

Second Regular Session  
Seventy-fifth General Assembly  
STATE OF COLORADO

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 26-0986.01 Jacob Bennington x2371

**HOUSE BILL 26-1417**

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**House Committees**  
Education

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**A BILL FOR AN ACT**

101 **CONCERNING THE DISABILITY-RELATED ACCOMMODATION**  
102 **REQUIREMENT OF A TESTING ENTITY.**

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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>.)*

Current law requires a testing entity to provide accommodations for an individual with a disability who is taking an exam for professional licensing. The definition of "testing entity" includes a private entity or a state or local governmental entity offering such an exam and having control over testing accommodation decisions.

The bill changes the definition of "testing entity" to include any

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.*

person, business, or state or local government agency that offers an exam or course related to an application, license, certification, or credential for secondary or postsecondary education, professional, or trade purposes. The bill further requires a testing entity to offer the exam or course in a place and manner that is accessible to the individual with a disability or offer an alternative accessible arrangement in order to accommodate an individual with a disability who has met the requirements to receive the accommodation.

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

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

4 (a) Equal access to education and professional opportunity is a  
5 fundamental right. Professional or licensure-based examinations serve as  
6 critical gateways to advancement, employment, and economic mobility.  
7 Denial of equitable access to these assessments undermines the promise  
8 of equal opportunity and perpetuates systemic inequities.

9 (b) Individuals with disabilities continue to face persistent and  
10 well-documented barriers in testing environments. These barriers may  
11 include inaccessible formats, inadequate accommodations, rigid timing  
12 structures, and discriminatory policies or practices that fail to account for  
13 diverse needs. Such barriers do not reflect an individual's knowledge or  
14 ability, but rather the failure of systems to provide equitable access.

15 (c) Reasonable accommodations are essential to ensuring fairness,  
16 not advantage. Accommodations such as extended time, alternative  
17 formats, assistive technology, and accessible testing environments are  
18 necessary to level the playing field and ensure that examinations measure  
19 aptitude and achievement rather than the impact of a disability.

20 (d) Anti-discrimination statutes play a critical role in protecting  
21 these rights. Laws prohibiting discrimination on the basis of disability,

1 including requirements for reasonable accommodations, establish clear  
2 standards, accountability mechanisms, and avenues for redress. These  
3 protections are essential to preventing exclusionary practices and ensuring  
4 consistent access across institutions and jurisdictions.

5 (e) The erosion or inadequate enforcement of these protections  
6 threatens equal access. Without strong statutory safeguards and  
7 meaningful enforcement, individuals with disabilities may be denied  
8 opportunities, discouraged from participation, or forced to navigate  
9 inconsistent and burdensome processes to secure basic accommodations.

10 (f) Ensuring equal access benefits not only individuals, but society  
11 as a whole. When barriers are removed, individuals with disabilities are  
12 better able to contribute their talents, perspectives, and expertise to the  
13 workforce, civic life, and broader community. Inclusive systems  
14 strengthen economic growth, innovation, and social equity.

15 (g) It is therefore the intent of the general assembly to affirm and  
16 strengthen protections that guarantee equal access to examinations.  
17 Accordingly, the general assembly declares that equal access to  
18 examinations is a matter of civil rights, employment equity, and public  
19 interest and must be protected through robust and enforceable  
20 anti-discrimination laws.

21 (h) In a recent District Court decision, *Catherine Dunn V.*  
22 *National Board of Medical Examiners*, case number 25CV34093, the  
23 court determined that the defendant was not subject to Colorado's  
24 statutory protections for test takers with disabilities. The decision to grant  
25 a preliminary injunction does not address section 24-34-806, which  
26 clearly states that failure to accommodate is a proper cause of action.

27 (2) The general assembly further finds and declares that it is the

1 general assembly's intent that the National Board of Medical Examiners  
2 is a covered entity in this context, and that it is necessary to amend  
3 section 24-34-806 to align with 42 U.S.C. sec. 12189 to further ensure  
4 Colorado's workforce has equitable access to opportunities.

5 **SECTION 2.** In Colorado Revised Statutes, 24-34-806, **amend**  
6 (2)(c) and (3)(a) introductory portion as follows:

7 **24-34-806. Testing accommodations for Coloradans with**  
8 **disabilities - right of action - legislative declaration - definitions.**

9 (2) As used in this section, unless the context otherwise requires:

10 (c) "Testing entity" means ~~a private entity of this state or a state~~  
11 ~~or local governmental entity of this state that offers an exam related to~~  
12 ~~licensing or certification for professional or trade purposes and has~~  
13 ~~control over testing accommodation decisions.~~ ANY PERSON, BUSINESS, OR  
14 STATE OR LOCAL GOVERNMENT AGENCY THAT OFFERS EXAMINATIONS OR  
15 COURSES RELATED TO APPLICATIONS, LICENSING, CERTIFICATION, OR  
16 CREDENTIALING FOR SECONDARY OR POSTSECONDARY EDUCATION, OR FOR  
17 PROFESSIONAL OR TRADE PURPOSES.

18 (3) (a) A testing entity must OFFER EXAMINATIONS OR COURSES IN  
19 A PLACE AND MANNER ACCESSIBLE TO INDIVIDUALS WITH DISABILITIES OR  
20 MUST OFFER ALTERNATIVE ACCESSIBLE ARRANGEMENTS FOR SUCH  
21 INDIVIDUALS AND grant an individual's request for a testing  
22 accommodation on a licensing exam if the individual:

23 **SECTION 3. Act subject to petition - effective date.** This act  
24 takes effect at 12:01 a.m. on the day following the expiration of the  
25 ninety-day period after final adjournment of the general assembly (August  
26 12, 2026, if adjournment sine die is on May 13, 2026); except that, if a  
27 referendum petition is filed pursuant to section 1 (3) of article V of the

1 state constitution against this act or an item, section, or part of this act  
2 within such period, then the act, item, section, or part will not take effect  
3 unless approved by the people at the general election to be held in  
4 November 2026 and, in such case, will take effect on the date of the  
5 official declaration of the vote thereon by the governor.