

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 16-1167.01 Brita Darling x2241

SENATE BILL 16-196

SENATE SPONSORSHIP

Cooke and Cadman,

HOUSE SPONSORSHIP

Landgraf and Young,

Senate Committees

Education
Appropriations

House Committees

Appropriations

HOUSE
3rd Reading Unamended
May 10, 2016

A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF A PILOT PROGRAM FOR INCLUSIVE**
102 **HIGHER EDUCATION FOR PERSONS WITH INTELLECTUAL AND**
103 **DEVELOPMENTAL DISABILITIES, AND, IN CONNECTION**
104 **THEREWITH, MAKING AN APPROPRIATION.**

HOUSE
2nd Reading Unamended
May 9, 2016

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/bills summaries>.)

SENATE
3rd Reading Unamended
May 6, 2016

The bill creates the pilot program for inclusive higher education for students with intellectual and developmental disabilities (pilot program) and identifies pilot sites at institutions of higher education in the

SENATE
Amended 2nd Reading
May 5, 2016

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.

state (institutions), including 2 4-year institutions and one community college.

The bill requires the department of higher education (department), the institutions participating in the pilot program, JFK Partners, defined in the bill as a program of the university of Colorado medical school, and IN!, defined in the bill as a stakeholder group supporting inclusive higher education, to work together to develop pilot programs at the pilot sites.

The bill specifies the minimum requirements for each inclusive higher education pilot program, including, among other requirements, the development of programming for students that allows a student to take two on-campus undergraduate courses each semester in the student's chosen area of interest and a course specific to inclusive higher education, and to earn a certificate from the institution at the completion of the program. In addition, the inclusive higher education pilot programs shall integrate students socially and academically to the greatest extent possible, and shall be outcome-focused in preparing the student for gainful employment in the community.

The bill requires JFK Partners to complete an annual formative evaluation of each pilot program and the department to report to the general assembly annually concerning the implementation of inclusive higher education, as well as the results of the JFK Partners evaluation.

The bill requires the department to enter into fee-for-service contracts with the governing boards of the institutions, and recognizes that fee-for-service contracts for inclusive higher education programs are not included in certain defined terms for purposes of calculating total appropriations in the college opportunity fund program or determining appropriations for student financial assistance.

The pilot program is repealed July 1, 2021.

The bill includes transfers of money from the intellectual and developmental disabilities services cash fund in 2016 and 2017 and an appropriation clause.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** article 75 to title
 3 23 as follows:

4 **ARTICLE 75**

5 **Pilot Program for Inclusive Higher Education for**
 6 **Students with Intellectual and Developmental Disabilities**

7 **23-75-101. Short title.** THE SHORT TITLE OF THIS ARTICLE IS THE

1 "INCLUSIVE HIGHER EDUCATION ACT".

2 **23-75-102. Legislative declaration.** (1) THE GENERAL ASSEMBLY
3 FINDS THAT:

4 (a) THE COLORADO DEPARTMENT OF EDUCATION REPORTED IN
5 2015 THAT AN ESTIMATED SIX THOUSAND FIVE HUNDRED THIRTY
6 STUDENTS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES
7 RESIDE IN COLORADO;

8 (b) COLORADO STUDENTS WITH INTELLECTUAL AND
9 DEVELOPMENTAL DISABILITIES ARE DESIROUS OF ENTERING INSTITUTIONS
10 OF HIGHER EDUCATION, BUT ARE LIMITED TO COSTLY OUT-OF-STATE
11 PLACEMENT WITH HIGH TUITION COSTS AND LONG WAIT LISTS BECAUSE NO
12 INCLUSIVE HIGHER EDUCATION OPTIONS EXIST IN COLORADO;

13 (c) OFFERING HIGHER EDUCATION OPTIONS TO STUDENTS WITH
14 INTELLECTUAL AND DEVELOPMENTAL DISABILITIES ALLOWS THESE
15 STUDENTS TO HAVE ALL OF THE RIGHTS, RESPONSIBILITIES, PRIVILEGES,
16 BENEFITS, AND OUTCOMES THAT RESULT FROM A COLLEGE EXPERIENCE TO
17 THE GREATEST EXTENT POSSIBLE, INCLUDING ACADEMIC ACCESS, CAREER
18 DEVELOPMENT, CAMPUS ENGAGEMENT, SELF-DETERMINATION,
19 PARTICIPATION IN PAID WORK EXPERIENCES, ON-CAMPUS OR OFF-CAMPUS
20 LIVING, INCLUSIVE SOCIAL ACTIVITIES, AND ACCESS TO AND INSTRUCTION
21 IN TECHNOLOGY;

22 (d) THE DEVELOPMENT OF AN INCLUSIVE HIGHER EDUCATION
23 PROGRAM FOR STUDENTS WITH INTELLECTUAL AND DEVELOPMENTAL
24 DISABILITIES ALLOWS A STUDENT TO ATTEND AN INSTITUTION OF HIGHER
25 EDUCATION, PAY TUITION, AND HAVE ACCESS TO UNDERGRADUATE
26 COURSES THAT SUPPORT THE STUDENT'S DESIRED OUTCOMES AND JOB
27 ASPIRATIONS;

1 (e) WHILE FORTY-SEVEN STATES OFFER OPPORTUNITIES FOR
2 HIGHER EDUCATION FOR STUDENTS WITH INTELLECTUAL AND
3 DEVELOPMENTAL DISABILITIES ACROSS TWO HUNDRED FIFTY-THREE
4 INSTITUTIONS OF HIGHER EDUCATION, COLORADO DOES NOT HAVE AN
5 INSTITUTION-APPROVED INCLUSIVE HIGHER EDUCATION PROGRAM
6 ACCESSIBLE TO STUDENTS THROUGHOUT THE STATE;

7 (f) COLORADO INSTITUTIONS OF HIGHER EDUCATION HAVE
8 EXPRESSED AN INTEREST IN BUILDING CAPACITY FOR INCLUSIVE HIGHER
9 EDUCATION; AND

10 (g) HIGH-QUALITY INCLUSIVE COLLEGE PROGRAMS ACROSS THE
11 COUNTRY ARE REPORTING COMPETITIVE JOB PLACEMENT RATES AT OVER
12 SEVENTY PERCENT WITHIN SIX MONTHS OF GRADUATION FOR STUDENTS
13 WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES, COMPARED TO
14 A COMPETITIVE JOB PLACEMENT RATE OF LESS THAN THIRTY PERCENT FOR
15 STUDENTS WITHOUT ACCESS TO THESE TYPES OF PROGRAMS, AS REPORTED
16 IN A NATIONAL STUDY CONDUCTED BY THE GALLUP POLL AND THE
17 SPECIAL OLYMPICS. PLACEMENT IN COMPETITIVE JOBS RESULTS IN
18 GREATER COMMUNITY PARTICIPATION AND LESS DEPENDENCE ON
19 GOVERNMENT AND FAMILY SUPPORT.

20 (2) THEREFORE, THE COLORADO GENERAL ASSEMBLY DECLARES
21 THAT IT IS BENEFICIAL FOR COLORADO STUDENTS WITH INTELLECTUAL
22 AND DEVELOPMENTAL DISABILITIES TO CREATE OPPORTUNITIES FOR
23 INCLUSIVE HIGHER EDUCATION AT COLORADO INSTITUTIONS BY
24 PROVIDING FINANCIAL RESOURCES FOR THOSE INSTITUTIONS TO WORK IN
25 COLLABORATION WITH EDUCATIONAL AND NONPROFIT ENTITIES THAT
26 HAVE EXPERTISE IN INTELLECTUAL AND DEVELOPMENTAL DISABILITIES
27 AND INCLUSIVE HIGHER EDUCATION TO DEVELOP INCLUSIVE HIGHER

1 EDUCATION PROGRAMS AT COLORADO INSTITUTIONS.

2 **23-75-103. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE
3 CONTEXT OTHERWISE REQUIRES:

4 (1) "DEPARTMENT" MEANS THE DEPARTMENT OF HIGHER
5 EDUCATION CREATED AND EXISTING PURSUANT TO SECTION 24-1-114,
6 C.R.S.

7 (2) "IN!" MEANS THE COLORADO INITIATIVE FOR INCLUSIVE
8 HIGHER EDUCATION, WHICH IS A STAKEHOLDER ORGANIZATION THAT
9 COLLABORATES WITH LOCAL COLLEGES AND UNIVERSITIES IN COLORADO
10 TO CREATE THE DEVELOPMENT OF INCLUSIVE HIGHER EDUCATION
11 OPPORTUNITIES FOR STUDENTS WITH INTELLECTUAL AND DEVELOPMENTAL
12 DISABILITIES.

13 (3) "INCLUSIVE HIGHER EDUCATION" MEANS
14 INSTITUTION-APPROVED ACCESS TO HIGHER EDUCATION THAT ENABLES A
15 STUDENT WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES TO
16 HAVE ALL OF THE RIGHTS, RESPONSIBILITIES, PRIVILEGES, BENEFITS, AND
17 OUTCOMES THAT RESULT FROM A COLLEGE EXPERIENCE TO THE GREATEST
18 EXTENT POSSIBLE, INCLUDING ACADEMIC SUCCESS, CAREER
19 DEVELOPMENT, CAMPUS ENGAGEMENT, SELF-DETERMINATION,
20 PARTICIPATION IN PAID WORK EXPERIENCES, ON- OR OFF-CAMPUS LIVING,
21 INCLUSIVE SOCIAL ACTIVITIES, AND ACCESS TO AND INSTRUCTION IN
22 TECHNOLOGY, RESULTING IN A MEANINGFUL CREDENTIAL CONFERRED BY
23 THE INSTITUTION.

24 (4) "JFK PARTNERS" MEANS THE PROGRAM OF THE UNIVERSITY OF
25 COLORADO SCHOOL OF MEDICINE, ANSCHUTZ MEDICAL CAMPUS, THAT IS
26 DESIGNATED THE UNIVERSITY CENTER OF EXCELLENCE IN
27 DEVELOPMENTAL DISABILITIES, EDUCATION, RESEARCH, AND SERVICE

1 PROGRAM IN COLORADO.

2 (5) "PILOT PROGRAM" MEANS THE INCLUSIVE HIGHER EDUCATION
3 PILOT PROGRAM CREATED IN SECTION 23-75-104.

4 **23-75-104. Inclusive higher education pilot program - created**
5 **- annual evaluation.** (1) THERE IS CREATED IN THE DEPARTMENT THE
6 INCLUSIVE HIGHER EDUCATION PILOT PROGRAM TO FACILITATE THE
7 ESTABLISHMENT OF INCLUSIVE HIGHER EDUCATION PROGRAMS FOR
8 STUDENTS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES AT
9 CERTAIN COLORADO INSTITUTIONS OF HIGHER EDUCATION.

10 (2) THE PILOT PROGRAM SHALL OPERATE AT THREE PILOT SITES IN
11 COLORADO, INCLUDING TWO SITES AT FOUR-YEAR INSTITUTIONS AND ONE
12 SITE AT A COMMUNITY COLLEGE. THE PILOT SITES INCLUDE THE
13 UNIVERSITY OF NORTHERN COLORADO, THE UNIVERSITY OF COLORADO AT
14 COLORADO SPRINGS, AND ARAPAHOE COMMUNITY COLLEGE.

15 (3) THE INSTITUTIONS OF HIGHER EDUCATION PARTICIPATING IN
16 THE PILOT PROGRAM SHALL DEVELOP PILOT PROGRAMS AT THE PILOT SITES
17 THAT PROVIDE INCLUSIVE HIGHER EDUCATION OPPORTUNITIES FOR
18 STUDENTS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES. THE
19 INCLUSIVE HIGHER EDUCATION PILOT PROGRAM AT EACH PILOT SITE MAY:

20 (a) INCLUDE AN INSTITUTIONAL ASSESSMENT TO DETERMINE
21 TRAINING NEEDS, TECHNICAL ASSISTANCE, AND OTHER CAPACITY NEEDED
22 TO PROVIDE A HIGHER EDUCATION PROGRAM FOR STUDENTS WITH
23 INTELLECTUAL AND DEVELOPMENTAL DISABILITIES;

24 (b) IDENTIFY STATE AND INSTITUTION REGULATIONS, POLICIES,
25 AND PRACTICES THAT FOSTER OR IMPEDE INCLUSIVE HIGHER EDUCATION;

26 (c) OFFER PROGRAMMING AND NECESSARY SUPPORTS FOR
27 STUDENTS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES THAT

1 ALLOW A STUDENT TO TAKE FOR CREDIT OR TO AUDIT A MINIMUM OF TWO
2 ON-CAMPUS UNDERGRADUATE COURSES EACH SEMESTER IN HIS OR HER
3 CHOSEN AREA OF INTEREST, AND TO TAKE A COURSE EACH SEMESTER THAT
4 IS DESIGNED TO MEET THE NEEDS OF STUDENTS WITH INTELLECTUAL AND
5 DEVELOPMENTAL DISABILITIES, RESULTING UPON COMPLETION IN THE
6 AWARD OF A CERTIFICATE FROM THE INSTITUTION;

7 (d) TO THE GREATEST EXTENT POSSIBLE, INTEGRATE STUDENTS
8 SOCIALLY AND ACADEMICALLY INTO THE NORMATIVE OFFERINGS OF THE
9 INSTITUTION AND GIVE THE STUDENT ALL OF THE RIGHTS AND
10 RESPONSIBILITIES OF A TYPICALLY MATRICULATING STUDENT;

11 (e) INCLUDE PEER MENTORING;

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

14 (g) BE OUTCOME FOCUSED, PREPARING THE STUDENT FOR GAINFUL
15 COMPETITIVE EMPLOYMENT;

16 (h) INCLUDE ADMISSIONS STANDARDS THAT DO NOT REQUIRE A
17 STUDENT TO PARTICIPATE IN A CURRICULUM-BASED, ACHIEVEMENT
18 COLLEGE ENTRANCE EXAM THAT IS ADMINISTERED NATIONWIDE;

19 (i) REQUIRE THE INSTITUTION OF HIGHER EDUCATION, IF THE
20 INSTITUTION HAS DETERMINED THAT THE PILOT PROGRAM IS SUSTAINABLE,

21 TO BECOME A CERTIFIED TRANSITION PROGRAM, AS DEFINED IN THE
22 "HIGHER EDUCATION OPPORTUNITY ACT", PUB. L. 110-315, GIVING
23 STUDENTS IN THE PROGRAM ACCESS TO FEDERAL FINANCIAL AID
24 OPPORTUNITIES; AND

25 (j) REQUIRE THE INSTITUTION OF HIGHER EDUCATION TO DEVELOP
26 A FIVE-YEAR PLAN FOR SUSTAINABILITY, INCLUDING ENROLLMENT
27 PROJECTIONS FOR THE INCLUSIVE HIGHER EDUCATION PROGRAM.

1 (4) IN ANY FISCAL YEAR IN WHICH A PILOT SITE OR SITES OFFER A
2 PILOT PROGRAM PURSUANT TO THIS ARTICLE AND IN WHICH SUFFICIENT
3 MONEY IS APPROPRIATED BY THE GENERAL ASSEMBLY FOR THE
4 EVALUATION REQUIRED PURSUANT TO THIS SUBSECTION (4), JFK
5 PARTNERS SHALL EVALUATE THE DEVELOPMENT AND IMPLEMENTATION
6 OF THE INCLUSIVE HIGHER EDUCATION PILOT PROGRAMS AT THE PILOT
7 SITES AND SHALL PROVIDE A WRITTEN REPORT CONCERNING THE _____
8 EVALUATION TO THE DEPARTMENT.

9 (5) THE INSTITUTIONS OF HIGHER EDUCATION PARTICIPATING IN
10 THE PILOT PROGRAM, JFK PARTNERS, AND IN! ARE ENCOURAGED TO
11 PARTICIPATE ANNUALLY IN A STATEWIDE SUMMIT CONCERNING INCLUSIVE
12 HIGHER EDUCATION TO SHARE BEST PRACTICES AMONG THE PILOT SITES
13 WITH THE GOAL OF PROMOTING THE DEVELOPMENT OF HIGH-QUALITY
14 INCLUSIVE HIGHER EDUCATION PROGRAMS STATEWIDE.

15 (6) THE DEPARTMENT SHALL ALLOCATE TO THE GOVERNING
16 BOARDS OF THE INSTITUTIONS OF HIGHER EDUCATION PARTICIPATING IN
17 AND EVALUATING THE PILOT PROGRAM MONEY APPROPRIATED TO THE
18 DEPARTMENT BY THE GENERAL ASSEMBLY FOR THE 2016-17 FISCAL YEAR,
19 AND FOR EACH FISCAL YEAR THEREAFTER THROUGH THE 2020-21 FISCAL
20 YEAR, FOR A LIMITED PURPOSE FEE-FOR-SERVICE CONTRACT PURSUANT TO
21 SECTION 23-18-308 TO IMPLEMENT THE PILOT PROGRAM.

22 (7) NOTWITHSTANDING ANY PROVISION OF THIS ARTICLE TO THE
23 CONTRARY, AN INSTITUTION OF HIGHER EDUCATION IS NOT REQUIRED TO
24 IMPLEMENT OR OPERATE A PILOT PROGRAM IF SUFFICIENT MONEY IS NOT
25 APPROPRIATED BY THE GENERAL ASSEMBLY PURSUANT TO THIS SECTION.
26 IN ADDITION, AN INSTITUTION OF HIGHER EDUCATION MAY CEASE TO
27 OPERATE THE PILOT PROGRAM, AND THE DEPARTMENT MAY REQUEST THAT

1 THE GENERAL ASSEMBLY REALLOCATE PILOT PROGRAM APPROPRIATIONS
2 AMONG THE PILOT SITES.

3 **23-75-105. Reporting requirements.** (1) THE DEPARTMENT
4 SHALL REPORT TO THE EDUCATION COMMITTEES OF THE HOUSE OF
5 REPRESENTATIVES AND OF THE SENATE, OR THEIR SUCCESSOR
6 COMMITTEES, AND TO THE JOINT BUDGET COMMITTEE CONCERNING THE
7 DEVELOPMENT AND IMPLEMENTATION OF THE PILOT PROGRAM. THE
8 REPORT SHALL INCLUDE A SUMMARY OF THE EVALUATION OF THE PILOT
9 PROGRAM PURSUANT TO SECTION 23-75-104 (4) IN ANY YEAR IN WHICH A
10 PILOT PROGRAM IS OPERATING. THE DEPARTMENT SHALL REPORT ON THE
11 PILOT PROGRAM AS PART OF THE DEPARTMENT'S ANNUAL PRESENTATION
12 TO ITS LEGISLATIVE COMMITTEE OF REFERENCE PURSUANT TO SECTION
13 2-7-103, C.R.S.

14 (2) NOTWITHSTANDING SECTION 24-1-136(11)(a)(I), C.R.S., THE
15 REPORTING REQUIREMENTS SET FORTH IN THIS SECTION CONTINUE UNTIL
16 THE PILOT PROGRAM REPEALS PURSUANT TO SECTION 23-75-106.

17 **23-75-106. Repeal of article.** THIS ARTICLE IS REPEALED,
18 EFFECTIVE JULY 1, 2021.

19 **SECTION 2.** In Colorado Revised Statutes, 23-3.3-103, **add** (3)
20 as follows:

21 **23-3.3-103. Annual appropriations.** (3) THE PROVISIONS OF
22 SUBSECTION (1) OF THIS SECTION CONCERNING APPROPRIATIONS FOR
23 STUDENT FINANCIAL ASSISTANCE UNDER THIS ARTICLE SHALL NOT APPLY
24 TO APPROPRIATIONS MADE PURSUANT TO THE "INCLUSIVE HIGHER
25 EDUCATION ACT", ARTICLE 75 OF THIS TITLE.

26 **SECTION 3.** In Colorado Revised Statutes, **amend** 23-18-308 as
27 follows:

1 **23-18-308. Fee-for-service contracts - limited purpose.**

2 (1) Subject to available appropriations, the department shall enter into a
3 fee-for-service contract for the following purpose:

4 (a) ~~(H)~~ The creation of career pathways for students pursuant to
5 sections 23-60-109 and 24-46.3-104, C.R.S; AND

6 (b) THE INCLUSIVE HIGHER EDUCATION PILOT PROGRAM PURSUANT
7 TO SECTION 23-75-104.

8 ~~(H)~~ (2) Notwithstanding any provision of this part 3 to the
9 contrary, the amount of a fee-for-service contract entered into pursuant
10 to this section is not included in the calculation of "total state
11 appropriation" or "total governing board appropriation" made pursuant to
12 this part 3.

13 **SECTION 4.** In Colorado Revised Statutes, 25.5-10-207, **add** (7)
14 as follows:

15 **25.5-10-207. Services and supports - waiting list reduction -**
16 **cash fund - repeal.** (7) (a) ON JUNE 30, 2016, THE STATE TREASURER
17 SHALL TRANSFER TWO HUNDRED FIFTY THOUSAND DOLLARS FROM THE
18 INTELLECTUAL AND DEVELOPMENTAL DISABILITIES SERVICES CASH FUND
19 TO THE GENERAL FUND.

20 (b) ON JUNE 30, 2017, THE STATE TREASURER SHALL TRANSFER
21 TWO HUNDRED FIFTY THOUSAND DOLLARS FROM THE INTELLECTUAL AND
22 DEVELOPMENTAL DISABILITIES SERVICES CASH FUND TO THE GENERAL
23 FUND.

24 (c) THIS SUBSECTION (7) IS REPEALED, EFFECTIVE JULY 1, 2018.

25 **SECTION 5. Appropriation.** (1) For the 2016-17 state fiscal
26 year, \$250,000 is appropriated to the department of higher education. This
27 appropriation is from the general fund. To implement this act, the

1 department may use this appropriation for the college opportunity fund
2 program to be used for limited purpose fee-for-service contracts with
3 state institutions.

4 (2) For the 2016-17 state fiscal year, \$250,000 is appropriated to
5 the department of higher education. This appropriation is from
6 reappropriated funds received from the limited purpose fee-for-service
7 contracts with state institutions under subsection (1) of this section. To
8 implement this act, the department may use this appropriation as follows:

9 Governing Boards

10 Regents of the university of Colorado	\$100,000
11 University of Northern Colorado	\$75,000
12 State board for community colleges and 13 occupational education state system 14 community colleges	\$75,000

15 **SECTION 6. Safety clause.** The general assembly hereby finds,
16 determines, and declares that this act is necessary for the immediate
17 preservation of the public peace, health, and safety.