

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

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" MEANS MODIFICATIONS TO
11 ACADEMIC REQUIREMENTS TO ENSURE EQUAL EDUCATIONAL
12 OPPORTUNITIES AND DOES NOT INCLUDE CHANGES THAT FUNDAMENTALLY
13 ALTER THE CONTENT OF ACADEMIC PROGRAMS.

14 (2) "AMERICANS WITH DISABILITIES ACT OF 1990" OR "ADA"

1 MEANS THE FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42
2 U.S.C. SEC. 12101 ET SEQ.

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

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

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

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

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

1 (8) "STATE EDUCATION AGENCY" MEANS THE DEPARTMENT OF
2 EDUCATION CREATED IN SECTION 24-1-115 OR AN AGENCY PRIMARILY
3 RESPONSIBLE FOR THE STATE SUPERVISION OF PUBLIC ELEMENTARY
4 SCHOOLS AND SECONDARY SCHOOLS IN ANOTHER STATE.

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

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

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

19 (a) DESCRIBES THE PROCESS THE INSTITUTION OF HIGHER
20 EDUCATION USES TO DETERMINE WHETHER A STUDENT IS ELIGIBLE FOR AN
21 ACADEMIC ADJUSTMENT;

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

26 (c) PROVIDES INFORMATION ON THE AVAILABLE DISABILITY
27 RESOURCES AND ACADEMIC ADJUSTMENTS PROVIDED TO STUDENTS WITH

1 DISABILITIES; AND

2 (d) DESCRIBES AN APPEALS PROCESS FOR ACADEMIC ADJUSTMENT
3 DECISIONS THAT FOCUSES ON DOCUMENTARY REVIEW.

4 (3) EACH INSTITUTION OF HIGHER EDUCATION SHALL PUBLISH THE
5 POLICY DESCRIBED IN SUBSECTION (1) OF THIS SECTION ON THE
6 INSTITUTION OF HIGHER EDUCATION'S WEBSITE IN AN ACCESSIBLE FORMAT.

7 **23-1-203. Academic adjustments - documentation.** (1) AN
8 INSTITUTION OF HIGHER EDUCATION MAY REQUEST DOCUMENTATION, AS
9 DESCRIBED IN SUBSECTION (2) OF THIS SECTION, TO DETERMINE WHETHER
10 A STUDENT WITH A DISABILITY IS ELIGIBLE FOR AN ACADEMIC
11 ADJUSTMENT.

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

17 (a) DOCUMENTATION THAT THE STUDENT WITH A DISABILITY HAS
18 OR HAD AN INDIVIDUALIZED EDUCATION PROGRAM THAT INCLUDES A
19 STATED DISABILITY. THE IEP DOES NOT AUTOMATICALLY QUALIFY A
20 STUDENT WITH A DISABILITY FOR THE SAME ACCOMMODATIONS IN HIGHER
21 EDUCATION IF THE IEP LACKS RELEVANT DIAGNOSTIC DETAILS OR DOES
22 NOT DESCRIBE HOW THE STUDENT'S DISABILITY LIMITS ONE OR MORE
23 MAJOR LIFE ACTIVITIES.

24 (b) DOCUMENTATION THAT THE STUDENT WITH A DISABILITY
25 RECEIVED SERVICES OR REASONABLE ACCOMMODATIONS PURSUANT TO A
26 SECTION 504 PLAN THAT INCLUDES A STATED DISABILITY. THE SECTION
27 504 PLAN DOES NOT AUTOMATICALLY QUALIFY A STUDENT WITH A

DISABILITY FOR THE SAME ACCOMMODATIONS IN HIGHER EDUCATION IF
THE SECTION 504 PLAN LACKS RELEVANT DIAGNOSTIC DETAILS OR DOES
NOT DESCRIBE HOW THE STUDENT'S DISABILITY LIMITS ONE OR MORE
MAJOR LIFE ACTIVITIES.

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

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

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

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

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

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

- 1 (b) AN INSTITUTIONS OF HIGHER EDUCATION MAY REQUEST
2 UPDATED DOCUMENTATION IF A STUDENT WITH A DISABILITY:
3 (I) SUBMITS DOCUMENTATION THAT LACKS REASONABLE DETAIL;
4 (II) SUBMITS DOCUMENTATION THAT IS OUTDATED BASED ON A
5 DIAGNOSIS THAT HAS CHANGED; OR
6 (III) REQUESTS SUBSTANTIALLY NEW ACADEMIC ADJUSTMENTS.
7 (4) THIS PART 2 DOES NOT OVERRIDE FEDERAL LAW.

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