS, HEALTHY LIFESTYLE CHOICES, AND FINANCIAL LITERACY;

(i) PROVIDE BENEFITS COUNSELING TO THE STUDENTS;

(j) DEVELOP ADMISSIONS STANDARDS THAT DO NOT REQUIRE STUDENTS APPLYING TO PARTICIPATE IN AN INCLUSIVE HIGHER EDUCATION PROGRAM TO TAKE A NATIONAL ASSESSMENT TEST AS AN ADMISSION REQUIREMENT; AND

(k) PERFORM OUTREACH TO HIGH SCHOOLS TO ENSURE AWARENESS OF AVAILABLE INCLUSIVE HIGHER EDUCATION OPPORTUNITIES.

(3) NO LATER THAN SEPTEMBER 30, 2022, THE DEPARTMENT SHALL ISSUE A REQUEST FOR PROPOSALS FOR AN ORGANIZATION TO ADMINISTER THE GRANT PROGRAM. THE DEPARTMENT SHALL SELECT AND CONTRACT WITH AN ORGANIZATION THAT HAS DEMONSTRATED SUCCESS IN ASSISTING STUDENTS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES ATTEND STATE INSTITUTIONS OF

HIGHER EDUCATION. THE DEPARTMENT SHALL SELECT THE ADMINISTERING ENTITY AND ENTER INTO A CONTRACT WITH THE ADMINISTERING ENTITY NO LATER THAN DECEMBER 30, 2022, WHICH CONTRACT IS SUBJECT TO ANNUAL REVIEW AND RENEWAL.

(4) THE DEPARTMENT AND ADMINISTERING ENTITY SHALL IMPLEMENT THE GRANT PROGRAM IN ACCORDANCE WITH THIS ARTICLE 80. GRANTS MUST BE AWARDED AS PROVIDED IN THIS ARTICLE 80.

(5) UPON RECEIVING NOTICE FROM THE ADMINISTERING ENTITY THAT A STATE INSTITUTION OF HIGHER EDUCATION IS SELECTED TO RECEIVE A GRANT, THE DEPARTMENT SHALL, AS SOON AS PRACTICABLE, TRANSFER TO THE ADMINISTERING ENTITY THE AMOUNT OF THE GRANT AWARD.

(6) THE COMMISSION SHALL ADOPT POLICIES AS REQUIRED BY THIS ARTICLE 80 OR AS MAY BE NECESSARY TO IMPLEMENT THE GRANT PROGRAM. AT A MINIMUM, THE POLICIES MUST SPECIFY THE FORM OF THE GRANT PROGRAM APPLICATION, THE TIME FRAMES FOR APPLYING FOR GRANTS, AND THE TIME FRAMES FOR DISTRIBUTING GRANT MONEY.

23-80-105. Administering entity - duties - funding. (1) THE ADMINISTERING ENTITY SHALL:

(a) ADMINISTER THE GRANT PROGRAM IN ACCORDANCE WITH THIS ARTICLE 80, INCLUDING ESTABLISHING AND IMPLEMENTING THE PROCESS BY WHICH A STATE INSTITUTION OF HIGHER EDUCATION MAY APPLY TO RECEIVE A GRANT; AND

(b) PERFORM ANNUAL EVALUATIONS OF GRANT RECIPIENTS REGARDING THE PERFORMANCE AND IMPLEMENTATION OF AN INCLUSIVE HIGHER EDUCATION PROGRAM PURSUANT TO SECTION 23-80-107.

(2) OF THE MONEY ANNUALLY APPROPRIATED TO THE DEPARTMENT PURSUANT TO SECTION 23-80-108, NOT MORE THAN TWENTY PERCENT SHALL BE USED TO COMPENSATE THE ADMINISTERING ENTITY TO OFFSET THE COSTS THAT THE ADMINISTERING ENTITY INCURS IN ADMINISTERING THE GRANT PROGRAM. THE CONTRACT BETWEEN THE DEPARTMENT AND THE ADMINISTERING ENTITY MUST NOT INCLUDE ANY ADDITIONAL AMOUNT OF REMUNERATION TO THE ADMINISTERING ENTITY FROM THE STATE. THE DEPARTMENT SHALL COMPENSATE THE ADMINISTERING ENTITY WITH FUNDS FROM THE APPROPRIATION FOR PURPOSES OF THIS SECTION.

23-80-106. Applications - criteria - awards. (1) TO RECEIVE A GRANT, A STATE INSTITUTION OF HIGHER EDUCATION MUST SUBMIT AN APPLICATION TO THE ADMINISTERING ENTITY IN ACCORDANCE WITH POLICIES ADOPTED BY THE COMMISSION.

(2) THE ADMINISTERING ENTITY SHALL REVIEW THE APPLICATIONS RECEIVED PURSUANT TO THIS SECTION. IN AWARDING GRANTS, THE ADMINISTERING ENTITY SHALL CONSIDER THE INTENDED EXPENSES AND ASSOCIATED COSTS PROPOSED BY THE APPLICANT RELATIVE TO THE MONEY ANNUALLY APPROPRIATED TO THE DEPARTMENT PURSUANT TO SECTION 23-80-108, TO ACHIEVE THE GREATEST

INTENDED IMPACT OF THE GRANT PROGRAM ACROSS COLORADO, INCLUDING MAXIMIZING ACCESS AND OPPORTUNITY FOR ALL STUDENTS REGARDLESS OF DEMOGRAPHIC OR GEOGRAPHIC DIVERSITY.

23-80-107. Evaluation and reporting requirements. (1) ON OR BEFORE JULY 1, 2024, AND ON OR BEFORE JULY 1 EACH YEAR THEREAFTER, THE ADMINISTERING ENTITY SHALL PERFORM AN EVALUATION OF THE PERFORMANCE OF THE INCLUSIVE HIGHER EDUCATION PROGRAM AT EACH STATE INSTITUTION OF HIGHER EDUCATION THAT RECEIVED A GRANT. THE EVALUATION MUST:

(a) REVIEW EACH INCLUSIVE HIGHER EDUCATION PROGRAM AND COMPARE THE PROGRAMS TO RECOGNIZED ACCREDITATION STANDARDS AND BEST PRACTICES;

(b) INCLUDE COMPREHENSIVE SURVEYS OF INCLUSIVE HIGHER EDUCATION PROGRAM STAKEHOLDERS, INCLUDING STUDENTS, STUDENTS' FAMILIES, PEER MENTORS, FACULTY, AND STAFF; AND

(c) INCLUDE ASSESSMENTS FOR STUDENTS TO DEMONSTRATE GROWTH IN INDEPENDENT LIVING, INCLUDING SELF-CARE, SOCIALIZATION, CAREER READINESS, HEALTHY LIFESTYLE CHOICES, AND FINANCIAL LITERACY.

(2) ON OR BEFORE JULY 1, 2024, AND ON OR BEFORE JULY 1 EACH YEAR THEREAFTER, THE ADMINISTERING ENTITY SHALL PERFORM A COMPREHENSIVE SURVEY OF FORMER STUDENTS AND FORMER STUDENTS' FAMILIES. THE SURVEY MUST SOLICIT INFORMATION CONCERNING THE FORMER STUDENTS, INCLUDING THEIR HOUSING CIRCUMSTANCES, CAREERS, AND SOCIAL ACTIVITIES OR ASSOCIATIONS. THE ADMINISTERING ENTITY SHALL RETAIN THE SURVEYS AND EVALUATE SUCCESSES THAT ARE A CONSEQUENCE OF INCLUSIVE HIGHER EDUCATION PROGRAMS AND IDENTIFY OPPORTUNITIES TO IMPROVE OUTCOMES FOR CURRENT AND FUTURE STUDENTS.

(3) ON OR BEFORE OCTOBER 1, 2024, AND ON OR BEFORE OCTOBER 1 EACH YEAR THEREAFTER WHEN GRANTS ARE AWARDED, THE ADMINISTERING ENTITY SHALL SUBMIT A REPORT TO THE DEPARTMENT. AT A MINIMUM, THE REPORT MUST INCLUDE:

(a) A SUMMARY OF THE FINDINGS FROM THE EVALUATION PERFORMED PURSUANT TO SUBSECTIONS (1) AND (2) OF THIS SECTION;

(b) AN ANALYSIS OF THE FINDINGS FROM THE EVALUATIONS PERFORMED PURSUANT TO SUBSECTIONS (1) AND (2) OF THIS SECTION, INCLUDING COMPARISONS BETWEEN THE CURRENT YEAR'S AND PREVIOUS YEARS' FINDINGS TO EVALUATE THE LONG-TERM IMPACTS OF INCLUSIVE HIGHER EDUCATION FOR CURRENT STUDENTS PARTICIPATING IN AN INCLUSIVE HIGHER EDUCATION PROGRAM AND FORMER STUDENTS WHO PARTICIPATED IN A PROGRAM; AND

(c) A DESCRIPTION OF EXPENSES MADE WITH THE GRANT MONEY.

(4) ON OR BEFORE DECEMBER 31, 2024, AND ON OR BEFORE DECEMBER 31 EACH YEAR THEREAFTER WHEN GRANTS ARE AWARDED, THE DEPARTMENT SHALL SUBMIT THE ADMINISTERING ENTITY'S REPORT TO THE EDUCATION COMMITTEES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES,

REGARDING THE GRANT PROGRAM.

(5) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE REPORTING REQUIREMENTS SET FORTH IN THIS SECTION CONTINUE INDEFINITELY.

23-80-108. Inclusive higher education opportunities - funding. FOR THE 2022-23, 2023-24, 2024-25, 2025-26, AND 2026-27 STATE FISCAL YEARS, THE GENERAL ASSEMBLY SHALL ANNUALLY APPROPRIATE FOUR HUNDRED FIFTY THOUSAND DOLLARS IN EACH STATE FISCAL YEAR TO THE DEPARTMENT FOR THE PURPOSES OF THIS ARTICLE 80.

SECTION 2. Appropriation. For the 2022-23 state fiscal year, \$450,000 is appropriated to the department of higher education. This appropriation is from the general fund. To implement this act, the department may use this appropriation for the inclusive higher education grant program.

SECTION 3. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2022 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: May 26, 2022