

**Second Regular Session  
Seventy-fourth General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. 24-0741.01 Chelsea Princell x4335

**HOUSE BILL 24-1342**

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**HOUSE SPONSORSHIP**

**Soper and Bacon**, Amabile, Bottoms, Bradley, Evans, Garcia, Hartsook, Hernandez, Lindsay, Lindstedt, Lynch, Mabrey, Martinez, McLachlan, Ortiz, Taggart, Titone, Willford, Young

**SENATE SPONSORSHIP**

**(None)**,

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**House Committees**  
Business Affairs & Labor

**Senate Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING TESTING ACCOMMODATIONS FOR COLORADANS WITH**  
102      **DISABILITIES.**

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**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://leg.colorado.gov>.)*

The bill requires a testing entity to grant an individual's request for a testing accommodation on a licensing exam without requiring the individual to undergo a diagnostic exam or psychological assessment if the individual is requesting the same testing accommodation that the individual previously received on a similar standardized exam or high-stakes test.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters or bold & italic numbers indicate new material to be added to existing law.*  
*Dashes through the words or numbers indicate deletions from existing law.*

The bill allows an individual who is adversely affected or aggrieved by a testing entity's decision regarding the individual's request for a testing accommodation to bring a civil action against the testing entity.

The bill requires the attorney general to investigate violations of, and allows the attorney general to bring a civil action against, a testing entity for an alleged violation.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 24-34-806 as  
3 follows:

4 **24-34-806. Testing accommodations for Coloradans with**  
5 **disabilities - right of action - legislative declaration - definitions.**

6 (1) (a) THE GENERAL ASSEMBLY FINDS THAT:

7 (I) LICENSING EXAMS ARE GATEWAYS TO EMPLOYMENT  
8 OPPORTUNITIES;

9 (II) WHEN AN INDIVIDUAL IS ATTEMPTING TO OBTAIN A  
10 PROFESSIONAL LICENSE OR CERTIFICATION FOR A TRADE, IT IS DIFFICULT  
11 TO ACHIEVE SUCH GOALS WITHOUT SITTING FOR SOME KIND OF LICENSING  
12 EXAM;

13 (III) WHILE MANY TESTING ENTITIES HAVE MADE EFFORTS TO  
14 ENSURE EQUAL OPPORTUNITY FOR INDIVIDUALS WITH DISABILITIES,  
15 DISABLED COLORADANS CONTINUE TO QUESTION AND MAKE COMPLAINTS  
16 ABOUT TESTING ENTITIES' EXCESSIVE AND BURDENSOME DOCUMENTATION  
17 DEMANDS, FAILURES TO PROVIDE NECESSARY TESTING ACCOMMODATIONS,  
18 FAILURES TO RESPOND TO REQUESTS FOR TESTING ACCOMMODATIONS IN  
19 A TIMELY MANNER, AND FAILURES TO RECOGNIZE THE DIAGNOSES OR  
20 RECOMMENDATIONS PROVIDED BY AN INDIVIDUAL'S MEDICAL OR  
21 PSYCHOLOGICAL PROVIDER;

22 (IV) THE FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990",

1 42 U.S.C. SEC. 12101 ET SEQ., AS AMENDED, ENSURES THAT INDIVIDUALS  
2 WITH DISABILITIES HAVE THE OPPORTUNITY TO FAIRLY COMPETE FOR AND  
3 PURSUE CAREER OPPORTUNITIES BY REQUIRING STANDARDIZED  
4 EXAMINATION ENTITIES TO OFFER EXAMS IN A MANNER THAT IS  
5 ACCESSIBLE TO PERSONS WITH DISABILITIES. WHEN NEEDED TESTING  
6 ACCOMMODATIONS ARE PROVIDED, A TEST-TAKER CAN DEMONSTRATE THE  
7 TEST-TAKER'S TRUE APTITUDE.

8 (V) YET, COLORADANS WITH DISABILITIES ARE BEING DENIED THE  
9 TESTING ACCOMMODATIONS THEY NEED, AND PREVIOUSLY RECEIVED,  
10 UNLESS THEY UNDERGO ADDITIONAL AND COSTLY DIAGNOSTIC TESTING OR  
11 PSYCHOLOGICAL ASSESSMENT. THESE DENIALS RESULT IN DISABLED  
12 COLORADANS EITHER TAKING THE LICENSING EXAM WITHOUT THE  
13 NECESSARY TESTING ACCOMMODATION OR SPENDING THOUSANDS OF  
14 DOLLARS ON THE REQUESTED DIAGNOSTIC TESTING OR PSYCHOLOGICAL  
15 ASSESSMENT IN ORDER TO TAKE THE EXAM OR TEST WITH THE SAME  
16 TESTING ACCOMMODATION THEY PREVIOUSLY RECEIVED.

17 (b) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT  
18 COLORADANS WITH DISABILITIES MUST BE ABLE TO RECEIVE THE TESTING  
19 ACCOMMODATIONS THEY NEED TO ADEQUATELY DEMONSTRATE THEIR  
20 APTITUDE WITHOUT HAVING TO FIRST UNDERGO ADDITIONAL DIAGNOSTIC  
21 TESTING OR PSYCHOLOGICAL ASSESSMENTS IF THE TESTING  
22 ACCOMMODATION THEY ARE REQUESTING IS THE SAME TESTING  
23 ACCOMMODATION THEY RECEIVED PREVIOUSLY OR IS IN LINE WITH A  
24 MEDICAL OR PSYCHOLOGICAL PROVIDER'S PROFESSIONAL  
25 RECOMMENDATION OR DIAGNOSIS.

26 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
27 REQUIRES:

1 (a) "LICENSING EXAM" MEANS A TEST THAT REQUIRES ALL  
2 TEST-TAKERS TO ANSWER THE SAME QUESTIONS, IN THE SAME WAY; IS  
3 SCORED IN A STANDARD OR CONSISTENT MANNER; AND IS REQUIRED FOR  
4 A PROFESSIONAL OR TRADE CERTIFICATION OR LICENSURE.

5 (b) "TESTING ACCOMMODATION" MEANS A CHANGE TO THE  
6 REGULAR TESTING ENVIRONMENT OR THE PERMITTED USE OF AN  
7 AUXILIARY AID OR SERVICE THAT ALLOWS AN INDIVIDUAL WITH A  
8 DISABILITY TO DEMONSTRATE THE INDIVIDUAL'S TRUE APTITUDE OR  
9 ACHIEVEMENT LEVEL ON A LICENSING EXAM TEST AND INCLUDES, BUT IS  
10 NOT LIMITED TO, THE FOLLOWING:

- 11 (I) BRAILLE OR LARGE-PRINT EXAM BOOKLETS;
- 12 (II) SCREEN-READING TECHNOLOGY;
- 13 (III) SCRIBES TO TRANSFER ANSWERS TO BUBBLE SHEETS OR  
14 RECORD DICTATED NOTES AND ESSAYS;
- 15 (IV) EXTENDED TIME;
- 16 (V) WHEELCHAIR-ACCESSIBLE TESTING STATIONS;
- 17 (VI) DISTRACTION-FREE ROOMS;
- 18 (VII) PHYSICAL PROMPTS FOR INDIVIDUALS WITH HEARING  
19 IMPAIRMENTS; AND
- 20 (VIII) PERMISSION TO BRING AND TAKE PRESCRIBED MEDICATION  
21 DURING THE EXAM.

22 (c) "TESTING ENTITY" MEANS A PRIVATE ENTITY OR A STATE OR  
23 LOCAL GOVERNMENTAL ENTITY THAT OFFERS AN EXAM RELATED TO  
24 LICENSING OR CERTIFICATION FOR PROFESSIONAL OR TRADE PURPOSES.

25 (3) (a) A TESTING ENTITY MUST GRANT AN INDIVIDUAL'S REQUEST  
26 FOR A TESTING ACCOMMODATION ON A LICENSING EXAM IF THE  
27 INDIVIDUAL:

1 (I) HAS A DISABILITY THAT IS RECOGNIZED UNDER THE FEDERAL  
2 "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC. 12101 ET  
3 SEQ., AS AMENDED;

4 (II) PROVIDES PROOF OF HAVING RECEIVED THE PREVIOUS TESTING  
5 ACCOMMODATION DUE TO THE INDIVIDUAL'S DISABILITY ON A PAST  
6 STANDARDIZED EXAM OR HIGH-STAKES TEST;

7 (III) PROVIDES A RECOMMENDATION LETTER FROM THE  
8 INDIVIDUAL'S TREATING MEDICAL PROFESSIONAL THAT RECOMMENDS THE  
9 ACCOMMODATIONS REQUESTED BY THE INDIVIDUAL. THE  
10 RECOMMENDATION LETTER MUST BE SIGNED AND DATED BY THE TREATING  
11 MEDICAL PROFESSIONAL MAKING THE RECOMMENDATION; AND

12 (IV) REQUESTS THE SAME TESTING ACCOMMODATION THAT THE  
13 INDIVIDUAL PREVIOUSLY RECEIVED ON ANOTHER STANDARDIZED EXAM OR  
14 HIGH-STAKES TEST.

15 (b) IF THE INDIVIDUAL MEETS THE REQUIREMENTS SPECIFIED IN  
16 SUBSECTION (3)(a) OF THIS SECTION, THE TESTING ENTITY MUST NOT  
17 REQUIRE THE INDIVIDUAL TO PROVIDE ADDITIONAL DOCUMENTATION OR  
18 UNDERGO DIAGNOSTIC TESTING OR A PSYCHOLOGICAL ASSESSMENT TO  
19 FURTHER SUPPORT THE INDIVIDUAL'S REQUEST FOR A TESTING  
20 ACCOMMODATION.

21 (4) AN INDIVIDUAL ADVERSELY AFFECTED OR AGGRIEVED BY A  
22 TESTING ENTITY'S DECISION REGARDING THE INDIVIDUAL'S REQUEST FOR  
23 A TESTING ACCOMMODATION PURSUANT TO THIS SECTION MAY BRING A  
24 CIVIL ACTION AGAINST THE TESTING ENTITY IN A COURT OF COMPETENT  
25 JURISDICTION FOR A WILLFUL VIOLATION OF THIS SECTION AND IS ENTITLED  
26 TO THE FOLLOWING REMEDIES:

27 (a) THE RELIEF SET FORTH IN SECTION 24-34-802 (2); EXCEPT THAT

1 A STATUTORY FINE MUST NOT BE LESS THAN THREE THOUSAND FIVE  
2 HUNDRED DOLLARS FOR EACH VIOLATION; AND

3 (b) AN AWARD OF ATTORNEY FEES AND COSTS.

4 (5) UPON RECEIPT OF A COMPLAINT FOR A VIOLATION OF THIS  
5 SECTION, THE ATTORNEY GENERAL SHALL DILIGENTLY INVESTIGATE THE  
6 VIOLATION. IF THE ATTORNEY GENERAL FINDS THAT A TESTING ENTITY  
7 HAS VIOLATED OR IS VIOLATING THIS SECTION, THE ATTORNEY GENERAL  
8 MAY BRING A CIVIL ACTION AGAINST THE TESTING ENTITY IN A COURT OF  
9 COMPETENT JURISDICTION FOR A WILLFUL VIOLATION OF THIS SECTION.

10 (6) THIS SECTION DOES NOT REQUIRE A TESTING ENTITY TO  
11 PROVIDE ACCOMMODATIONS TO AN INDIVIDUAL WITH A DISABILITY IF THE  
12 ACCOMMODATION WOULD CONSTITUTE A FUNDAMENTAL ALTERATION OR  
13 UNDUE BURDEN AS DEFINED IN THE FEDERAL "AMERICANS WITH  
14 DISABILITIES ACT OF 1990", 42 U.S.C. SEC. 12101 ET SEQ., AS AMENDED.

15 **SECTION 2.** In Colorado Revised Statutes, 24-10-106, **amend**  
16 (1) introductory portion, (1)(i), and (1)(j); and **add** (1)(k) as follows:

17 **24-10-106. Immunity and partial waiver.** (1) A public entity  
18 ~~shall be~~ IS immune from liability in all claims for injury ~~which~~ THAT lie  
19 in tort or could lie in tort, regardless of whether that may be the type of  
20 action or the form of relief chosen by the claimant, except as provided  
21 otherwise in this section. Sovereign immunity is waived by a public entity  
22 in an action for injuries resulting from:

23 (i) An action brought pursuant to section 13-21-128; ~~or~~

24 (j) An action brought pursuant to part 12 of article 20 of title 13,  
25 whether the conduct alleged occurred before, on, or after January 1, 2022;

26 OR

27 (k) AN ACTION BROUGHT PURSUANT TO SECTION 24-34-806 (4).

1           **SECTION 3.** In Colorado Revised Statutes, 24-31-101, **amend**  
2 (1)(i)(XVII) and (1)(i)(XVIII); and **add** (1)(i)(XIX) as follows:

3           **24-31-101. Powers and duties of attorney general.** (1) The  
4 attorney general:

5           (i) May independently initiate and bring civil and criminal actions  
6 to enforce state laws, including actions brought pursuant to:

7           (XVII) The "Rental Application Fairness Act", part 9 of article 12  
8 of title 38; ~~and~~

9           (XVIII) The "Reproductive Health Equity Act", part 4 of article  
10 6 of title 25; AND

11           (XIX) SECTION 24-34-806.

12           **SECTION 4. Act subject to petition - effective date.** This act  
13 takes effect on January 1, 2025; except that, if a referendum petition is  
14 filed pursuant to section 1 (3) of article V of the state constitution against  
15 this act or an item, section, or part of this act within such period, then the  
16 section will not take effect unless approved by the people at the general  
17 election to be held in November 2024 and, in such case, will take effect  
18 on January 1, 2025, or on the date of the official declaration of the vote  
19 thereon by the governor, whichever is later.