

House Business Affairs & Labor

03/21/2024 01:30 PM

HB24-1342 Test Accommodations for Persons with Disabilities

Typed Text of Testimony Submitted

| Name, Position, Representing | Typed Text of Testimony |
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| Jennifer Levin For AdvocacyDenver | <p>AdvocacyDenver 950 S. Cherry St. Suite 1100 Denver, CO 80246</p> <p>Dear Members of the Business and Labor Committee,</p> <p>AdvocacyDenver promotes and protects the human rights of people with disabilities and actively supports their full inclusion and participation in the community throughout their lifetimes. AdvocacyDenver believes that all people with disabilities are defined by their own strengths, abilities, and inherent value — not by their disability. We believe that entities, organizations, and businesses must provide reasonable accommodations pursuant to the Americans with Disabilities Act in order to eliminate the barriers that people with disabilities face on a daily basis. This applies to those barriers that exist in the world of high stakes exams.</p> <p>The perfect example of an enormous hurdle that must be overcome in a high stakes test for licensure is the process that has been established for the Colorado Bar Examination. To be determined eligible for a reasonable accommodation, person with a learning disability must provide the following: a comprehensive written evaluation report from the qualified professional who conducted an individualized assessment of the applicant and is recommending accommodations on the bar examination on the basis of a learning disability. The Colorado Office of Attorney Admissions also requires the qualified professional to complete this form.</p> <p>This requirement may have the unintended consequence of creating an insurmountable task for many people. Since many adults, young and older, do not have recent evaluations or contact with the evaluator who wrote their evaluations in the past, gathering these documents may prove impossible. Because these evaluations and evaluators may not be easily attained, a person would most likely be left with no other choice but to pay thousands of dollars for an evaluation that would meet the criteria set by Colorado's Office of Attorney Admissions. We believe this bill is a positive step towards alleviating some of the burdens associated with the accommodation requests that are associated with high stakes exams.</p> <p>We are happy to see this bill come before the committee today and welcome any questions you may have. Please feel free to reach out to me at jlevin@advocacydenver.org.</p> |

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| | <p>Thank you, Jennifer Levin, Esq. Center for Special Education Law AdvocacyDenver</p> |
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Dear House, Business Affairs and Labor Committee,

Thank you for allowing me the opportunity to submit this written testimony on behalf of the Colorado Cross Disability Coalition (CCDC) and our nearly 5,000 members in support of HB24-1342. We are in strong support of this bill because even though the Americans with Disabilities Act has been law for 34 years, CCDC still routinely receives complaints from people with disabilities denied reasonable testing accommodation requests that are consistent with testing accommodations they have received in educational settings.

A few examples from complaints we have received include complaints from people denied more time to take the CNA exam because of severe dyslexia, people with low vision denied a reader for the Bar exam, and someone denied extra time to complete the NCLEX (nursing exam).

The amount of time and effort it takes to request an accommodation already creates a barrier for those with disabilities who want to pursue careers that require an exam in order to be licensed. We believe that those of us with disabilities should have to comply with the same licensing requirements as our able bodied peers, yet we also strongly believe that it is fair and reasonable to provide appropriate testing accommodations, especially when the accommodation being requested has been granted in other settings, including education.

In a time when Colorado is facing a huge CNA and nursing shortage, it's disturbing when we receive complaints from people denied very reasonable accommodations for the CNA exam or NCLEX. The members that we have who have had to fight for, and win, accommodations have gone on to be exemplary members of their profession.

We should be doing everything we can to ensure that those who need reasonable, documented accommodations to obtain professional licenses, get them. Not only does this help those of us who are disabled pursue gainful employment, but it also benefits all Colorado residents who need more access to certain professions, including CNAs and nurses. Please vote 'yes' on HB24-1342.

Sincerely,
Hillary Jorgensen
Co Executive Director
Colorado Cross Disability Coalition

March 21, 2024
Written Testimony in Support of HB24-1342

Dear members of the Colorado General Assembly's Business Affairs and Labor Committee,

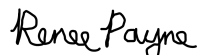
My name is Renee Payne, and I am writing today to testify in support of HB24-1342, Test Accommodations for Persons with Disabilities. I am from Denver, Colorado and attended Northeastern University School of Law in Massachusetts. I wanted to move back to Colorado after I graduated but did not yet have a job here, so I met with my law school's Bar Exam Advisor to discuss where I should take the Bar Exam. As soon as I mentioned to the Bar Exam Advisor that I have a disability and would be applying for testing accommodations, the Advisor immediately recommended that I take the Bar Exam in Massachusetts and then waive into Colorado. The Advisor said that Colorado is notorious for being "persnickety" and that I might not get accommodations on the Colorado Bar Exam. Based on this advice, I decided to take the Bar Exam in Massachusetts.

As I prepared to graduate law school in 2022, I applied for accommodations for the Massachusetts Bar Exam, and they were granted. I then found a job in Colorado, and despite my Bar Exam Advisor's warning, I decided to request accommodations for the Colorado Bar Exam. With my accommodations request, I submitted medical documentation of my disability and proof of my prior accommodations in law school and on two high-stakes tests, the Law School Admission Test (LSAT) and the Multistate Professional Responsibility Exam (MPRE). The MPRE is created by the National Conference of Bar Examiners, which is the same entity that creates the Uniform Bar Exam, which is Colorado's Bar Exam. My accommodations request for the Colorado Bar Exam was denied. I appealed and was again denied. I submitted the exact same paperwork—*the exact same medical documentation and proof of prior accommodations*—to both Massachusetts and Colorado; I was granted accommodations in Massachusetts and denied accommodations in Colorado. The Colorado Bar Exam lived up to its notoriety and demonstrated that Bar Exam applicants with disabilities are not welcome here.

Due to my experience with the Colorado Bar Exam, I strongly support HB24-1342. If this bill passes, I would be eligible for accommodations on the Colorado Bar Exam because I requested the same accommodations for the Bar Exam that I received on two high-stakes tests. I would then finally have the opportunity to become a licensed attorney in Colorado. No professional testing entity should be exempt from the requirements of HB24-1342, not even the Colorado Bar Exam's Office of Attorney Regulation Counsel. For these reasons, I urge you to support HB24-1342, Test Accommodations for Persons with Disabilities.

Thank you for your time and consideration of my testimony.

Sincerely,



Renee Payne