

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 22-0520.01 Jacob Baus x2173

HOUSE BILL 22-1255

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A BILL FOR AN ACT
101 **CONCERNING MEASURES TO IMPROVE POSTSECONDARY EDUCATION**
102 **OUTCOMES FOR STUDENTS WITH A DISABILITY.**

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 the department of higher education (department) to submit, as a part of its annual "State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act" hearing, data related to postsecondary outcomes for students with a disability. The department shall gather the data in collaboration with institutions of higher education (institutions).

SENATE
2nd Reading Unamended
April 4, 2022

HOUSE
3rd Reading Unamended
March 22, 2022

HOUSE
Amended 2nd Reading
March 21, 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.

The bill creates the postsecondary services advisory committee (committee) in the department for the purpose of making recommendations to institutions and the general assembly concerning necessary services and best practices to improve successful outcomes for students with disabilities at institutions. The committee is required to complete and submit a report to the education committees of the house of representatives and the senate by June 15, 2023, and June 14, 2024. The committee is repealed on June 30, 2024.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds that:

4 (a) According to a 2013 report from the Georgetown University
5 Center on Education and the Workforce, approximately seventy-five
6 percent of jobs in Colorado require postsecondary education, while only
7 approximately sixty-one percent of adults in Colorado have earned a
8 degree or certificate;

9 (b) According to a 2011 longitudinal study funded by the United
10 States Department of Education, national completion rates for students
11 with disabilities in postsecondary education was thirty-eight percent
12 compared to fifty-one percent for students without a reported disability;

13 (c) According to a 2019 report from Colorado State University,
14 students who receive appropriate disability support services and
15 accommodations experience better academic outcomes that support
16 post-graduate employment;

17 (d) To ensure the economic vitality of Colorado, every industry
18 needs access to a skilled workforce, and every Coloradan needs access to
19 sustainable employment;

20 (e) The statewide implementation of universal and inclusive
21 services, supports, and accommodations for students with disabilities can

1 greatly improve cost efficiencies for institutions of higher education,
2 improve access and successful outcomes for all students, and sustain the
3 workforce and economic vitality of Colorado;

4 (f) Students with disabilities must be recognized for who they are
5 and supported to address their needs most effectively; and

6 (g) Colorado does not have statewide data to examine the
7 postsecondary outcomes for students with disabilities, and the lack of
8 information prevents Colorado from connecting students with disabilities
9 to the workforce.

10 (2) Therefore, the general assembly declares that in order to meet
11 the economic demands of Colorado, it is essential to collect significant
12 data and examine the postsecondary services, supports, and
13 accommodations necessary for students with disabilities to improve
14 postsecondary education and career outcomes.

15 **SECTION 2.** In Colorado Revised Statutes, **add** article 79 to title
16 23 as follows:

17 **ARTICLE 79**

18 **Improve Postsecondary Education for**
19 **Students with Disabilities**

20 **23-79-101. Definitions.** AS USED IN THIS ARTICLE 79, UNLESS THE
21 CONTEXT OTHERWISE REQUIRES:

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

24 (2) "DISABILITY" HAS THE SAME MEANING AS SET FORTH IN THE
25 FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC.
26 12101 ET SEQ., AND ITS RELATED AMENDMENTS AND IMPLEMENTING
27 REGULATIONS.

8 **23-79-102. Students with disabilities - report.** (1) BEGINNING
9 IN 2024, AND EVERY YEAR THEREAFTER, THE DEPARTMENT SHALL
10 INCLUDE AS PART OF ITS "STATE MEASUREMENT FOR ACCOUNTABLE,
11 RESPONSIVE, AND TRANSPARENT (SMART) GOVERNMENT ACT" HEARING
12 REQUIRED BY SECTION 2-7-203 THE FOLLOWING AVAILABLE DATA,
13 GATHERED BY THE DEPARTMENT IN COLLABORATION WITH INSTITUTIONS
14 OF HIGHER EDUCATION:

15 (a) THE NUMBER OF STUDENTS ENROLLED AT AN INSTITUTION OF
16 HIGHER EDUCATION WHO IDENTIFY AS HAVING A DISABILITY, REPORTED
17 FOR THE STATE AS A WHOLE AND FOR EACH INSTITUTION OF HIGHER
18 EDUCATION, IN TOTAL AND DISAGGREGATED BY RACE, ETHNICITY,
19 FIRST-GENERATION STATUS, FEDERAL PELL GRANT ELIGIBILITY, AND
20 MILITARY STATUS;

21 (b) THE NUMBER OF STUDENTS WITH A DISABILITY WHO RECEIVE
22 A SERVICE, SUPPORT, OR ACCOMMODATION FROM THE INSTITUTION OF
23 HIGHER EDUCATION THAT IS RELATED TO THE STUDENT'S DISABILITY,
24 REPORTED FOR THE STATE AS A WHOLE AND FOR EACH INSTITUTION OF
25 HIGHER EDUCATION, IN TOTAL AND DISAGGREGATED BY RACE, ETHNICITY,
26 FIRST-GENERATION STATUS, FEDERAL PELL GRANT ELIGIBILITY, AND
27 MILITARY STATUS;

7 (d) THE NUMBER OF STUDENTS WITH A DISABILITY WHO
8 GRADUATED FROM AN INSTITUTION OF HIGHER EDUCATION, REPORTED FOR
9 THE STATE AS A WHOLE AND FOR EACH INSTITUTION OF HIGHER
10 EDUCATION, IN TOTAL AND DISAGGREGATED BY RACE, ETHNICITY,
11 FIRST-GENERATION STATUS, FEDERAL PELL GRANT ELIGIBILITY, AND
12 MILITARY STATUS;

13 (e) THE NUMBER OF STUDENTS WITH A DISABILITY WHO RECEIVE
14 A SERVICE OR SUPPORT FROM THE DIVISION OF VOCATIONAL
15 REHABILITATION IN THE DEPARTMENT OF LABOR AND EMPLOYMENT AT
16 THE INSTITUTION OF HIGHER EDUCATION THAT IS RELATED TO THE
17 STUDENT'S DISABILITY, REPORTED FOR THE STATE AS A WHOLE AND FOR
18 EACH INSTITUTION OF HIGHER EDUCATION, IN TOTAL AND DISAGGREGATED
19 BY RACE, ETHNICITY, FIRST-GENERATION STATUS, FEDERAL PELL GRANT
20 ELIGIBILITY, AND MILITARY STATUS; AND

21 (f) THE NUMBER OF STUDENTS WITH A DISABILITY WHO RECEIVED
22 A SERVICE OR SUPPORT FROM THE DIVISION OF VOCATIONAL
23 REHABILITATION IN THE DEPARTMENT OF LABOR AND EMPLOYMENT AT
24 THE INSTITUTION OF HIGHER EDUCATION THAT IS RELATED TO THE
25 STUDENT'S DISABILITY AND GRADUATED FROM THE INSTITUTION OF
26 HIGHER EDUCATION, REPORTED FOR THE STATE AS A WHOLE AND FOR EACH
27 INSTITUTION OF HIGHER EDUCATION, IN TOTAL AND DISAGGREGATED BY

1 RACE, ETHNICITY, FIRST-GENERATION STATUS, FEDERAL PELL GRANT
2 ELIGIBILITY, AND MILITARY STATUS.

3 **23-79-103. Postsecondary services advisory committee -**
4 **creation - appointment - duties - report - repeal.** (1) THERE IS
5 CREATED IN THE DEPARTMENT THE POSTSECONDARY SERVICES ADVISORY
6 COMMITTEE, REFERRED TO IN THIS SECTION AS THE "COMMITTEE", FOR THE
7 PURPOSE OF MAKING RECOMMENDATIONS TO INSTITUTIONS OF HIGHER
8 EDUCATION AND THE GENERAL ASSEMBLY CONCERNING NECESSARY
9 SERVICES AND BEST PRACTICES TO IMPROVE SUCCESSFUL OUTCOMES FOR
10 STUDENTS WITH DISABILITIES AT INSTITUTIONS OF HIGHER EDUCATION.

11 (2)(a) THE COMMITTEE CONSISTS OF ~~FIFTEEN~~ MEMBERS APPOINTED
12 BY THE DEPARTMENT'S EXECUTIVE DIRECTOR, AS FOLLOWS:

13 (I) TWO MEMBERS WHO ARE RESPONSIBLE FOR DISABILITY OR
14 ACCESSIBILITY SERVICES AT BACCALAUREATE- AND
15 GRADUATE-AWARDING INSTITUTIONS OF HIGHER EDUCATION;

16 (II) ONE MEMBER WHO IS RESPONSIBLE FOR DISABILITY OR
17 ACCESSIBILITY SERVICES AT A COMMUNITY COLLEGE;

18 (III) ONE MEMBER WHO IS RESPONSIBLE FOR DISABILITY OR
19 ACCESSIBILITY SERVICES AT AN AREA TECHNICAL COLLEGE;

20 (IV) ONE MEMBER WHO IS A CHIEF ACADEMIC OFFICER, OR A CHIEF
21 ACADEMIC OFFICER'S DESIGNEE, FROM AN INSTITUTION OF HIGHER
22 EDUCATION;

23 (V) ONE MEMBER WITH EXPERTISE IN FEDERAL AND STATE
24 DISABILITIES LAWS AND THE LAWS' APPLICABILITY TO INSTITUTIONS OF
25 HIGHER EDUCATION;

26 (VI) ONE MEMBER WHO IS RESPONSIBLE FOR ACTIVE DUTY AND
27 VETERAN AFFAIRS SERVICES AT AN INSTITUTION OF HIGHER EDUCATION;

1 (VII) ONE MEMBER WHO IS A REGISTRAR, OR A REGISTRAR'S
2 DESIGNEE, FROM AN INSTITUTION OF HIGHER EDUCATION;

3

4 (VIII) ONE MEMBER WHO REPRESENTS THE OFFICE OF SPECIAL
5 EDUCATION IN THE DEPARTMENT OF EDUCATION;

6 (IX) ONE MEMBER WHO IDENTIFIES AS HAVING A DISABILITY AND
7 IS A CURRENT STUDENT OR RECENT GRADUATE OF AN INSTITUTION OF
8 HIGHER EDUCATION;

11 (XI) TWO MEMBERS WHO EACH REPRESENT A COMMUNITY OR
12 NONPROFIT ORGANIZATION THAT SERVES INDIVIDUALS WITH DISABILITIES;

13 (XII) ONE MEMBER WHO IS RESPONSIBLE FOR ACCESSIBLE
14 ELECTRONIC INFORMATION AND TECHNOLOGY AT AN INSTITUTION OF
15 HIGHER EDUCATION; AND

16 (XIII) ONE MEMBER WHO REPRESENTS THE DIVISION OF
17 VOCATIONAL REHABILITATION IN THE DEPARTMENT OF LABOR AND
18 EMPLOYMENT.

19 (b) THE DEPARTMENT'S EXECUTIVE DIRECTOR SHALL, TO THE
20 EXTENT PRACTICABLE, APPOINT TO THE COMMITTEE MEMBERS WHO
21 IDENTIFY AS HAVING A DISABILITY.

22 (c) THE DEPARTMENT'S EXECUTIVE DIRECTOR SHALL MAKE THE
23 INITIAL APPOINTMENTS TO THE COMMITTEE NO LATER THAN SEPTEMBER
24 30, 2022.

25 (3) EACH MEMBER OF THE COMMITTEE WHO IS APPOINTED
26 PURSUANT TO SUBSECTION (2) OF THIS SECTION SERVES AT THE PLEASURE
27 OF THE DEPARTMENT'S EXECUTIVE DIRECTOR. THE TERM OF APPOINTMENT

1 IS UNTIL JUNE 30, 2024.

2 (4) THE MEMBERS OF THE COMMITTEE SERVE WITHOUT
3 COMPENSATION AND WITHOUT REIMBURSEMENT FOR EXPENSES.

4 (5) THE COMMITTEE SHALL EXAMINE THE FOLLOWING ISSUES,
5 INCLUDING, BUT NOT LIMITED TO:

6 (a) POSTSECONDARY OUTCOMES FOR STUDENTS WITH DISABILITIES,
7 AND WHETHER OUTCOMES ARE ALSO AFFECTED BY A STUDENT WITH A
8 DISABILITY'S RACE, ETHNICITY, FEDERAL PELL GRANT ELIGIBILITY, SEX,
9 GENDER EXPRESSION, OR MILITARY STATUS; [REDACTED]

10 (b) THE ABILITY FOR INSTITUTIONS OF HIGHER EDUCATION TO
11 IMPLEMENT SERVICES AND BEST PRACTICES THAT EXCEED THE MINIMUM
12 REQUIREMENTS OF FEDERAL AND STATE LAWS FOR STUDENTS WITH
13 DISABILITIES; AND

14 (c) THE AVAILABILITY OF FINANCIAL ASSISTANCE FOR STUDENTS
15 WITH DISABILITIES.

16 (6) ON OR BEFORE JUNE 15, 2023, AND ON OR BEFORE JUNE 14,
17 2024, THE COMMITTEE SHALL COMPLETE AND SUBMIT A REPORT TO THE
18 EDUCATION COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE
19 SENATE, OR ANY SUCCESSOR COMMITTEES. THE REPORT MUST INCLUDE:

20 (a) A DESCRIPTION OF THE COMMITTEE'S FINDINGS PURSUANT TO
21 SUBSECTION (5) OF THIS SECTION; AND

22 (b) RECOMMENDATIONS FOR RESOURCES, STATUTORY CHANGES,
23 DEPARTMENT POLICY CHANGES, OR INSTITUTION OF HIGHER EDUCATION
24 POLICY CHANGES THAT ARE NECESSARY TO IMPROVE SUCCESSFUL
25 OUTCOMES FOR STUDENTS WITH DISABILITIES AT INSTITUTIONS OF HIGHER
26 EDUCATION.

27 (7) THIS SECTION IS REPEALED, EFFECTIVE JUNE 30, 2024.

1 **SECTION 3. Safety clause.** The general assembly hereby finds,
2 determines, and declares that this act is necessary for the immediate
3 preservation of the public peace, health, or safety.