

**First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 25-0372.01 Alana Rosen x2606

SENATE BILL 25-087

SENATE SPONSORSHIP

Marchman,

HOUSE SPONSORSHIP

Stewart R. and Brooks,

Senate Committees
Education

House Committees

A BILL FOR AN ACT

101 **CONCERNING ESTABLISHING ACADEMIC ADJUSTMENTS FOR STUDENTS**
102 **WITH DISABILITIES IN INSTITUTIONS OF HIGHER EDUCATION.**

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 each institution of higher education (institution) in Colorado to create and adopt a policy and a process to support the ability of a student with a disability (student) to self-disclose the student's disability so the student can receive an academic adjustment from the institution.

The adopted policy must, at a minimum, include information that:

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.

- Describes the institution's process to determine whether a student is eligible for an academic adjustment;
- Outlines documentation that the institution may request to determine whether a student is eligible for an academic adjustment;
- Provides information on the available disability resources and academic adjustments provided to students with disabilities; and
- Describes a grievance procedure for students who dispute a decision made by the institution.

Each institution shall distribute the policy in an accessible format to applicants, students, parents, and faculty. The institution shall make the policy available:

- During the student application process;
- During student orientation;
- In academic catalogues; and
- On the institution's website.

The bill describes the documentation that an admitted or enrolled student may submit to an institution to request an academic adjustment.

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

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

4 **PART 2**

5 **ACADEMIC ADJUSTMENTS**

6 **IN HIGHER EDUCATION FOR**

7 **STUDENTS WITH DISABILITIES**

8 **23-1-201. Definitions.** AS USED IN THIS PART 2, UNLESS THE
 9 CONTEXT OTHERWISE REQUIRES:

10 (1) "ACADEMIC ADJUSTMENT" HAS THE SAME MEANING AS SET
 11 FORTH IN 34 C.F.R. SEC. 104.44.

12 (2) "AMERICANS WITH DISABILITIES ACT OF 1990" OR "ADA"
 13 MEANS THE FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42
 14 U.S.C. SEC. 12101 ET SEQ.

1 (3) "INDIVIDUALIZED EDUCATION PROGRAM" OR "IEP" MEANS A
2 WRITTEN STATEMENT FOR A STUDENT WITH A DISABILITY THAT IS
3 DEVELOPED, REVIEWED, AND REVISED IN ACCORDANCE WITH THE FEDERAL
4 "INDIVIDUALS WITH DISABILITIES EDUCATION ACT", 20 U.S.C. SEC. 1400
5 ET SEQ.

6 (4) "INSTITUTION OF HIGHER EDUCATION" MEANS A STATE
7 INSTITUTION OF HIGHER EDUCATION, AS DEFINED IN SECTION 23-18-102,
8 OR AN ACCREDITED CAMPUS OF A STATE INSTITUTION OF HIGHER
9 EDUCATION; A PRIVATE INSTITUTION OF HIGHER EDUCATION, AS DEFINED
10 IN SECTION 23-18-102, THAT RECEIVES FEDERAL FUNDING; A LOCAL
11 DISTRICT COLLEGE, AS DEFINED IN SECTION 23-71-102; OR AN AREA
12 TECHNICAL COLLEGE, AS DEFINED IN SECTION 23-60-103.

13 (5) "LOCAL EDUCATION PROVIDER" MEANS A SCHOOL DISTRICT, A
14 CHARTER SCHOOL AUTHORIZED PURSUANT TO PART 1 OF ARTICLE 30.5 OF
15 TITLE 22, AN INSTITUTE CHARTER SCHOOL AUTHORIZED BY THE STATE
16 CHARTER SCHOOL INSTITUTE PURSUANT TO PART 5 OF ARTICLE 30.5 OF
17 TITLE 22, A BOARD OF COOPERATIVE SERVICES CREATED AND OPERATING
18 PURSUANT TO ARTICLE 5 OF TITLE 22, A PUBLIC AUTHORITY OR BOARD OF
19 EDUCATION MANAGING A PUBLIC SCHOOL IN ANOTHER STATE, OR A
20 FACILITY SCHOOL APPROVED PURSUANT TO SECTION 22-2-407.

21 (6) "SECTION 504" MEANS SECTION 504 OF THE FEDERAL
22 "REHABILITATION ACT OF 1973", 29 U.S.C. SEC. 701 ET SEQ.

23 (7) "SECTION 504 PLAN" MEANS A PLAN ESTABLISHED PURSUANT
24 TO SECTION 504 THAT PROVIDES GUIDANCE AND SUPPORT FOR A STUDENT
25 WITH A DISABILITY.

26 (8) "STATE EDUCATION AGENCY" MEANS THE DEPARTMENT OF
27 EDUCATION CREATED IN SECTION 24-1-115 OR AN AGENCY PRIMARILY

1 RESPONSIBLE FOR THE STATE SUPERVISION OF PUBLIC ELEMENTARY
2 SCHOOLS AND SECONDARY SCHOOLS IN ANOTHER STATE.

3 (9) "STUDENT WITH A DISABILITY" MEANS AN ADMITTED OR
4 ENROLLED STUDENT WHO MEETS THE DEFINITION OF AN "INDIVIDUAL WITH
5 A DISABILITY" PURSUANT TO THE FEDERAL "AMERICANS WITH
6 DISABILITIES ACT OF 1990" OR PURSUANT TO SECTION 504.

7 **23-1-202. Policy - process - students with disabilities -**
8 **dissemination of policy.** (1) EACH INSTITUTION OF HIGHER EDUCATION
9 SHALL CREATE AND ADOPT A POLICY AND A PROCESS TO SUPPORT THE
10 ABILITY OF A STUDENT WITH A DISABILITY TO SELF-DISCLOSE THE
11 STUDENT'S DISABILITY TO RECEIVE AN ACADEMIC ADJUSTMENT FROM THE
12 INSTITUTION OF HIGHER EDUCATION.

13 (2) THE POLICY CREATED AND ADOPTED PURSUANT TO SUBSECTION
14 (1) OF THIS SECTION MUST, AT A MINIMUM, INCLUDE INFORMATION THAT:

15 (a) DESCRIBES THE PROCESS THE INSTITUTION OF HIGHER
16 EDUCATION USES TO DETERMINE WHETHER A STUDENT IS ELIGIBLE FOR AN
17 ACADEMIC ADJUSTMENT;

18 (b) OUTLINES THE DOCUMENTATION DESCRIBED IN SECTION
19 23-1-203 (2) THAT THE INSTITUTION OF HIGHER EDUCATION MAY REQUEST
20 TO DETERMINE WHETHER A STUDENT IS ELIGIBLE FOR AN ACADEMIC
21 ADJUSTMENT;

22 (c) PROVIDES INFORMATION ON THE AVAILABLE DISABILITY
23 RESOURCES AND ACADEMIC ADJUSTMENTS PROVIDED TO STUDENTS WITH
24 DISABILITIES; AND

25 (d) DESCRIBES A GRIEVANCE PROCEDURE FOR STUDENTS WHO
26 DISPUTE A DECISION MADE BY THE INSTITUTION OF HIGHER EDUCATION
27 RELATED TO A REQUEST FOR AN ACADEMIC ADJUSTMENT.

1 (3) EACH INSTITUTION OF HIGHER EDUCATION SHALL DISTRIBUTE
2 THE POLICY TO APPLICANTS, STUDENTS, PARENTS, AND FACULTY IN AN
3 ACCESSIBLE FORMAT. THE INSTITUTION OF HIGHER EDUCATION SHALL
4 MAKE THE POLICY AVAILABLE:

5 (a) DURING THE STUDENT APPLICATION PROCESS;

6 (b) DURING STUDENT ORIENTATION;

7 (c) IN ACADEMIC CATALOGUES; AND

8 (d) ON THE INSTITUTION OF HIGHER EDUCATION'S WEBSITE.

9 **23-1-203. Academic adjustments - documentation.** (1) AN
10 INSTITUTION OF HIGHER EDUCATION MAY REQUEST DOCUMENTATION, AS
11 DESCRIBED IN SUBSECTION (2) OF THIS SECTION, TO DETERMINE WHETHER
12 A STUDENT WITH A DISABILITY IS ELIGIBLE FOR AN ACADEMIC
13 ADJUSTMENT.

14 (2) FOR AN INSTITUTION OF HIGHER EDUCATION TO DETERMINE
15 WHETHER A STUDENT WITH A DISABILITY IS ELIGIBLE FOR AN ACADEMIC
16 ADJUSTMENT AS DESCRIBED IN SUBSECTION (1) OF THIS SECTION, A
17 STUDENT WITH A DISABILITY MAY SUBMIT ONE OF THE FOLLOWING TO AN
18 INSTITUTION OF HIGHER EDUCATION:

19 (a) DOCUMENTATION THAT THE STUDENT WITH A DISABILITY HAS
20 OR HAD AN INDIVIDUALIZED EDUCATION PROGRAM THAT INCLUDES A
21 STATED DISABILITY. THE INSTITUTION OF HIGHER EDUCATION MAY
22 REQUEST ADDITIONAL DOCUMENTATION FROM THE STUDENT WITH A
23 DISABILITY IF THE IEP WAS NOT IN EFFECT IMMEDIATELY BEFORE THE
24 DATE THE STUDENT WITH A DISABILITY LEFT HIGH SCHOOL.

25 (b) DOCUMENTATION THAT THE STUDENT WITH A DISABILITY
26 RECEIVED SERVICES OR REASONABLE ACCOMMODATIONS PURSUANT TO A
27 SECTION 504 PLAN THAT INCLUDES A STATED DISABILITY. THE

1 INSTITUTION OF HIGHER EDUCATION MAY REQUEST ADDITIONAL
2 DOCUMENTATION FROM THE STUDENT WITH A DISABILITY IF THE SECTION
3 504 PLAN WAS NOT IN EFFECT IMMEDIATELY BEFORE THE DATE THE
4 STUDENT WITH A DISABILITY LEFT HIGH SCHOOL.

5 (c) DOCUMENTATION OF A PLAN OR RECORD OF SERVICE FROM A
6 PRIVATE SCHOOL, A LOCAL EDUCATION PROVIDER, AN INDIAN TRIBE OR
7 TRIBAL ORGANIZATION, A STATE EDUCATION AGENCY, OR AN INSTITUTION
8 OF HIGHER EDUCATION PROVIDED PURSUANT TO SECTION 504 OR IN
9 ACCORDANCE WITH THE ADA;

10 (d) DOCUMENTATION OF A RECORD OR EVALUATION FROM A
11 QUALIFIED HEALTH-CARE PROVIDER WHO IS KNOWLEDGEABLE ABOUT THE
12 STUDENT WITH A DISABILITY THAT CONFIRMS THAT THE STUDENT HAS A
13 DISABILITY;

14 (e) DOCUMENTATION OF A PLAN OR RECORD FROM ANOTHER
15 INSTITUTION OF HIGHER EDUCATION THAT DETERMINED THE STUDENT
16 WITH A DISABILITY WHO IS APPLYING FOR AN ACADEMIC ADJUSTMENT HAD
17 A QUALIFYING DISABILITY;

18 (f) DOCUMENTATION OF A DISABILITY DUE TO MILITARY SERVICE;
19 OR

20 (g) ADDITIONAL INFORMATION FROM A QUALIFIED HEALTH-CARE
21 PROVIDER WHO IS KNOWLEDGEABLE ABOUT THE STUDENT WITH A
22 DISABILITY AND CAN CLARIFY THE NEED FOR AN ACADEMIC ADJUSTMENT
23 THAT MAY NOT BE ADDRESSED IN SUBSECTIONS (2)(a) TO (2)(f) OF THIS
24 SECTION.

25 (3) AN INSTITUTION OF HIGHER EDUCATION MAY ESTABLISH LESS
26 BURDENSOME DOCUMENTATION CRITERIA TO DETERMINE WHETHER A
27 STUDENT WITH A DISABILITY MAY RECEIVE AN ACADEMIC ADJUSTMENT.

1 **SECTION 2. Act subject to petition - effective date.** This act
2 takes effect at 12:01 a.m. on the day following the expiration of the
3 ninety-day period after final adjournment of the general assembly; except
4 that, if a referendum petition is filed pursuant to section 1 (3) of article V
5 of the state constitution against this act or an item, section, or part of this
6 act within such period, then the act, item, section, or part will not take
7 effect unless approved by the people at the general election to be held in
8 November 2026 and, in such case, will take effect on the date of the
9 official declaration of the vote thereon by the governor.