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Seventy-fifth General Assembly
STATE OF COLORADO

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BILL 3

LLS NO. 25-0210.01 Jane Ritter x4342

INTERIM COMMITTEE BILL

Representative Hugh McKean
Colorado Youth Advisory Council Review Committee

BILL TOPIC: Increasing ADA Compliance in School Facilities

A BILL FOR AN ACT

101 **CONCERNING METHODS TO INCREASE COMPLIANCE WITH THE**
102 **FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990" IN**
103 **COLORADO SCHOOL FACILITIES FOR PERSONS WITH**
104 **DISABILITIES.**

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/>.)

Representative Hugh McKean Colorado Youth Advisory Council Review Committee. The bill adds the following duties to the Colorado disability opportunity office (CDOO):

*Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words indicate deletions from existing law.*

- Hire or contract with auditors who have specialized training in auditing facilities for compliance with the requirements of the federal "Americans with Disabilities Act of 1990" (ADA);
- As funding allows, implement an ongoing audit program for facilities associated with local education providers (LEP), categorizing the results as "not present", "present but not functional", or "present and functional";
- Develop a priority system for completing the facility audits, with a goal of having all LEPs audited by 2030;
- Establish a timeline for re-evaluation of the initial audits;
- Provide each LEP with a written report on the results of the facility audit; and
- Review and approve LEP transition plans for ADA facility compliance.

The bill allows money in the disability support fund to be used for facility audits.

Without compromising school safety, as determined and approved by building leadership, a district oversight committee, or a district special education advisory committee, if available, each LEP shall post the results of its facility audit, and any updates concerning repairs or construction, on its website in an accessible manner. An LEP that is not scheduled to immediately receive a facility audit shall regularly post on its website as much information as possible concerning ADA facility compliance.

If a facility audit determines that an LEP is out of compliance with ADA requirements, the LEP shall create, using information from the audit report, a transition plan, including a timeline, detailing how the LEP will achieve ADA facility compliance. The LEP shall submit the transition plan to the CDOO for review and approval.

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) The federal "Americans with Disabilities Act of 1990" (ADA)
5 is a federal civil rights law that prohibits discrimination against
6 individuals with disabilities in many areas of public life and creates
7 opportunities for individuals with disabilities to participate in every
8 aspect of life to the fullest extent possible;

1 (b) Approximately twenty percent of Coloradans live with one or
2 more disabilities;

3 (c) Many public schools in Colorado do not meet ADA standards
4 and therefore are not fully accessible to students with disabilities or
5 friends and family members with disabilities;

6 (d) Colorado is not alone in non-compliance. A 2020 report by the
7 United States government accountability office found that "Two-thirds of
8 U.S. public school districts have schools with physical barriers that may
9 limit access for people with disabilities . . . Barriers, such as a lack of
10 accessible door hardware and steep ramps, can make it challenging for
11 students, teachers, and others with disabilities to use public school
12 facilities."

13 (e) The non-compliance with ADA facility standards results in
14 students with disabilities missing out on important parts of school and
15 perpetuates othering and prejudice among peers because a student with
16 a disability is unable to participate in full groups or certain events;

17 (f) The same barriers often stop friends or family members who
18 have disabilities from attending students' events;

19 (g) These ADA violations range in severity across Colorado, but
20 even small gaps in accessibility are harmful to the student experience;

21 (h) Non-compliance with ADA facility standards creates barriers
22 in Colorado schools, including charter schools. These barriers have not
23 been studied or evaluated at the state level, so there is not a
24 comprehensive understanding of what, and how much, needs to be
25 addressed.

26 (i) The majority of school and school district websites do not
27 include information about ADA compliance, such as how to get and use

1 accommodations, where ramps and elevators are located, and which
2 activities are ADA compliant;

3 (j) Joining academic, art, or athletic programs can be challenging
4 for students with disabilities, especially if travel is involved in
5 competitions or performances. These extracurricular activities are a vital
6 part of the high school experience, and students with disabilities should
7 have equal access to necessary information to join these programs.

8 (k) The presence or lack of ADA-compliant features is critical for
9 students and other individuals with disabilities, but many schools and
10 school districts do not have, and therefore cannot publish, this
11 information.

12 (2) The general assembly therefore finds that:

13 (a) Schools and school districts cannot effectively understand and
14 correct ADA violations without comprehensive inspection that identifies
15 the violations and necessary solutions;

16 (b) By implementing an audit program, schools and school
17 districts can recognize gaps in ADA facility compliance and provide a
18 baseline for future ADA facility compliance;

19 (c) ADA facility compliance audits allow for proactive repairs and
20 improvements, rather than reactive fines or lawsuits, as well as provide
21 data to schools and school districts to post on their websites to give
22 students and other individuals with disabilities a comprehensive resource
23 on ADA facility compliance at different schools;

24 (d) A statewide audit program of public schools, including charter
25 schools, would help resolve the issue of ADA non-compliance. A team
26 of building inspectors specifically trained for ADA compliance issues
27 would conduct the audits, which would then be reviewed by a committee

1 comprised of building inspectors; ADA compliance officers, when
2 available; and parents and students who attend the audited school. The
3 final audit would be presented at a public meeting.

4 (e) All schools, including charter schools, shall make
5 ADA-facility-compliance features and audit results, once complete,
6 available on the school or school district website. Schools and school
7 districts can share ADA-facility-compliance features with an eye toward
8 preserving the safety of their facilities.

9 (f) By publishing regularly updated ADA-facility-compliance
10 information, schools and school districts provide students and other
11 individuals with disabilities the same opportunities as the entire
12 community to participate in the Colorado school system.

13 **SECTION 2.** In Colorado Revised Statutes, 8-88-101, **add** (8.5)
14 as follows:

15 **8-88-101. Definitions.** As used in this article 88:

16 (8.5) "LOCAL EDUCATION PROVIDER" MEANS:

17 (a) A SCHOOL DISTRICT;

18 (b) A CHARTER SCHOOL AUTHORIZED BY A SCHOOL DISTRICT
19 PURSUANT TO PART 1 OF ARTICLE 30.5 OF TITLE 22;

20 (c) A CHARTER SCHOOL AUTHORIZED BY THE STATE CHARTER
21 SCHOOL INSTITUTE PURSUANT TO PART 5 OF ARTICLE 30.5 OF TITLE 22;

22 (d) THE STATE CHARTER SCHOOL INSTITUTE CREATED PURSUANT
23 TO SECTION 22-30.5-503;

24 (e) A BOARD OF COOPERATIVE SERVICES CREATED AND OPERATING
25 PURSUANT TO ARTICLE 5 OF TITLE 22 THAT OPERATES ONE OR MORE
26 PUBLIC SCHOOLS;

27 (f) A FACILITY SCHOOL APPROVED PURSUANT TO SECTION

1 22-2-407; OR

2 (g) AN INDIAN TRIBE OR TRIBAL ORGANIZATION.

3 **SECTION 3.** In Colorado Revised Statutes, 8-88-102, **amend**
4 (2)(f)(IV) and (2)(g); and **add** (2)(f)(VI), (2)(h), and (6) as follows:

5 **8-88-102. Colorado disability opportunity office - creation -**
6 **duties - report - legislative intent.** (2) To ensure the CDOO's disability
7 integration goals are met, the CDOO shall:

8 (f) Consider recommendations made in relevant reports and
9 audits, including:

10 (IV) The report issued by the employment first advisory
11 partnership in accordance with section 8-84-303 (7); **and**

12 (VI) THE FACILITIES AUDIT REPORTS FOR LOCAL EDUCATION
13 PROVIDERS CONDUCTED PURSUANT TO SUBSECTION (6) OF THIS SECTION;

14 (g) Act as lead coordinator on multiagency reports and plans
15 focused on Coloradans with disabilities by coordinating with all relevant
16 agencies and stakeholder groups; AND

17 (h) HIRE OR CONTRACT WITH AUDITORS WHO HAVE SPECIALIZED
18 TRAINING IN AUDITING FACILITIES FOR COMPLIANCE WITH THE
19 REQUIREMENTS OF THE FEDERAL "AMERICANS WITH DISABILITIES ACT OF
20 1990", 42 U.S.C. SEC. 12101 ET SEQ., AND ITS RELATED AMENDMENTS AND
21 IMPLEMENTING REGULATIONS. PREFERENCE IN HIRING AUDITORS MUST BE
22 GIVEN TO BUSINESSES OWNED BY OR EMPLOYING INDIVIDUALS WITH
23 DISABILITIES.

24 (6) AS FUNDING ALLOWS, THE CDOO SHALL PROMOTE FULL
25 SOCIETAL INTEGRATION OF INDIVIDUALS WITH DISABILITIES WHEN THE
26 INDIVIDUAL WITH A DISABILITY IS UTILIZING ANY FACILITY CONNECTED
27 WITH A LOCAL EDUCATION PROVIDER, WHETHER AS A STUDENT, FAMILY

1 MEMBER, OR FRIEND. TO ACCOMPLISH THIS GOAL, THE CDOO SHALL, AS
2 FUNDING ALLOWS:

3 (a) IMPLEMENT AN ONGOING AUDIT PROGRAM FOR FACILITIES
4 CONNECTED WITH EACH LOCAL EDUCATION PROVIDER IN THE STATE. THE
5 AUDITS MUST EVALUATE REQUIREMENTS OF THE FEDERAL "AMERICANS
6 WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC. 12101 ET SEQ., AND ITS
7 RELATED AMENDMENTS AND IMPLEMENTING REGULATIONS, AND
8 CATEGORIZE AUDIT FINDINGS AS "NOT PRESENT", "PRESENT BUT NOT
9 FUNCTIONAL", OR "PRESENT AND FUNCTIONAL".

10 (b) DETERMINE HOW MANY LOCAL EDUCATION PROVIDERS CDOO
11 WILL AUDIT EACH YEAR, WITH A GOAL OF HAVING ALL LOCAL EDUCATION
12 PROVIDERS AUDITED BY 2030. THE CDOO SHALL DEVELOP A PRIORITY
13 SYSTEM FOR COMPLETING THE AUDITS. THE CDOO SHALL NOTIFY LOCAL
14 EDUCATION PROVIDERS OF THE AUDIT SCHEDULE ONCE THE SCHEDULE IS
15 ESTABLISHED.

16 (c) ESTABLISH A TIMELINE FOR REEVALUATION OF THE INITIAL
17 AUDITS BASED ON THE NEED FOR REPAIRS OR UPDATES FOUND IN THE
18 INITIAL FACILITY AUDITS; AND

19 (d) PROVIDE EACH LOCAL EDUCATION PROVIDER WITH A WRITTEN
20 REPORT ON THE RESULTS OF ITS AUDIT. WITHOUT COMPROMISING SCHOOL
21 SAFETY, AS DETERMINED AND APPROVED BY BUILDING LEADERSHIP, A
22 DISTRICT OVERSIGHT COMMITTEE, OR A DISTRICT'S SPECIAL EDUCATION
23 ADVISORY COMMITTEE, IF AVAILABLE, THE LOCAL EDUCATION PROVIDER
24 MUST MAKE THE AUDIT REPORT ACCESSIBLE ON ITS WEBSITE PURSUANT TO
25 SECTION 22-109-102, REVIEW THE AUDIT REPORT IN A PUBLIC MEETING,
26 AND USE THE AUDIT REPORT IN DEVELOPING A TRANSITION PLAN TO
27 ACHIEVE ADA FACILITY COMPLIANCE PURSUANT TO SECTION 22-109-103.

1 IF THE FACILITY AUDIT DETERMINES THAT A LOCAL EDUCATION PROVIDER
2 IS OUT OF COMPLIANCE WITH ANY OF THE REQUIREMENTS OF THE FEDERAL
3 "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC. 12101 ET
4 SEQ., AND ITS RELATED AMENDMENTS AND IMPLEMENTING REGULATIONS,
5 THE LOCAL EDUCATION PROVIDER SHALL CREATE A TRANSITION PLAN
6 PURSUANT TO SECTION 22-109-103, INCLUDING A TIMELINE, DETAILING
7 HOW THE LOCAL EDUCATION PROVIDER WILL COMPLY WITH THE ADA
8 REQUIREMENTS THAT IT IS OUT OF COMPLIANCE WITH BY USING
9 INFORMATION FROM THE FACILITY AUDIT AND WITH ASSISTANCE AND
10 CONSULTING SERVICES FROM THE CDOO OR OTHER DISABILITY
11 NONPROFIT ORGANIZATIONS. THE TRANSITION PLAN ALLOWS THE LOCAL
12 EDUCATION PROVIDER TO WORK TOWARD ADA FACILITY COMPLIANCE IN
13 MANAGEABLE STEPS, MAKING IMPROVEMENTS AS THE LOCAL EDUCATION
14 PROVIDER IS ABLE, RATHER THAN ATTEMPTING TO FIX EACH REQUIREMENT
15 IMMEDIATELY. THE LOCAL EDUCATION PROVIDER SHALL COMPLETE ITS
16 TRANSITION PLAN NO LATER THAN SIX MONTHS AFTER THE FACILITY
17 AUDIT, AND THE TRANSITION PLAN MUST DEMONSTRATE A GOOD FAITH,
18 PROACTIVE APPROACH TO FACILITY COMPLIANCE. WITHIN THIRTY DAYS
19 AFTER COMPLETING THE TRANSITION PLAN, THE LOCAL EDUCATION
20 PROVIDER SHALL SUBMIT THE TRANSITION PLAN TO THE CDOO FOR
21 REVIEW AND APPROVAL PURSUANT TO THIS SUBSECTION (6). THE CDOO
22 SHALL INFORM THE LOCAL EDUCATION PROVIDER OF ITS APPROVAL OR ANY
23 CHANGES WITHIN SIXTY DAYS AFTER RECEIPT OF THE TRANSITION PLAN.

24 **SECTION 4.** In Colorado Revised Statutes, **amend** 8-88-205 as
25 follows:

26 **8-88-205. Disability support fund.** (1) ~~There is created in the~~
27 ~~state treasury~~ The disability support fund which IS CREATED IN THE STATE

1 TREASURY AND consists of money that may be appropriated or transferred
2 to the fund by the general assembly and any gifts, grants, or donations
3 received by the department for the purpose of implementing this ~~part 2~~
4 ARTICLE 88.

5 (2) The money in the fund is subject to annual appropriation by
6 the general assembly for the direct and indirect costs associated with the
7 implementation of this ~~part 2~~ ARTICLE 88. Any money in the fund not
8 expended for the purpose of this section may be invested by the state
9 treasurer as provided by law. All interest and income derived from the
10 investment and deposit of money in the fund must be credited to the fund.
11 Any unexpended and unencumbered money remaining in the fund at the
12 end of a fiscal year must remain in the fund for use as provided in this
13 ~~part 2~~ ARTICLE 88 and must not be credited or transferred to the general
14 fund or another fund. If this section is repealed, prior to its repeal, all
15 unexpended and unencumbered money remaining in the fund must be
16 transferred to the general fund.

17 **SECTION 5.** In Colorado Revised Statutes, **add** article 109 to
18 title 22 as follows:

19 **ARTICLE 109**

20 **Increasing ADA Facility Compliance**

21 **for Local Education Providers**

22 **22-109-101. Definitions.** AS USED IN THIS ARTICLE 109, UNLESS
23 THE CONTEXT OTHERWISE REQUIRES:

24 (1) "ACCESSIBLE" MEANS A SITE, FACILITY, ENVIRONMENT,
25 SERVICE, PROGRAM, OR ACTIVITY THAT IS EASY TO APPROACH, ENTER,
26 OPERATE, PARTICIPATE IN, OR USE SAFELY AND WITH DIGNITY BY A PERSON
27 WITH A DISABILITY AND THAT COMPLIES WITH ADA FACILITY STANDARDS.

1 (2) "AMERICANS WITH DISABILITIES ACT OF 1990", OR "ADA"
2 MEANS THE FEDERAL LAW FOUND AT 42 U.S.C. SEC. 12101 ET SEQ., AND
3 ITS RELATED AMENDMENTS AND IMPLEMENTING REGULATIONS.

4 (3) "CDOO" MEANS THE COLORADO DISABILITY OPPORTUNITY
5 OFFICE CREATED IN SECTION 8-88-102.

6 (4) "DISABILITY" HAS THE SAME MEANING AS SET FORTH IN THE
7 AMERICANS WITH DISABILITIES ACT OF 1990.

8 (5) "LOCAL EDUCATION PROVIDER" OR "LEP" MEANS:

9 (a) A SCHOOL DISTRICT;

10 (b) A CHARTER SCHOOL AUTHORIZED BY A SCHOOL DISTRICT
11 PURSUANT TO PART 1 OF ARTICLE 30.5 OF THIS TITLE 22;

12 (c) A CHARTER SCHOOL AUTHORIZED BY THE STATE CHARTER
13 SCHOOL INSTITUTE PURSUANT TO PART 5 OF ARTICLE 30.5 OF THIS TITLE
14 22;

15 (d) THE STATE CHARTER SCHOOL INSTITUTE CREATED PURSUANT
16 TO SECTION 22-30.5-503;

17 (e) A BOARD OF COOPERATIVE SERVICES CREATED AND OPERATING
18 PURSUANT TO ARTICLE 5 OF THIS TITLE 22 THAT OPERATES ONE OR MORE
19 PUBLIC SCHOOLS;

20 (f) A FACILITY SCHOOL APPROVED PURSUANT TO SECTION
21 22-2-407; OR

22 (g) AN INDIAN TRIBE OR TRIBAL ORGANIZATION.

23 **22-109-102. Facility audits - posting results on websites.**

24 (1) EACH LOCAL EDUCATION PROVIDER IN THE STATE SHALL COMPLY
25 WITH A REQUEST FROM THE CDOO TO CONDUCT AN AUDIT OF ALL
26 FACILITIES CONNECTED WITH THE LEP. THE PURPOSE OF THE FACILITIES

1 AUDIT, AS REQUIRED PURSUANT TO SECTION 8-88-102, IS TO DETERMINE
2 FACILITY COMPLIANCE WITH THE REQUIREMENTS OF THE AMERICANS WITH
3 DISABILITIES ACT OF 1990. THE AUDIT FINDINGS MUST BE CATEGORIZED
4 AS "NOT PRESENT", "PRESENT BUT NOT FUNCTIONAL", OR "PRESENT AND
5 FUNCTIONAL".

6 (2)(a) WITHOUT COMPROMISING SCHOOL SAFETY, AS DETERMINED
7 AND APPROVED BY BUILDING LEADERSHIP, A DISTRICT OVERSIGHT
8 COMMITTEE, OR A DISTRICT'S SPECIAL EDUCATION ADVISORY COMMITTEE,
9 IF AVAILABLE, EACH LEP SHALL POST ALL AUDIT FINDINGS, AND ANY
10 UPDATES CONCERNING REPAIRS OR CONSTRUCTION, ON ITS WEBSITE IN AN
11 ACCESSIBLE MANNER. THE AUDIT INFORMATION MUST COMPLEMENT ANY
12 EXISTING INFORMATION POSTED ABOUT ADA FACILITY COMPLIANCE FOR
13 PERSONS WITH DISABILITIES.

14 (b) WITHOUT COMPROMISING SCHOOL SAFETY, AS DETERMINED
15 AND APPROVED BY BUILDING LEADERSHIP, A DISTRICT OVERSIGHT
16 COMMITTEE, OR A DISTRICT'S SPECIAL EDUCATION ADVISORY COMMITTEE,
17 IF AVAILABLE, AN LEP THAT IS NOT SCHEDULED TO RECEIVE AN
18 IMMEDIATE FACILITY AUDIT THROUGH THE CDOO SHALL REGULARLY
19 POST ON ITS WEBSITE AS MUCH INFORMATION AS POSSIBLE CONCERNING
20 ITS FACILITY'S ADA COMPLIANCE NO LATER THAN DECEMBER 31, 2025,
21 INCLUDING THE DATE, IF KNOWN, OF ANY UPCOMING CDOO AUDIT. ADA
22 FACILITY-COMPLIANCE INFORMATION MAY INCLUDE, BUT IS NOT LIMITED
23 TO:

24 (I) SHOWING HOW TO GET TO ADA-COMPLIANT ENTRANCES, IF
25 DIFFERENT FROM THE MAIN ENTRANCE, USING A SATELLITE MAP OF THE
26 SURROUNDING AREA AND A HIGHLIGHTED ROUTE;

27 (II) SPECIFICALLY NOTING DIFFERENT SEATING ARRANGEMENTS ON

1 ATHLETIC AND PERFORMING ARTS WEBSITES, AS WELL AS NOTING WHICH
2 SEATING OPTIONS ARE UNAVAILABLE;

3 (III) USING A CHART OR TABLE TO IDENTIFY WHICH
4 ADA-FACILITY-COMPLIANT FEATURES ARE PRESENT, SUCH AS ELEVATORS,
5 RAMPS, DOOR OPENING HARDWARE, AND VISUAL ALARMS;

6 (IV) CREATING A PHYSICAL AND VIRTUAL BOARD WHERE
7 INDIVIDUALS CAN OFFER POST-AUDIT SUGGESTIONS; AND

8 (V) DETAILING THE LOCATION OF DIFFERENT
9 ADA-FACILITY-COMPLIANT SERVICES, SUCH AS SENSORY ROOMS, SERVICE
10 ANIMAL RELIEF AREAS, FLOOR LIGHTING, BRAILLE MESSAGING, AND
11 ACCESSIBLE OR ADA-COMPLIANT PLAYGROUND SURFACES AND
12 EQUIPMENT.

13 **22-109-103. Transition plans.** IF THE FACILITY AUDIT DETERMINES
14 THAT AN LEP IS OUT OF COMPLIANCE WITH ANY OF THE REQUIREMENTS OF
15 THE AMERICANS WITH DISABILITIES ACT OF 1990, THE LEP SHALL CREATE
16 A TRANSITION PLAN, INCLUDING A TIMELINE, DETAILING HOW THE LEP
17 WILL COMPLY WITH THE REQUIREMENTS THAT IT IS OUT OF ADA FACILITY
18 COMPLIANCE WITH BY USING INFORMATION FROM THE FACILITY AUDIT AND
19 WITH ASSISTANCE AND CONSULTING SERVICES FROM THE CDOO OR OTHER
20 DISABILITY NONPROFIT ORGANIZATIONS. THE TRANSITION PLAN WILL
21 ALLOW THE LEP TO WORK TOWARD ADA FACILITY COMPLIANCE IN
22 MANAGEABLE STEPS, MAKING IMPROVEMENTS AS THE LEP IS ABLE,
23 INSTEAD OF ATTEMPTING TO FIX EVERYTHING IMMEDIATELY. THE LEP
24 SHALL COMPLETE ITS TRANSITION PLAN NO LATER THAN SIX MONTHS
25 AFTER THE FACILITY AUDIT, AND THE TRANSITION PLAN MUST
26 DEMONSTRATE A GOOD FAITH, PROACTIVE APPROACH TO ADA FACILITY
27 COMPLIANCE. WITHIN THIRTY DAYS AFTER COMPLETING THE TRANSITION

1 PLAN, THE LEP SHALL SUBMIT THE TRANSITION PLAN TO THE CDOO FOR
2 REVIEW AND APPROVAL PURSUANT TO SECTION 8-88-102 (6)(d).

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