

## CHAPTER 226

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**EDUCATION - POSTSECONDARY**

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**SENATE BILL 16-196**

BY SENATOR(S) Cooke and Cadman, Aguilar, Carroll, Crowder, Donovan, Grantham, Guzman, Heath, Hodge, Jahn, Johnston, Jones, Kefalas, Kerr, Lambert, Martinez Humenik, Merrifield, Newell, Roberts, Scheffel, Steadman, Todd;  
also REPRESENTATIVE(S) Landgraf and Young, Buckner, Conti, Court, Danielson, DelGrosso, Duran, Fields, Ginal, Hamner, Lawrence, Lee, Lontine, McCann, Melton, Mitsch Bush, Moreno, Pabon, Primavera, Rosenthal, Ryden, Salazar, Singer, Tyler, Williams, Winter, Hullinghorst.

**AN ACT**

**CONCERNING THE CREATION OF A PILOT PROGRAM FOR INCLUSIVE HIGHER EDUCATION 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 75 to title 23 as follows:

**ARTICLE 75****Pilot Program for Inclusive Higher Education for Students with Intellectual and Developmental Disabilities**

**23-75-101. Short title.** THE SHORT TITLE OF THIS ARTICLE IS THE "INCLUSIVE HIGHER EDUCATION ACT".

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

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

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

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

(c) OFFERING HIGHER EDUCATION OPTIONS TO STUDENTS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES ALLOWS THESE STUDENTS TO HAVE ALL OF THE RIGHTS, RESPONSIBILITIES, PRIVILEGES, BENEFITS, AND OUTCOMES THAT RESULT FROM A COLLEGE EXPERIENCE TO THE GREATEST EXTENT POSSIBLE, INCLUDING ACADEMIC ACCESS, 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;

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

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

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

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

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

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

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

(2) "IN!" MEANS THE COLORADO INITIATIVE FOR INCLUSIVE HIGHER EDUCATION,

WHICH IS A STAKEHOLDER ORGANIZATION THAT COLLABORATES WITH LOCAL COLLEGES AND UNIVERSITIES IN COLORADO TO CREATE THE DEVELOPMENT OF INCLUSIVE HIGHER EDUCATION OPPORTUNITIES FOR STUDENTS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES.

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

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

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

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

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

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

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

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

(c) OFFER PROGRAMMING AND NECESSARY SUPPORTS FOR STUDENTS WITH

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

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

(e) INCLUDE PEER MENTORING;

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

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

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

(i) REQUIRE THE INSTITUTION OF HIGHER EDUCATION, IF THE INSTITUTION HAS DETERMINED THAT THE PILOT PROGRAM IS SUSTAINABLE, TO BECOME A CERTIFIED TRANSITION PROGRAM, AS DEFINED IN THE "HIGHER EDUCATION OPPORTUNITY ACT", PUB. L. 110-315, GIVING STUDENTS IN THE PROGRAM ACCESS TO FEDERAL FINANCIAL AID OPPORTUNITIES; AND

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

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

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

(6) THE DEPARTMENT SHALL ALLOCATE TO THE GOVERNING BOARDS OF THE INSTITUTIONS OF HIGHER EDUCATION PARTICIPATING IN AND EVALUATING THE PILOT

PROGRAM MONEY APPROPRIATED TO THE DEPARTMENT BY THE GENERAL ASSEMBLY FOR THE 2016-17 FISCAL YEAR, AND FOR EACH FISCAL YEAR THEREAFTER THROUGH THE 2020-21 FISCAL YEAR, FOR A LIMITED PURPOSE FEE-FOR-SERVICE CONTRACT PURSUANT TO SECTION 23-18-308 TO IMPLEMENT THE PILOT PROGRAM.

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

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

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

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

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

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

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

**23-18-308. Fee-for-service contracts - limited purpose.** (1) Subject to available appropriations, the department shall enter into a fee-for-service contract for the following purpose:

(a) ~~(1)~~ The creation of career pathways for students pursuant to sections 23-60-109 and 24-46.3-104, C.R.S.; AND

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

~~(1)~~ (2) Notwithstanding any provision of this part 3 to the contrary, the amount of a fee-for-service contract entered into pursuant to this section is not included in

the calculation of "total state appropriation" or "total governing board appropriation" made pursuant to this part 3.

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

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

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

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

**SECTION 5. Appropriation.** (1) For the 2016-17 state fiscal year, \$250,000 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 college opportunity fund program to be used for limited purpose fee-for-service contracts with state institutions.

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

**Governing Boards**

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

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

Approved: June 6, 2016