

**Second Regular Session  
Seventieth General Assembly  
STATE OF COLORADO**

**REVISED**

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

LLS NO. 16-1167.01 Brita Darling x2241

**SENATE BILL 16-196**

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**SENATE SPONSORSHIP**

**Cooke and Cadman,**

**HOUSE SPONSORSHIP**

**Landgraf and Young,**

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**Senate Committees**

Education  
Appropriations

**House Committees**

Appropriations

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**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.**

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**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.*

HOUSE  
2nd Reading Unamended  
May 9, 2016

SENATE  
3rd Reading Unamended  
May 6, 2016

SENATE  
Amended 2nd Reading  
May 5, 2016

state (institutions), including 2 4-year institutions and one community college.

The bill requires the department of higher education (department), the institutions participating in the pilot program, JFK Partners, defined in the bill as a program of the university of Colorado medical school, and IN!, defined in the bill as a stakeholder group supporting inclusive higher education, to work together to develop pilot programs at the pilot sites.

The bill specifies the minimum requirements for each inclusive higher education pilot program, including, among other requirements, the development of programming for students that allows a student to take two on-campus undergraduate courses each semester in the student's chosen area of interest and a course specific to inclusive higher education, and to earn a certificate from the institution at the completion of the program. In addition, the inclusive higher education pilot programs shall integrate students socially and academically to the greatest extent possible, and shall be outcome-focused in preparing the student for gainful employment in the community.

The bill requires JFK Partners to complete an annual formative evaluation of each pilot program and the department to report to the general assembly annually concerning the implementation of inclusive higher education, as well as the results of the JFK Partners evaluation.

The bill requires the department to enter into fee-for-service contracts with the governing boards of the institutions, and recognizes that fee-for-service contracts for inclusive higher education programs are not included in certain defined terms for purposes of calculating total appropriations in the college opportunity fund program or determining appropriations for student financial assistance.

The pilot program is repealed July 1, 2021.

The bill includes transfers of money from the intellectual and developmental disabilities services cash fund in 2016 and 2017 and an appropriation clause.

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

2           **SECTION 1.** In Colorado Revised Statutes, **add** article 75 to title  
3 23 as follows:

4                                   **ARTICLE 75**

5                                   **Pilot Program for Inclusive Higher Education for**  
6                                   **Students with Intellectual and Developmental Disabilities**

7           **23-75-101. Short title.** THE SHORT TITLE OF THIS ARTICLE IS THE

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 INSTITUTIONS OF HIGHER EDUCATION PARTICIPATING IN  
16 THE PILOT PROGRAM SHALL DEVELOP PILOT PROGRAMS AT THE PILOT SITES  
17 THAT PROVIDE INCLUSIVE HIGHER EDUCATION OPPORTUNITIES FOR  
18 STUDENTS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES. THE  
19 INCLUSIVE HIGHER EDUCATION PILOT PROGRAM AT EACH PILOT SITE MAY:

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

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

26 (c) OFFER PROGRAMMING AND NECESSARY SUPPORTS FOR  
27 STUDENTS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES THAT

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

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

11 (e) INCLUDE PEER MENTORING;

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

14 (g) BE OUTCOME FOCUSED, PREPARING THE STUDENT FOR GAINFUL  
15 COMPETITIVE EMPLOYMENT;

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

19 (i) REQUIRE THE INSTITUTION OF HIGHER EDUCATION, IF THE  
20 INSTITUTION HAS DETERMINED THAT THE PILOT PROGRAM IS SUSTAINABLE,

21 TO BECOME A CERTIFIED TRANSITION PROGRAM, AS DEFINED IN THE  
22 "HIGHER EDUCATION OPPORTUNITY ACT", PUB. L. 110-315, GIVING  
23 STUDENTS IN THE PROGRAM ACCESS TO FEDERAL FINANCIAL AID  
24 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) IN ANY FISCAL YEAR IN WHICH A PILOT SITE OR SITES OFFER A  
2 PILOT PROGRAM PURSUANT TO THIS ARTICLE AND IN WHICH SUFFICIENT  
3 MONEY IS APPROPRIATED BY THE GENERAL ASSEMBLY FOR THE  
4 EVALUATION REQUIRED PURSUANT TO THIS SUBSECTION (4), JFK  
5 PARTNERS SHALL EVALUATE THE DEVELOPMENT AND IMPLEMENTATION  
6 OF THE INCLUSIVE HIGHER EDUCATION PILOT PROGRAMS AT THE PILOT  
7 SITES AND SHALL PROVIDE A WRITTEN REPORT CONCERNING THE \_\_\_\_\_  
8 EVALUATION TO THE DEPARTMENT.

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           (7) NOTWITHSTANDING ANY PROVISION OF THIS ARTICLE TO THE  
23 CONTRARY, AN INSTITUTION OF HIGHER EDUCATION IS NOT REQUIRED TO  
24 IMPLEMENT OR OPERATE A PILOT PROGRAM IF SUFFICIENT MONEY IS NOT  
25 APPROPRIATED BY THE GENERAL ASSEMBLY PURSUANT TO THIS SECTION.  
26 IN ADDITION, AN INSTITUTION OF HIGHER EDUCATION MAY CEASE TO  
27 OPERATE THE PILOT PROGRAM, AND THE DEPARTMENT MAY REQUEST THAT



1 THE GENERAL ASSEMBLY REALLOCATE PILOT PROGRAM APPROPRIATIONS  
2 AMONG THE PILOT SITES.

3 **23-75-105. Reporting requirements.** (1) THE DEPARTMENT  
4 SHALL REPORT TO THE EDUCATION COMMITTEES OF THE HOUSE OF  
5 REPRESENTATIVES AND OF THE SENATE, OR THEIR SUCCESSOR  
6 COMMITTEES, AND TO THE JOINT BUDGET COMMITTEE CONCERNING THE  
7 DEVELOPMENT AND IMPLEMENTATION OF THE PILOT PROGRAM. THE  
8 REPORT SHALL INCLUDE A SUMMARY OF THE EVALUATION OF THE PILOT  
9 PROGRAM PURSUANT TO SECTION 23-75-104 (4) IN ANY YEAR IN WHICH A  
10 PILOT PROGRAM IS OPERATING. THE DEPARTMENT SHALL REPORT ON THE  
11 PILOT PROGRAM AS PART OF THE DEPARTMENT'S ANNUAL PRESENTATION  
12 TO ITS LEGISLATIVE COMMITTEE OF REFERENCE PURSUANT TO SECTION  
13 2-7-103, C.R.S.

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

17 **23-75-106. Repeal of article.** THIS ARTICLE IS REPEALED,  
18 EFFECTIVE JULY 1, 2021.

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

21 **23-3.3-103. Annual appropriations.** (3) THE PROVISIONS OF  
22 SUBSECTION (1) OF THIS SECTION CONCERNING APPROPRIATIONS FOR  
23 STUDENT FINANCIAL ASSISTANCE UNDER THIS ARTICLE SHALL NOT APPLY  
24 TO APPROPRIATIONS MADE PURSUANT TO THE "INCLUSIVE HIGHER  
25 EDUCATION ACT", ARTICLE 75 OF THIS TITLE.

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

1           **23-18-308. Fee-for-service contracts - limited purpose.**

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

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

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

8           ~~(H)~~ (2) Notwithstanding any provision of this part 3 to the  
9 contrary, the amount of a fee-for-service contract entered into pursuant  
10 to this section is not included in the calculation of "total state  
11 appropriation" or "total governing board appropriation" made pursuant to  
12 this part 3.

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

15           **25.5-10-207. Services and supports - waiting list reduction -**  
16 **cash fund - repeal.** (7) (a) ON JUNE 30, 2016, THE STATE TREASURER  
17 SHALL TRANSFER TWO HUNDRED FIFTY THOUSAND DOLLARS FROM THE  
18 INTELLECTUAL AND DEVELOPMENTAL DISABILITIES SERVICES CASH FUND  
19 TO THE GENERAL FUND.

20           (b) ON JUNE 30, 2017, THE STATE TREASURER SHALL TRANSFER  
21 TWO HUNDRED FIFTY THOUSAND DOLLARS FROM THE INTELLECTUAL AND  
22 DEVELOPMENTAL DISABILITIES SERVICES CASH FUND TO THE GENERAL  
23 FUND.

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

25           **SECTION 5. Appropriation.** (1) For the 2016-17 state fiscal  
26 year, \$250,000 is appropriated to the department of higher education. This  
27 appropriation is from the general fund. To implement this act, the

1 department may use this appropriation for the college opportunity fund  
2 program to be used for limited purpose fee-for-service contracts with  
3 state institutions.

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

9 Governing Boards

10 Regents of the university of Colorado	\$100,000
11 University of Northern Colorado	\$75,000
12 State board for community colleges and 13 occupational education state system 14 community colleges	\$75,000

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