

Second Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 16-1167.01 Brita Darling x2241

SENATE BILL 16-196

---

SENATE SPONSORSHIP

Cooke and Cadman,

HOUSE SPONSORSHIP

Landgraf and Young,

---

Senate Committees  
Education

House Committees

---

A BILL FOR AN ACT

101 CONCERNING THE CREATION OF A PILOT PROGRAM FOR INCLUSIVE  
102 HIGHER EDUCATION FOR PERSONS WITH INTELLECTUAL AND  
103 DEVELOPMENTAL DISABILITIES, AND, IN CONNECTION  
104 THEREWITH, 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://www.leg.state.co.us/billsummaries>.)*

The bill creates the pilot program for inclusive higher education for students with intellectual and developmental disabilities (pilot program) and identifies pilot sites at institutions of higher education in the

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



1 "INCLUSIVE HIGHER EDUCATION ACT".

2 **23-75-102. Legislative declaration.** (1) THE GENERAL ASSEMBLY  
3 FINDS THAT:

4 (a) THE COLORADO DEPARTMENT OF EDUCATION REPORTED IN  
5 2015 THAT AN ESTIMATED SIX THOUSAND FIVE HUNDRED THIRTY  
6 STUDENTS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES  
7 RESIDE IN COLORADO;

8 (b) COLORADO STUDENTS WITH INTELLECTUAL AND  
9 DEVELOPMENTAL DISABILITIES ARE DESIROUS OF ENTERING INSTITUTIONS  
10 OF HIGHER EDUCATION, BUT ARE LIMITED TO COSTLY OUT-OF-STATE  
11 PLACEMENT WITH HIGH TUITION COSTS AND LONG WAIT LISTS BECAUSE NO  
12 INCLUSIVE HIGHER EDUCATION OPTIONS EXIST IN COLORADO;

13 (c) OFFERING HIGHER EDUCATION OPTIONS TO STUDENTS WITH  
14 INTELLECTUAL AND DEVELOPMENTAL DISABILITIES ALLOWS THESE  
15 STUDENTS TO HAVE ALL OF THE RIGHTS, RESPONSIBILITIES, PRIVILEGES,  
16 BENEFITS, AND OUTCOMES THAT RESULT FROM A COLLEGE EXPERIENCE TO  
17 THE GREATEST EXTENT POSSIBLE, INCLUDING ACADEMIC ACCESS, CAREER  
18 DEVELOPMENT, CAMPUS ENGAGEMENT, SELF-DETERMINATION,  
19 PARTICIPATION IN PAID WORK EXPERIENCES, ON-CAMPUS OR OFF-CAMPUS  
20 LIVING, INCLUSIVE SOCIAL ACTIVITIES, AND ACCESS TO AND INSTRUCTION  
21 IN TECHNOLOGY;

22 (d) THE DEVELOPMENT OF AN INCLUSIVE HIGHER EDUCATION  
23 PROGRAM FOR STUDENTS WITH INTELLECTUAL AND DEVELOPMENTAL  
24 DISABILITIES ALLOWS A STUDENT TO ATTEND AN INSTITUTION OF HIGHER  
25 EDUCATION, PAY TUITION, AND HAVE ACCESS TO UNDERGRADUATE  
26 COURSES THAT SUPPORT THE STUDENT'S DESIRED OUTCOMES AND JOB  
27 ASPIRATIONS;

1           (e) WHILE FORTY-SEVEN STATES OFFER OPPORTUNITIES FOR  
2 HIGHER EDUCATION FOR STUDENTS WITH INTELLECTUAL AND  
3 DEVELOPMENTAL DISABILITIES ACROSS TWO HUNDRED FIFTY-THREE  
4 INSTITUTIONS OF HIGHER EDUCATION, COLORADO DOES NOT HAVE AN  
5 INSTITUTION-APPROVED INCLUSIVE HIGHER EDUCATION PROGRAM  
6 ACCESSIBLE TO STUDENTS THROUGHOUT THE STATE;

7           (f) COLORADO INSTITUTIONS OF HIGHER EDUCATION HAVE  
8 EXPRESSED AN INTEREST IN BUILDING CAPACITY FOR INCLUSIVE HIGHER  
9 EDUCATION; AND

10          (g) HIGH-QUALITY INCLUSIVE COLLEGE PROGRAMS ACROSS THE  
11 COUNTRY ARE REPORTING COMPETITIVE JOB PLACEMENT RATES AT OVER  
12 SEVENTY PERCENT WITHIN SIX MONTHS OF GRADUATION FOR STUDENTS  
13 WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES, COMPARED TO  
14 A COMPETITIVE JOB PLACEMENT RATE OF LESS THAN THIRTY PERCENT FOR  
15 STUDENTS WITHOUT ACCESS TO THESE TYPES OF PROGRAMS, AS REPORTED  
16 IN A NATIONAL STUDY CONDUCTED BY THE GALLUP POLL AND THE  
17 SPECIAL OLYMPICS. PLACEMENT IN COMPETITIVE JOBS RESULTS IN  
18 GREATER COMMUNITY PARTICIPATION AND LESS DEPENDENCE ON  
19 GOVERNMENT AND FAMILY SUPPORT.

20          (2) THEREFORE, THE COLORADO GENERAL ASSEMBLY DECLARES  
21 THAT IT IS BENEFICIAL FOR COLORADO STUDENTS WITH INTELLECTUAL  
22 AND DEVELOPMENTAL DISABILITIES TO CREATE OPPORTUNITIES FOR  
23 INCLUSIVE HIGHER EDUCATION AT COLORADO INSTITUTIONS BY  
24 PROVIDING FINANCIAL RESOURCES FOR THOSE INSTITUTIONS TO WORK IN  
25 COLLABORATION WITH EDUCATIONAL AND NONPROFIT ENTITIES THAT  
26 HAVE EXPERTISE IN INTELLECTUAL AND DEVELOPMENTAL DISABILITIES  
27 AND INCLUSIVE HIGHER EDUCATION TO DEVELOP INCLUSIVE HIGHER

1 EDUCATION PROGRAMS AT COLORADO INSTITUTIONS.

2 **23-75-103. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE  
3 CONTEXT OTHERWISE REQUIRES:

4 (1) "DEPARTMENT" MEANS THE DEPARTMENT OF HIGHER  
5 EDUCATION CREATED AND EXISTING PURSUANT TO SECTION 24-1-114,  
6 C.R.S.

7 (2) "IN!" MEANS THE COLORADO INITIATIVE FOR INCLUSIVE  
8 HIGHER EDUCATION, WHICH IS A STAKEHOLDER ORGANIZATION THAT  
9 COLLABORATES WITH LOCAL COLLEGES AND UNIVERSITIES IN COLORADO  
10 TO CREATE THE DEVELOPMENT OF INCLUSIVE HIGHER EDUCATION  
11 OPPORTUNITIES FOR STUDENTS WITH INTELLECTUAL AND DEVELOPMENTAL  
12 DISABILITIES.

13 (3) "INCLUSIVE HIGHER EDUCATION" MEANS  
14 INSTITUTION-APPROVED ACCESS TO HIGHER EDUCATION THAT ENABLES A  
15 STUDENT WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES TO  
16 HAVE ALL OF THE RIGHTS, RESPONSIBILITIES, PRIVILEGES, BENEFITS, AND  
17 OUTCOMES THAT RESULT FROM A COLLEGE EXPERIENCE TO THE GREATEST  
18 EXTENT POSSIBLE, INCLUDING ACADEMIC SUCCESS, CAREER  
19 DEVELOPMENT, CAMPUS ENGAGEMENT, SELF-DETERMINATION,  
20 PARTICIPATION IN PAID WORK EXPERIENCES, ON- OR OFF-CAMPUS LIVING,  
21 INCLUSIVE SOCIAL ACTIVITIES, AND ACCESS TO AND INSTRUCTION IN  
22 TECHNOLOGY, RESULTING IN A MEANINGFUL CREDENTIAL CONFERRED BY  
23 THE INSTITUTION.

24 (4) "JFK PARTNERS" MEANS THE PROGRAM OF THE UNIVERSITY OF  
25 COLORADO SCHOOL OF MEDICINE, ANSCHUTZ MEDICAL CAMPUS, THAT IS  
26 DESIGNATED THE UNIVERSITY CENTER OF EXCELLENCE IN  
27 DEVELOPMENTAL DISABILITIES, EDUCATION, RESEARCH, AND SERVICE

1 PROGRAM IN COLORADO.

2 (5) "PILOT PROGRAM" MEANS THE INCLUSIVE HIGHER EDUCATION  
3 PILOT PROGRAM CREATED IN SECTION 23-75-104.

4 **23-75-104. Inclusive higher education pilot program - created**  
5 **- annual evaluation.** (1) THERE IS CREATED IN THE DEPARTMENT THE  
6 INCLUSIVE HIGHER EDUCATION PILOT PROGRAM TO FACILITATE THE  
7 ESTABLISHMENT OF INCLUSIVE HIGHER EDUCATION PROGRAMS FOR  
8 STUDENTS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES AT  
9 CERTAIN COLORADO INSTITUTIONS OF HIGHER EDUCATION.

10 (2) THE PILOT PROGRAM SHALL OPERATE AT THREE PILOT SITES IN  
11 COLORADO, INCLUDING TWO SITES AT FOUR-YEAR INSTITUTIONS AND ONE  
12 SITE AT A COMMUNITY COLLEGE. THE PILOT SITES INCLUDE THE  
13 UNIVERSITY OF NORTHERN COLORADO, THE UNIVERSITY OF COLORADO AT  
14 COLORADO SPRINGS, AND ARAPAHOE COMMUNITY COLLEGE.

15 (3) THE DEPARTMENT SHALL WORK WITH THE INSTITUTIONS OF  
16 HIGHER EDUCATION PARTICIPATING IN THE PILOT PROGRAM, JFK  
17 PARTNERS, AND IN! TO DEVELOP PILOT PROGRAMS AT THE PILOT SITES  
18 THAT PROVIDE INCLUSIVE HIGHER EDUCATION OPPORTUNITIES FOR  
19 STUDENTS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES. AT  
20 A MINIMUM, THE INCLUSIVE HIGHER EDUCATION PILOT PROGRAM AT EACH  
21 PILOT SITE MUST:

22 (a) INCLUDE AN INSTITUTIONAL ASSESSMENT TO DETERMINE  
23 TRAINING NEEDS, TECHNICAL ASSISTANCE, AND OTHER CAPACITY NEEDED  
24 TO PROVIDE A HIGHER EDUCATION PROGRAM FOR STUDENTS WITH  
25 INTELLECTUAL AND DEVELOPMENTAL DISABILITIES;

26 (b) IDENTIFY STATE AND INSTITUTION REGULATIONS, POLICIES,  
27 AND PRACTICES THAT FOSTER OR IMPEDE INCLUSIVE HIGHER EDUCATION;

1 (c) OFFER PROGRAMMING AND NECESSARY SUPPORTS FOR  
2 STUDENTS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES THAT  
3 ALLOW A STUDENT TO TAKE FOR CREDIT OR TO AUDIT A MINIMUM OF TWO  
4 ON-CAMPUS UNDERGRADUATE COURSES EACH SEMESTER IN HIS OR HER  
5 CHOSEN AREA OF INTEREST, AND TO TAKE A COURSE EACH SEMESTER THAT  
6 IS DESIGNED TO MEET THE NEEDS OF STUDENTS WITH INTELLECTUAL AND  
7 DEVELOPMENTAL DISABILITIES, RESULTING UPON COMPLETION IN THE  
8 AWARD OF A CERTIFICATE FROM THE INSTITUTION;

9 (d) TO THE GREATEST EXTENT POSSIBLE, INTEGRATE STUDENTS  
10 SOCIALLY AND ACADEMICALLY INTO THE NORMATIVE OFFERINGS OF THE  
11 INSTITUTION AND GIVE THE STUDENT ALL OF THE RIGHTS AND  
12 RESPONSIBILITIES OF A TYPICALLY MATRICULATING STUDENT;

13 (e) INCLUDE PEER MENTORING;

14 (f) COORDINATE WITH AVAILABLE VOCATIONAL REHABILITATION  
15 SUPPORTS THROUGH THE DEPARTMENT OF LABOR AND EMPLOYMENT;

16 (g) BE OUTCOME FOCUSED, PREPARING THE STUDENT FOR GAINFUL  
17 COMPETITIVE EMPLOYMENT;

18 (h) INCLUDE ADMISSIONS STANDARDS THAT DO NOT REQUIRE A  
19 STUDENT TO PARTICIPATE IN A CURRICULUM-BASED, ACHIEVEMENT  
20 COLLEGE ENTRANCE EXAM THAT IS ADMINISTERED NATIONWIDE;

21 (i) REQUIRE THE INSTITUTION OF HIGHER EDUCATION TO BECOME  
22 A CERTIFIED TRANSITION PROGRAM, AS DEFINED IN THE "HIGHER  
23 EDUCATION OPPORTUNITY ACT", PUB. L. 110-315, GIVING STUDENTS IN  
24 THE PROGRAM ACCESS TO FEDERAL FINANCIAL AID OPPORTUNITIES; AND

25 (j) REQUIRE THE INSTITUTION OF HIGHER EDUCATION TO DEVELOP  
26 A FIVE-YEAR PLAN FOR SUSTAINABILITY, INCLUDING ENROLLMENT  
27 PROJECTIONS FOR THE INCLUSIVE HIGHER EDUCATION PROGRAM.

1 (4) JFK PARTNERS SHALL ANNUALLY EVALUATE THE  
2 DEVELOPMENT AND IMPLEMENTATION OF THE INCLUSIVE HIGHER  
3 EDUCATION PILOT PROGRAMS AT THE PILOT SITES AND SHALL PROVIDE A  
4 WRITTEN REPORT CONCERNING THE ANNUAL EVALUATION TO THE  
5 DEPARTMENT. THE EVALUATION MUST BE A FORMATIVE EVALUATION  
6 DOCUMENTING SUCCESSES AND BARRIERS IN INCLUSIVE HIGHER  
7 EDUCATION FROM THE PERSPECTIVE OF MULTIPLE STAKEHOLDERS,  
8 INCLUDING STUDENTS, PARENTS, PEERS, FACULTY, AND ADMINISTRATORS.

9 (5) THE INSTITUTIONS OF HIGHER EDUCATION PARTICIPATING IN  
10 THE PILOT PROGRAM, JFK PARTNERS, AND IN! ARE ENCOURAGED TO  
11 PARTICIPATE ANNUALLY IN A STATEWIDE SUMMIT CONCERNING INCLUSIVE  
12 HIGHER EDUCATION TO SHARE BEST PRACTICES AMONG THE PILOT SITES  
13 WITH THE GOAL OF PROMOTING THE DEVELOPMENT OF HIGH-QUALITY  
14 INCLUSIVE HIGHER EDUCATION PROGRAMS STATEWIDE.

15 (6) THE DEPARTMENT SHALL ALLOCATE TO THE GOVERNING  
16 BOARDS OF THE INSTITUTIONS OF HIGHER EDUCATION PARTICIPATING IN  
17 AND EVALUATING THE PILOT PROGRAM MONEY APPROPRIATED TO THE  
18 DEPARTMENT BY THE GENERAL ASSEMBLY FOR THE 2016-17 FISCAL YEAR,  
19 AND FOR EACH FISCAL YEAR THEREAFTER THROUGH THE 2020-21 FISCAL  
20 YEAR, FOR A LIMITED PURPOSE FEE-FOR-SERVICE CONTRACT PURSUANT TO  
21 SECTION 23-18-308 TO IMPLEMENT THE PILOT PROGRAM.

22 **23-75-105. Reporting requirements.** (1) THE DEPARTMENT  
23 SHALL REPORT TO THE EDUCATION COMMITTEES OF THE HOUSE OF  
24 REPRESENTATIVES AND OF THE SENATE, OR THEIR SUCCESSOR  
25 COMMITTEES, AND TO THE JOINT BUDGET COMMITTEE CONCERNING THE  
26 DEVELOPMENT AND IMPLEMENTATION OF THE PILOT PROGRAM, INCLUDING  
27 A SUMMARY OF THE ANNUAL EVALUATION OF THE PILOT PROGRAM



1 PURSUANT TO SECTION 23-75-104 (4). THE DEPARTMENT SHALL REPORT  
2 ON THE PILOT PROGRAM AS PART OF THE DEPARTMENT'S ANNUAL  
3 PRESENTATION TO ITS LEGISLATIVE COMMITTEE OF REFERENCE PURSUANT  
4 TO SECTION 2-7-103, C.R.S.

5 (2) NOTWITHSTANDING SECTION 24-1-136(11)(a)(I), C.R.S., THE  
6 REPORTING REQUIREMENTS SET FORTH IN THIS SECTION CONTINUE UNTIL  
7 THE PILOT PROGRAM REPEALS PURSUANT TO SECTION 23-75-106.

8 **23-75-106. Repeal of article.** THIS ARTICLE IS REPEALED,  
9 EFFECTIVE JULY 1, 2021.

10 **SECTION 2.** In Colorado Revised Statutes, 23-3.3-103, **add** (3)  
11 as follows:

12 **23-3.3-103. Annual appropriations.** (3) THE PROVISIONS OF  
13 SUBSECTION (1) OF THIS SECTION CONCERNING APPROPRIATIONS FOR  
14 STUDENT FINANCIAL ASSISTANCE UNDER THIS ARTICLE SHALL NOT APPLY  
15 TO APPROPRIATIONS MADE PURSUANT TO THE "INCLUSIVE HIGHER  
16 EDUCATION ACT", ARTICLE 75 OF THIS TITLE.

17 **SECTION 3.** In Colorado Revised Statutes, **amend** 23-18-308 as  
18 follows:

19 **23-18-308. Fee-for-service contracts - limited purpose.**

20 (1) Subject to available appropriations, the department shall enter into a  
21 fee-for-service contract for the following purpose:

22 (a) ~~(H)~~ The creation of career pathways for students pursuant to  
23 sections 23-60-109 and 24-46.3-104, C.R.S; AND

24 (b) THE INCLUSIVE HIGHER EDUCATION PILOT PROGRAM PURSUANT  
25 TO SECTION 23-75-104.

26 ~~(H)~~ (2) Notwithstanding any provision of this part 3 to the  
27 contrary, the amount of a fee-for-service contract entered into pursuant

1 to this section is not included in the calculation of "total state  
2 appropriation" or "total governing board appropriation" made pursuant to  
3 this part 3.

4 **SECTION 4.** In Colorado Revised Statutes, 25.5-10-207, **add** (7)  
5 as follows:

6 **25.5-10-207. Services and supports - waiting list reduction -**  
7 **cash fund - repeal.** (7) (a) ON JUNE 30, 2016, THE STATE TREASURER  
8 SHALL TRANSFER TWO HUNDRED FIFTY THOUSAND DOLLARS FROM THE  
9 INTELLECTUAL AND DEVELOPMENTAL DISABILITIES SERVICES CASH FUND  
10 TO THE GENERAL FUND.

11 (b) ON JUNE 30, 2017, THE STATE TREASURER SHALL TRANSFER  
12 TWO HUNDRED FIFTY THOUSAND DOLLARS FROM THE INTELLECTUAL AND  
13 DEVELOPMENTAL DISABILITIES SERVICES CASH FUND TO THE GENERAL  
14 FUND.

15 (c) THIS SUBSECTION (7) IS REPEALED, EFFECTIVE JULY 1, 2018.

16 **SECTION 5. Appropriation.** (1) For the 2016-17 state fiscal  
17 year, \$250,000 is appropriated to the department of higher education. This  
18 appropriation is from the general fund. To implement this act, the  
19 department may use this appropriation for the college opportunity fund  
20 program to be used for limited purpose fee-for-service contracts with  
21 state institutions.

22 (2) For the 2016-17 state fiscal year, \$250,000 is appropriated to  
23 the department of higher education. This appropriation is from  
24 reappropriated funds received from the limited purpose fee-for-service  
25 contracts with state institutions under subsection (1) of this section. To  
26 implement this act, the department may use this appropriation as follows:

27 Governing boards

1	Regents of the university of Colorado	\$100,000
2	University of Northern Colorado	\$75,000
3	State board for community colleges and	
4	occupational education state system	
5	community colleges	\$75,000

6           **SECTION 6. Safety clause.** The general assembly hereby finds,  
7 determines, and declares that this act is necessary for the immediate  
8 preservation of the public peace, health, and safety.