

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

PREAMENDED

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

LLS NO. 22-0490.01 Jacob Baus x2173

HOUSE BILL 22-1107

HOUSE SPONSORSHIP

Young and Bradfield, Amabile, Bacon, Bennett, Bird, Boesenecker, Caraveo, Carver, Cutter, Duran, Exum, Froelich, Garnett, Geitner, Hooton, Jodeh, Kennedy, Lindsay, Lontine, McCluskie, McCormick, McLachlan, Michaelson Jenet, Mullica, Ortiz, Ricks, Sirota, Titone, Valdez A., Valdez D.

SENATE SPONSORSHIP

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House Committees

Education
Appropriations

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Appropriations

A BILL FOR AN ACT

101 **CONCERNING MEASURES RELATED TO CREATING HIGHER EDUCATION**
102 **OPPORTUNITIES FOR PERSONS WITH INTELLECTUAL AND**
103 **DEVELOPMENTAL ~~DISABILITIES~~, AND, IN CONNECTION**
104 **~~WITH~~, MAKING AN APPROPRIATION.**

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 creates in the department of higher education (department) the inclusive higher education grant program to provide grants to state institutions of higher education for the purpose of establishing, or

HOUSE
3rd Reading Unamended
May 2, 2022

HOUSE
Amended 2nd Reading
April 29, 2022

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

expanding existing, inclusive higher education programs for students with intellectual and developmental disabilities.

The bill requires the department to contract with an organization that has demonstrated success in assisting students with intellectual and developmental disabilities attend institutions of higher education to administer the grant program, perform annual evaluations of the grant recipients, and produce an annual report that is submitted to the education committees of the house of representatives and the senate.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** article 79 to title
3 23 as follows:

ARTICLE 79

Inclusive Higher Education for

Students with Intellectual and Developmental Disabilities

23-79-101. Short title. THE SHORT TITLE OF THIS ARTICLE 79 IS
THE "INCLUSIVE HIGHER EDUCATION ACT".

9 **23-79-102. Legislative declaration.** (1) THE GENERAL ASSEMBLY
10 FINDS THAT:

11 (a) AS OF THE 2020-21 SCHOOL YEAR, THE DEPARTMENT OF

12 EDUCATION REPORTED THAT AN ESTIMATED SIX THOUSAND NINE HUNDRED
13 TWO STUDENTS WITH INTELLECTUAL DISABILITIES RESIDE IN COLORADO;

14 (b) HISTORICALLY, SOCIETY'S LOW EXPECTATIONS AND LIMITED
15 OPPORTUNITIES HAVE PREVENTED PEOPLE WITH INTELLECTUAL
16 DISABILITIES FROM THE BENEFITS ASSOCIATED WITH HIGHER EDUCATION.

17 AS A RESULT, MANY PEOPLE WITH INTELLECTUAL DISABILITIES LIVE IN
18 POVERTY WITH FEW PROSPECTS OTHER THAN EXCEPTIONALLY
19 LOW-PAYING JOBS OR SITTING IDLY AT HOME.

20 (c) ALTHOUGH STUDENTS WITH INTELLECTUAL DISABILITIES HAVE
21 HISTORICALLY BEEN DENIED HIGHER EDUCATION OPPORTUNITIES, WHEN

1 OPPORTUNITIES ARISE, STUDENTS COMPLETING HIGHER EDUCATION
2 PROGRAMS REAP THE BENEFITS OF HIGHER EDUCATION, INCLUDING HIGH
3 EMPLOYMENT RATES, BETTER WAGES, INCREASED SOCIALIZATION,
4 COMMUNITY BELONGING, AND GREATER INDEPENDENCE;

5 (d) IN 2014, UNDER THE LEADERSHIP OF IN! PATHWAYS TO
6 INCLUSIVE HIGHER EDUCATION, EDUCATORS, ADVOCATES FOR PERSONS
7 WITH INTELLECTUAL DISABILITIES, STUDENTS, AND FAMILIES BEGAN
8 WORKING TO CREATE INCLUSIVE OPPORTUNITIES FOR STUDENTS WITH
9 INTELLECTUAL DISABILITIES, AS COLORADO WAS ONE OF ONLY FOUR
10 STATES THAT DID NOT HAVE AN INCLUSIVE HIGHER EDUCATION PATHWAY
11 FOR STUDENTS WITH INTELLECTUAL DISABILITIES;

12 (e) IN 2016, THE GENERAL ASSEMBLY ENACTED A FIVE-YEAR
13 INCLUSIVE HIGHER EDUCATION PILOT PROGRAM AT THE UNIVERSITY OF
14 NORTHERN COLORADO, THE UNIVERSITY OF COLORADO AT COLORADO
15 SPRINGS, AND ARAPAHOE COMMUNITY COLLEGE;

16 (f) AS OF 2022, APPROXIMATELY SEVENTY STUDENTS WITH
17 INTELLECTUAL DISABILITIES ARE ENROLLED IN A HIGHER EDUCATION
18 INSTITUTION, PARTICIPATING IN TRADITIONAL CLASSES AND COURSE
19 WORK, LIVING INCLUSIVELY ON CAMPUS, AND PREPARING FOR THEIR
20 CAREERS;

21 (g) INCLUSIVE HIGHER EDUCATION PATHWAYS ARE DESIGNED TO
22 FOCUS ON ACADEMIC GROWTH, SOCIAL DEVELOPMENT, INDEPENDENCE,
23 AND CAREER ADVANCEMENT;

24 (h) HIGHER EDUCATION OPPORTUNITIES FOR STUDENTS WITH
25 INTELLECTUAL DISABILITIES:

26 (I) CREATE CAREER PATHWAYS FOR STUDENTS WITH
27 INTELLECTUAL DISABILITIES;

1 (II) ENSURE STUDENTS WITH INTELLECTUAL DISABILITIES ENTER
2 THE WORKFORCE WITH IN-DEMAND SKILLS;

3 (III) INCREASE INCLUSION, SOCIAL INTERACTIONS, AND
4 MEANINGFUL COMMUNITY CONTRIBUTIONS FOR STUDENTS WITH
5 INTELLECTUAL DISABILITIES;

6 (IV) REDUCE RELIANCE ON FAMILY AND COMMUNITY RESOURCES
7 BY STUDENTS WITH INTELLECTUAL DISABILITIES; AND

8 (V) PROVIDE EMPLOYERS WITH ACCESS TO A HISTORICALLY
9 UNDERUTILIZED WORKFORCE;

10 (i) SINCE 2016, UNDER THE LEADERSHIP OF IN! PATHWAYS TO
11 INCLUSIVE HIGHER EDUCATION AND THE COLORADO INCLUSION
12 CONSORTIUM, MANY ADVANCEMENTS HAVE BEEN MADE IN COLORADO FOR
13 INCLUSIVE HIGHER EDUCATION FOR STUDENTS WITH INTELLECTUAL
14 DISABILITIES, INCLUDING THE ABILITY TO EARN CREDENTIALS AT
15 GRADUATION, ACCESS TO FEDERAL FINANCIAL AID, AND PARTNERSHIPS TO
16 SUPPORT VOCATIONAL GOALS; AND

17 (j) THE SUCCESS OF THE PILOT PROGRAM HAS CREATED
18 SIGNIFICANT DEMAND FOR MORE OPPORTUNITIES THROUGHOUT
19 COLORADO.

20 (2) THEREFORE, THE GENERAL ASSEMBLY DECLARES IT IS
21 BENEFICIAL TO CREATE HIGHER EDUCATION OPPORTUNITIES THAT SUPPORT
22 STUDENTS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES AND
23 TO DEVELOP INCLUSIVE HIGHER EDUCATION PROGRAMS IN COLORADO.

24 **23-79-103. Definitions.** AS USED IN THIS ARTICLE 79, UNLESS THE
25 CONTEXT OTHERWISE REQUIRES:

26 (1) "ADMINISTERING ENTITY" MEANS THE ENTITY SELECTED BY
27 THE DEPARTMENT TO ADMINISTER THE INCLUSIVE HIGHER EDUCATION

1 GRANT PROGRAM.

2 ==

3 (2) "COMMISSION" MEANS THE COLORADO COMMISSION ON
4 HIGHER EDUCATION ESTABLISHED IN SECTION 23-1-102.

5 (3) "DEPARTMENT" MEANS THE DEPARTMENT OF HIGHER
6 EDUCATION CREATED AND EXISTING PURSUANT TO SECTION 24-1-114.

7 (4) "GRANT PROGRAM" MEANS THE INCLUSIVE HIGHER EDUCATION
8 GRANT PROGRAM CREATED IN SECTION 23-79-104.

9 (5) "INCLUSIVE HIGHER EDUCATION" MEANS ACCESS TO HIGHER
10 EDUCATION, AS PROVIDED BY A STATE INSTITUTION OF HIGHER
11 EDUCATION, BY STUDENTS WITH INTELLECTUAL AND DEVELOPMENTAL
12 DISABILITIES THAT:

13 (a) ENABLES THE STUDENT TO HAVE ALL OF THE RIGHTS,
14 RESPONSIBILITIES, PRIVILEGES, BENEFITS, AND OUTCOMES THAT RESULT
15 FROM A HIGHER EDUCATION EXPERIENCE TO THE GREATEST EXTENT
16 POSSIBLE, INCLUDING ACADEMIC SUCCESS, CAREER DEVELOPMENT,
17 CAMPUS ENGAGEMENT, SELF-DETERMINATION, PARTICIPATION IN PAID
18 WORK EXPERIENCES, ON-CAMPUS OR OFF-CAMPUS LIVING, INCLUSIVE
19 SOCIAL ACTIVITIES, AND ACCESS TO AND INSTRUCTION IN TECHNOLOGY;
20 AND

21 (b) UPON SUCCESSFUL COMPLETION OF AN INCLUSIVE HIGHER
22 EDUCATION PROGRAM, RESULTS IN THE STUDENT RECEIVING A
23 MEANINGFUL CREDENTIAL FROM THE STATE INSTITUTION OF HIGHER
24 EDUCATION.

25 (6) "STATE INSTITUTION OF HIGHER EDUCATION" MEANS A STATE
26 INSTITUTION OF HIGHER EDUCATION AS DEFINED IN SECTION 23-18-102
27 (10).

1 (7) "STUDENT" MEANS A PERSON WITH AN INTELLECTUAL OR
2 DEVELOPMENTAL DISABILITY WHO IS ENROLLED IN AN INCLUSIVE HIGHER
3 EDUCATION PROGRAM IN A STATE INSTITUTION OF HIGHER EDUCATION.

4 **23-79-104. Inclusive higher education grant program - created**
5 - **duties - policies.** (1) THERE IS CREATED IN THE DEPARTMENT THE
6 INCLUSIVE HIGHER EDUCATION GRANT PROGRAM TO PROVIDE GRANTS TO
7 STATE INSTITUTIONS OF HIGHER EDUCATION FOR THE PURPOSE OF
8 ESTABLISHING, OR EXPANDING EXISTING, INCLUSIVE HIGHER EDUCATION
9 PROGRAMS FOR STUDENTS WITH INTELLECTUAL AND DEVELOPMENTAL
10 DISABILITIES.

11 (2) A STATE INSTITUTION OF HIGHER EDUCATION THAT RECEIVES
12 A GRANT THROUGH THE GRANT PROGRAM SHALL USE THE MONEY FOR THE
13 PURPOSE OF ESTABLISHING AN, OR EXPANDING AN EXISTING, INCLUSIVE
14 HIGHER EDUCATION PROGRAM. THE GRANT RECIPIENT MAY USE THE
15 GRANT AWARD TO:

16 (a) PERFORM AN INSTITUTIONAL ASSESSMENT TO DETERMINE
17 TRAINING, TECHNICAL ASSISTANCE, AND THE CAPACITY NEEDED TO
18 PROVIDE INCLUSIVE HIGHER EDUCATION OPPORTUNITIES FOR STUDENTS
19 WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES;

20 (b) IDENTIFY INSTITUTIONAL POLICIES AND PRACTICES THAT
21 FOSTER OR IMPEDE INCLUSIVE HIGHER EDUCATION OPPORTUNITIES;

22 (c) OFFER PROGRAMS AND SUPPORTS FOR THE STUDENTS THAT
23 ALLOW EACH STUDENT TO TAKE FOR CREDIT OR TO AUDIT A MINIMUM OF
24 TWO ON-CAMPUS UNDERGRADUATE COURSES EACH SEMESTER IN A
25 STUDENT'S CHOSEN AREA OF STUDY, AND TO TAKE A COURSE EACH
26 SEMESTER THAT IS DESIGNED TO MEET THE NEEDS OF EACH STUDENT AND
27 NECESSARY TO RECEIVE THE AWARD OF A CREDENTIAL IN THE STUDENT'S

1 CHOSEN AREA OF STUDY;

2 (d) INTEGRATE THE STUDENTS ACADEMICALLY AND SOCIALLY INTO

3 THE NORMATIVE OFFERINGS OF THE STATE INSTITUTION OF HIGHER

4 EDUCATION;

5 (e) PROVIDE PEER MENTORING SERVICES FOR THE STUDENTS;

6 (f) COORDINATE PROGRAMS AND SUPPORTS WITH AVAILABLE

7 VOCATIONAL REHABILITATION THROUGH THE DEPARTMENT OF LABOR AND

8 EMPLOYMENT;

9 (g) PROVIDE PROGRAMS AND SUPPORTS THAT PREPARE THE

10 STUDENTS FOR GAINFUL COMPETITIVE EMPLOYMENT;

11 (h) PROVIDE PROGRAMS AND SUPPORTS FOR THE STUDENTS TO

12 DEVELOP INDEPENDENT LIVING SKILLS, INCLUDING SELF-CARE,

13 SOCIALIZATION, CAREER READINESS, HEALTHY LIFESTYLE CHOICES, AND

14 FINANCIAL LITERACY;

15 (i) PROVIDE BENEFITS COUNSELING TO THE STUDENTS;

16 (j) DEVELOP ADMISSIONS STANDARDS THAT DO NOT REQUIRE

17 STUDENTS APPLYING TO PARTICIPATE IN AN INCLUSIVE HIGHER EDUCATION

18 PROGRAM TO TAKE A NATIONAL ASSESSMENT TEST AS AN ADMISSION

19 REQUIREMENT; AND

20 (k) PERFORM OUTREACH TO HIGH SCHOOLS TO ENSURE AWARENESS

21 OF AVAILABLE INCLUSIVE HIGHER EDUCATION OPPORTUNITIES.

22 (3) NO LATER THAN SEPTEMBER 30, 2022, THE DEPARTMENT

23 SHALL ISSUE A REQUEST FOR PROPOSALS FOR AN ORGANIZATION TO

24 ADMINISTER THE GRANT PROGRAM. THE DEPARTMENT SHALL SELECT AND

25 CONTRACT WITH AN ORGANIZATION THAT HAS DEMONSTRATED SUCCESS

26 IN ASSISTING STUDENTS WITH INTELLECTUAL AND DEVELOPMENTAL

27 DISABILITIES ATTEND STATE INSTITUTIONS OF HIGHER EDUCATION. THE

1 DEPARTMENT SHALL SELECT THE ADMINISTERING ENTITY AND ENTER INTO
2 A CONTRACT WITH THE ADMINISTERING ENTITY NO LATER THAN
3 DECEMBER 30, 2022, WHICH CONTRACT IS SUBJECT TO ANNUAL REVIEW
4 AND RENEWAL.

5 (4) THE DEPARTMENT AND ADMINISTERING ENTITY SHALL
6 IMPLEMENT THE GRANT PROGRAM IN ACCORDANCE WITH THIS ARTICLE 79.

7 GRANTS MUST BE AWARDED AS PROVIDED IN THIS ARTICLE 79.

8 (5) UPON RECEIVING NOTICE FROM THE ADMINISTERING ENTITY
9 THAT A STATE INSTITUTION OF HIGHER EDUCATION IS SELECTED TO
10 RECEIVE A GRANT, THE DEPARTMENT SHALL, AS SOON AS PRACTICABLE,
11 TRANSFER TO THE ADMINISTERING ENTITY THE AMOUNT OF THE GRANT
12 AWARD.

13 (6) THE COMMISSION SHALL ADOPT POLICIES AS REQUIRED BY THIS
14 ARTICLE 79 OR AS MAY BE NECESSARY TO IMPLEMENT THE GRANT
15 PROGRAM. AT A MINIMUM, THE POLICIES MUST SPECIFY THE FORM OF THE
16 GRANT PROGRAM APPLICATION, THE TIME FRAMES FOR APPLYING FOR
17 GRANTS, AND THE TIME FRAMES FOR DISTRIBUTING GRANT MONEY.

18 **23-79-105. Administering entity - duties - funding.** (1) THE
19 ADMINISTERING ENTITY SHALL:

20 (a) ADMINISTER THE GRANT PROGRAM IN ACCORDANCE WITH THIS
21 ARTICLE 79, INCLUDING ESTABLISHING AND IMPLEMENTING THE PROCESS
22 BY WHICH A STATE INSTITUTION OF HIGHER EDUCATION MAY APPLY TO
23 RECEIVE A GRANT; AND

24 (b) PERFORM ANNUAL EVALUATIONS OF GRANT RECIPIENTS
25 REGARDING THE PERFORMANCE AND IMPLEMENTATION OF AN INCLUSIVE
26 HIGHER EDUCATION PROGRAM PURSUANT TO SECTION 23-79-107.

27 (2) OF THE MONEY ANNUALLY APPROPRIATED TO THE

1 DEPARTMENT PURSUANT TO SECTION 23-79-108, NOT MORE THAN TWENTY
2 PERCENT SHALL BE USED TO COMPENSATE THE ADMINISTERING ENTITY TO
3 OFFSET THE COSTS THAT THE ADMINISTERING ENTITY INCURS IN
4 ADMINISTERING THE GRANT PROGRAM. THE CONTRACT BETWEEN THE
5 DEPARTMENT AND THE ADMINISTERING ENTITY MUST NOT INCLUDE ANY
6 ADDITIONAL AMOUNT OF REMUNERATION TO THE ADMINISTERING ENTITY
7 FROM THE STATE. THE DEPARTMENT SHALL COMPENSATE THE
8 ADMINISTERING ENTITY WITH FUNDS FROM THE APPROPRIATION FOR
9 PURPOSES OF THIS SECTION.

10 **23-79-106. Applications - criteria - awards.** (1) TO RECEIVE A
11 GRANT, A STATE INSTITUTION OF HIGHER EDUCATION MUST SUBMIT AN
12 APPLICATION TO THE ADMINISTERING ENTITY IN ACCORDANCE WITH
13 POLICIES ADOPTED BY THE COMMISSION.

14 (2) THE ADMINISTERING ENTITY SHALL REVIEW THE APPLICATIONS
15 RECEIVED PURSUANT TO THIS SECTION. IN AWARDING GRANTS, THE
16 ADMINISTERING ENTITY SHALL CONSIDER THE INTENDED EXPENSES AND
17 ASSOCIATED COSTS PROPOSED BY THE APPLICANT RELATIVE TO THE
18 MONEY ANNUALLY APPROPRIATED TO THE DEPARTMENT PURSUANT TO
19 SECTION 23-79-108, TO ACHIEVE THE GREATEST INTENDED IMPACT OF THE
20 GRANT PROGRAM ACROSS COLORADO, INCLUDING MAXIMIZING ACCESS
21 AND OPPORTUNITY FOR ALL STUDENTS REGARDLESS OF DEMOGRAPHIC OR
22 GEOGRAPHIC DIVERSITY.

23 **23-79-107. Evaluation and reporting requirements.** (1) ON OR
24 BEFORE JULY 1, 2024, AND ON OR BEFORE JULY 1 EACH YEAR THEREAFTER,
25 THE ADMINISTERING ENTITY SHALL PERFORM AN EVALUATION OF THE
26 PERFORMANCE OF THE INCLUSIVE HIGHER EDUCATION PROGRAM AT EACH
27 STATE INSTITUTION OF HIGHER EDUCATION THAT RECEIVED A GRANT. THE

1 EVALUATION MUST:

2 (a) REVIEW EACH INCLUSIVE HIGHER EDUCATION PROGRAM AND
3 COMPARE THE PROGRAMS TO RECOGNIZED ACCREDITATION STANDARDS
4 AND BEST PRACTICES;

5 (b) INCLUDE COMPREHENSIVE SURVEYS OF INCLUSIVE HIGHER
6 EDUCATION PROGRAM STAKEHOLDERS, INCLUDING STUDENTS, STUDENTS'
7 FAMILIES, PEER MENTORS, FACULTY, AND STAFF; AND

8 (c) INCLUDE ASSESSMENTS FOR STUDENTS TO DEMONSTRATE
9 GROWTH IN INDEPENDENT LIVING, INCLUDING SELF-CARE, SOCIALIZATION,
10 CAREER READINESS, HEALTHY LIFESTYLE CHOICES, AND FINANCIAL
11 LITERACY.

12 (2) ON OR BEFORE JULY 1, 2024, AND ON OR BEFORE JULY 1 EACH
13 YEAR THEREAFTER, THE ADMINISTERING ENTITY SHALL PERFORM A
14 COMPREHENSIVE SURVEY OF FORMER STUDENTS AND FORMER STUDENTS'
15 FAMILIES. THE SURVEY MUST SOLICIT INFORMATION CONCERNING THE
16 FORMER STUDENTS, INCLUDING THEIR HOUSING CIRCUMSTANCES,
17 CAREERS, AND SOCIAL ACTIVITIES OR ASSOCIATIONS. THE ADMINISTERING
18 ENTITY SHALL RETAIN THE SURVEYS AND EVALUATE SUCCESSES THAT ARE
19 A CONSEQUENCE OF INCLUSIVE HIGHER EDUCATION PROGRAMS AND
20 IDENTIFY OPPORTUNITIES TO IMPROVE OUTCOMES FOR CURRENT AND
21 FUTURE STUDENTS.

22 (3) ON OR BEFORE OCTOBER 1, 2024, AND ON OR BEFORE OCTOBER
23 1 EACH YEAR THEREAFTER WHEN GRANTS ARE AWARDED, THE
24 ADMINISTERING ENTITY SHALL SUBMIT A REPORT TO THE DEPARTMENT. AT
25 A MINIMUM, THE REPORT MUST INCLUDE:

26 (a) A SUMMARY OF THE FINDINGS FROM THE EVALUATION
27 PERFORMED PURSUANT TO SUBSECTIONS (1) AND (2) OF THIS SECTION;

8 (c) A DESCRIPTION OF EXPENSES MADE WITH THE GRANT MONEY.

15 (5) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE
16 REPORTING REQUIREMENTS SET FORTH IN THIS SECTION CONTINUE
17 INDEFINITELY.

18 **23-79-108. Inclusive higher education opportunities -**
19 **funding. For the 2022-23, 2023-24, 2024-25, 2025-26, and 2026-27**
20 **STATE FISCAL YEARS, THE GENERAL ASSEMBLY SHALL ANNUALLY**
21 **APPROPRIATE FOUR HUNDRED FIFTY THOUSAND DOLLARS IN EACH STATE**
22 **FISCAL YEAR TO THE DEPARTMENT FOR THE PURPOSES OF THIS ARTICLE 79.**

1 **SECTION 3. 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 2022 and, in such case, will take effect on the date of the
9 official declaration of the vote thereon by the governor.