

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

REVISED

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

LLS NO. 25-0372.01 Alana Rosen x2606

SENATE BILL 25-087

SENATE SPONSORSHIP

Marchman, Ball, Coleman, Cutter, Danielson, Gonzales J., Hinrichsen, Jodeh, Kipp, Kolker, Michaelson Jenet, Roberts, Snyder, Sullivan, Weissman, Winter F.

HOUSE SPONSORSHIP

Stewart R. and Brooks,

Senate Committees
Education

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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.

HOUSE
Amended 2nd Reading
March 28, 2025

SENATE
3rd Reading Unamended
March 4, 2025

SENATE
Amended 2nd Reading
March 3, 2025

- 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. Legislative declaration.** (1) (a) The general
3 assembly finds and declares that:

4 (I) In accordance with federal law, Colorado law requires
5 institutions of higher education to evaluate whether students with
6 disabilities qualify for an academic adjustment by reviewing
7 documentation, including existing individualized education programs and
8 section 504 plans;

9 (II) While many institutions of higher education have review
10 processes in place, inconsistencies and a lack of clarity in the review
11 process and implementation of the review process may impede effective
12 support for admitted or enrolled students with disabilities;

13 (III) Based on feedback from students, faculty, and advocacy
14 groups, there is a need for a clear, standardized process for institutions of

1 higher education to review documents, including existing individualized
2 education programs and section 504 plans, to determine whether a student
3 qualifies for an academic adjustment;

4 (IV) Enhancing clarity and transparency in the document review
5 process to determine whether students with disabilities qualify for
6 academic adjustments will improve the academic success and the
7 well-being of enrolled students with disabilities; and

8 (V) This act creates a transparent document review process for
9 students with disabilities to understand and determine whether they
10 qualify for academic adjustments while maintaining the authority of
11 institutions of higher education to make the final determination as to
12 whether a student with a disability qualifies for academic adjustments.

13 (b) The general assembly finds, therefore, that it is necessary to:

14 (I) Clarify the processes institutions of higher education use to
15 review documentation, including existing individualized education
16 programs and section 504 plans, to determine whether admitted or
17 enrolled students with disabilities qualify for academic adjustments;

18 (II) Ensure that the processes described in subsection (1)(b)(I) of
19 this section do not create barriers for students with disabilities;

20 (III) Implement accountability measures for an institution of
21 higher education to fulfill its responsibilities by providing a description
22 of the appeals process that focuses on documentary review; and

23 (IV) Promote the alignment of state and federal law.

24 **SECTION 2.** In Colorado Revised Statutes, **add** part 2 to article
25 1 of title 23 as follows:

26 PART 2

27 ACADEMIC ADJUSTMENTS

1 IN HIGHER EDUCATION FOR
2 STUDENTS WITH DISABILITIES

3 **23-1-201. Definitions.** AS USED IN THIS PART 2, UNLESS THE
4 CONTEXT OTHERWISE REQUIRES:

5 (1) "ACADEMIC ADJUSTMENT" MEANS MODIFICATIONS TO
6 ACADEMIC REQUIREMENTS, AS DESCRIBED IN 34 C.F.R. SEC. 104.44, TO
7 ENSURE EQUAL EDUCATIONAL OPPORTUNITIES. "ACADEMIC ADJUSTMENT"
8 DOES NOT INCLUDE CHANGES THAT FUNDAMENTALLY ALTER THE CONTENT
9 OF ACADEMIC PROGRAMS.

10 (2) "AMERICANS WITH DISABILITIES ACT OF 1990" OR "ADA"
11 MEANS THE FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42
12 U.S.C. SEC. 12101 ET SEQ.

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

18 (4) "INSTITUTION OF HIGHER EDUCATION" MEANS A STATE
19 INSTITUTION OF HIGHER EDUCATION, AS DEFINED IN SECTION 23-18-102,
20 OR AN ACCREDITED CAMPUS OF A STATE INSTITUTION OF HIGHER
21 EDUCATION; A PRIVATE INSTITUTION OF HIGHER EDUCATION, AS DEFINED
22 IN SECTION 23-18-102, THAT RECEIVES FEDERAL FUNDING; A LOCAL
23 DISTRICT COLLEGE, AS DEFINED IN SECTION 23-71-102; OR AN AREA
24 TECHNICAL COLLEGE, AS DEFINED IN SECTION 23-60-103.

25 (5) "LOCAL EDUCATION PROVIDER" MEANS A SCHOOL DISTRICT, A
26 CHARTER SCHOOL AUTHORIZED PURSUANT TO PART 1 OF ARTICLE 30.5 OF
27 TITLE 22, AN INSTITUTE CHARTER SCHOOL AUTHORIZED BY THE STATE

1 CHARTER SCHOOL INSTITUTE PURSUANT TO PART 5 OF ARTICLE 30.5 OF
2 TITLE 22, A BOARD OF COOPERATIVE SERVICES CREATED AND OPERATING
3 PURSUANT TO ARTICLE 5 OF TITLE 22, A PUBLIC AUTHORITY OR BOARD OF
4 EDUCATION MANAGING A PUBLIC SCHOOL IN ANOTHER STATE, OR A
5 FACILITY SCHOOL APPROVED PURSUANT TO SECTION 22-2-407.

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

8 (7) "SECTION 504 PLAN" MEANS A PLAN ESTABLISHED PURSUANT
9 TO SECTION 504 THAT PROVIDES GUIDANCE AND SUPPORT FOR A STUDENT
10 WITH A DISABILITY.

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

15 (9) "STUDENT WITH A DISABILITY" MEANS AN ADMITTED OR AN
16 ENROLLED STUDENT WHO MEETS THE DEFINITION OF AN "INDIVIDUAL WITH
17 A DISABILITY" PURSUANT TO THE FEDERAL "AMERICANS WITH
18 DISABILITIES ACT OF 1990" OR PURSUANT TO SECTION 504.

19 **23-1-202. Policy - process - students with disabilities -**
20 **dissemination of policy.** (1) EACH INSTITUTION OF HIGHER EDUCATION
21 SHALL CREATE AND ADOPT A POLICY AND A PROCESS TO SUPPORT THE
22 ABILITY OF A STUDENT WITH A DISABILITY TO VOLUNTARILY
23 SELF-DISCLOSE THE STUDENT'S DISABILITY AND TO ENGAGE IN AN
24 INTERACTIVE PROCESS WITH THE INSTITUTION OF HIGHER EDUCATION TO
25 RECEIVE AN ACADEMIC ADJUSTMENT.

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

1 (a) DESCRIBES THE PROCESS THE INSTITUTION OF HIGHER
2 EDUCATION USES TO DETERMINE WHETHER A STUDENT IS ELIGIBLE FOR AN
3 ACADEMIC ADJUSTMENT;

4 (b) OUTLINES THE DOCUMENTATION DESCRIBED IN SECTION
5 23-1-203 (2) THAT THE INSTITUTION OF HIGHER EDUCATION MAY REQUEST
6 TO DETERMINE WHETHER A STUDENT IS ELIGIBLE FOR AN ACADEMIC
7 ADJUSTMENT;

8 (c) PROVIDES INFORMATION ON THE AVAILABLE DISABILITY
9 RESOURCES AND ACADEMIC ADJUSTMENTS PROVIDED TO STUDENTS WITH
10 DISABILITIES; AND

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

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

16 **23-1-203. Academic adjustments - documentation.** (1) AN
17 INSTITUTION OF HIGHER EDUCATION MAY REQUEST DOCUMENTATION, AS
18 DESCRIBED IN SUBSECTION (2) OF THIS SECTION, TO DETERMINE WHETHER
19 A STUDENT WITH A DISABILITY IS ELIGIBLE FOR AN ACADEMIC
20 ADJUSTMENT.

21 (2) AS PART OF ITS REVIEW TO DETERMINE WHETHER A STUDENT
22 WITH A DISABILITY IS ELIGIBLE FOR AN ACADEMIC ADJUSTMENT AS
23 DESCRIBED IN SUBSECTION (1) OF THIS SECTION, AN INSTITUTION OF
24 HIGHER EDUCATION MAY CONSIDER ONE OF THE FOLLOWING DOCUMENTS
25 TO SUBSTANTIATE THE STUDENT WITH A DISABILITY'S REQUEST FOR AN
26 ACADEMIC ADJUSTMENT:

27 (a) DOCUMENTATION THAT THE STUDENT WITH A DISABILITY HAS

1 OR HAD AN INDIVIDUALIZED EDUCATION PROGRAM THAT INCLUDES A
2 STATED DISABILITY. THE IEP DOES NOT AUTOMATICALLY QUALIFY A
3 STUDENT WITH A DISABILITY FOR AN ACADEMIC ADJUSTMENT IN HIGHER
4 EDUCATION IF THE IEP LACKS RELEVANT DIAGNOSTIC DETAILS OR DOES
5 NOT DESCRIBE HOW THE STUDENT'S DISABILITY LIMITS ONE OR MORE
6 MAJOR LIFE ACTIVITIES.

7 (b) DOCUMENTATION THAT THE STUDENT WITH A DISABILITY
8 RECEIVED SERVICES OR REASONABLE ACCOMMODATIONS PURSUANT TO A
9 SECTION 504 PLAN THAT INCLUDES A STATED DISABILITY. THE SECTION
10 504 PLAN DOES NOT AUTOMATICALLY QUALIFY A STUDENT WITH A
11 DISABILITY FOR AN ACADEMIC ADJUSTMENT IN HIGHER EDUCATION IF THE
12 SECTION 504 PLAN LACKS RELEVANT DIAGNOSTIC DETAILS OR DOES NOT
13 DESCRIBE HOW THE STUDENT'S DISABILITY LIMITS ONE OR MORE MAJOR
14 LIFE ACTIVITIES.

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

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

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

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

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

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

11 (b) AN INSTITUTION OF HIGHER EDUCATION MAY REQUEST
12 UPDATED DOCUMENTATION IF A STUDENT WITH A DISABILITY:

13 (I) SUBMITS DOCUMENTATION THAT LACKS REASONABLE DETAIL;

14 (II) SUBMITS DOCUMENTATION THAT IS OUTDATED BASED ON A
15 DIAGNOSIS THAT HAS CHANGED; OR

16 (III) REQUESTS SUBSTANTIALLY NEW ACADEMIC ADJUSTMENTS.

17 (4) THIS PART 2 DOES NOT OVERRIDE FEDERAL LAW.

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