H.B. 22-1255: Recommendations for Improving Outcomes for Students with Disabilities in Higher Education

(2 of 2 Reports)

2024

Disability Services Advisory Committee

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Recommendations for Improving Outcomes for Students with Disabilities in Higher Education
COLORADO DEPARTMENT OF HIGHER EDUCATION

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This report is a product of the Disability Services Advisory Committee as mandated by House Bill 22-1255. This report and the recommendations herein do not necessarily represent the views of Colorado's Governor's Office, Office of State Planning and Budgeting, the Colorado Department of Higher Education, or other state agencies.

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Acknowledgments

The advisory committee is thankful for the additional opportunity with this second report to examine the services and best practices for disability services in higher education. We are also grateful for the opportunity to share our expertise with the Colorado Department of Higher Education and the Colorado Commission on Higher Education. It has been an honor to provide the House and Senate Education Committees with recommendations to improve outcomes for college students with disabilities.

A special thanks to Representatives David Ortiz and Mary Bradfield, as well as Senators Rachel Zenzinger and Barbara Kirkmeyer for sponsoring House Bill 22-1255. Furthermore, our gratitude extends to Governor Jared Polis for his unwavering support and endorsement of the bill.

Establishing a committee to examine services and best practices for institutions of higher education that exceed the minimum requirements of federal and state laws is a remarkable demonstration of Colorado's dedication to students with disabilities. We take great pride in our service on this committee, particularly in our commitment to advancing objectives that go beyond mere necessity for students with disabilities in Colorado's institutions of higher education. It's truly humbling to have been entrusted with this task, allowing us to offer a robust set of recommendations aimed at revolutionizing disability services in postsecondary education for these students.

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Executive Summary

This report is the second of two reports created by the disability services advisory committee as part of Colorado House Bill 22-1255. Governor Jared Polis authorized the bill on April 21, 2022. The bill contained specific directives to establish a postsecondary services advisory committee to provide recommendations to improve outcomes for students with disabilities in higher education. The Colorado Department of Higher Education selected 15 individuals with advanced knowledge and expertise to serve on the committee. The committee started working on the bill's directives in September of 2022 and submitted the first report in June of 2023. The committee reconvened in September of 2023 to work on the second report.

The first report consisted of 17 recommendations. These recommendations were designed to highlight gaps in the delivery of necessary services for students with disabilities in higher education. The recommendations focused on a proactive approach to establish comprehensive resources and accountability measures to reinforce compliance toward provisions that go beyond minimum requirements for disability services. This second report is intended to bring attention to some additional focus areas, considerations and action steps concerning the five recommendations determined by the committee to be of top priority from the first report. Furthermore, the Committee recognizes that other bills impacted the conversations and recommendations during this past legislative session, including but not limited to Colorado House Bill 21-1110 (Digital Accessibility for Persons with Disabilities).

The committee aims for Colorado to raise and set standards in providing services for students with disabilities in higher education. For this to happen, it will take a unified effort between state legislators and higher education affiliates to implement each of the 17 recommendations. While all the recommendations are integral to improving outcomes for students with disabilities in higher education, the committee decided to focus on the five recommendations. These include:

1. Ensure students with disabilities receive postsecondary education preparation services by appointing a Colorado Department of Education (CDE) supervisory program responsible for overseeing transition services at all school districts in Colorado.

2. Provide a comprehensive new and transfer student orientation program that includes informative resource procedures for all college student support services and programs for students with disabilities.

3. Establish a statewide higher education teaching and learning resource center designed to provide professional learning opportunities that provide specific training for college faculty, staff and administrators to effectively support the needs of students with disabilities inside and outside the classroom.

4. Establish a statewide higher education IT help center to provide technical support and guidance for digital media, ECT and web/online content accessibility.

5. Establish a free disability learning evaluation referral program for students without a documented disability who are requesting accommodation services in higher education.

The committee noticed overlap within the recommendations and identified four subcommittees to clarify focus areas, considerations and action steps. Each subcommittee engaged in a discussion-based approach to further examine services and best practices to improve outcomes for students with disabilities that exceed minimum state and federal requirements.

This report includes in-depth information on the five recommendations and implementation strategies for the Colorado General Assembly and education affiliates. The report concludes by assessing the current state of disability services for institutions of higher education, emphasizing the need for ongoing improvement processes in this area. The statement that 'it's going to take a village' does not fully capture the efforts needed to improve outcomes for students with disabilities in higher education. Instead, the state of disability services calls for combined programs and an increase of interagency collaboration. We need other 'villages' to join in these efforts.

Recommendation #1: Postsecondary Education Preparation Services

- Ensure students with disabilities receive postsecondary education preparation services by appointing a Colorado Department of Education (CDE) supervisory program responsible for overseeing transition services for students with disabilities at all school districts in Colorado.

Recommendation Context

The recommendation that all students with disabilities receive postsecondary education preparation services stems from the shared experiences of faculty, staff, students, families, and community members at institutions of higher education (IHEs). These stakeholders expressed inadequacies or inaccuracies regarding information to support the decision to enroll and engage in postsecondary education preparation opportunities. The recommendation initially asked for a CDE supervisory program responsible for overseeing transition services at all public school districts which would provide consistent and accurate information to impacted students.

Over this past year, the committee has discussed nuanced benefits and unforeseeable challenges related to the recommendation. The subsequent sections of this recommendation will build on a proposal to increase opportunities for postsecondary transition services. This section also seeks to expand on the recommendation to establish operations that can improve the efficacy of disseminating information concerning opportunities for postsecondary transition services and a need for additional data.

Current capacity of the Colorado Department of Education, Office of Special Education

CDE's Office of Special Education is the centralized office to support students with disabilities. Within this office, approximately 50 staff serve the varying needs across grade levels through high school. Within these 50 positions, one role is a secondary transition specialist. This one position is under the organizational category of technical assistance. The position is dedicated to a variety of responsibilities including information dissemination through regional, district and virtual training, as well as coordinating an annual statewide secondary transition leadership institute conference for educators. The position also coordinates web-based training accessibility to the public. There are limitations within this position. Secondary transition service plans are intentionally built only for students receiving educational support through an Individualized Education Program (IEP). Yet a

much wider variety of demographics and circumstances beyond who is served by this CDE office exist related to needing enrollment in college or accessing academic accommodations.

The determination of services is based on student needs and considers the student's preferences and interests. Transition services must, however, include instruction, community resources and the development of any postsecondary objectives. It is not intended, nor is it an expected responsibility of Colorado public school educators and staff, to encompass a holistic college-readiness review and placement recommendation. Many colleges operate differently, as well as separately, from public school districts and IEP teams. Some students receiving IEP services through high school may not have interest or eligibility for traditional college environments. Additionally, an account of any representative of any participating agency (e.g., Division of Vocational Rehabilitation [DVR]) providing transition supports or resources must be invited, with parent permission to the IEP meeting in the year they will provide or pay for services.

Only students identified as eligible and receiving services according to an IEP have access to what is encompassed in secondary transition services. Separately, processes for students enrolled in public education with Section 504 documentation are overseen by the Office of Civil Rights (OCR), compared to the Individuals with Disabilities Education Act (IDEA), which is a federal law for students with an IEP. Through inquiry by representatives of this committee familiar with the Office of Special Education, students with a 504 plan are not eligible for certain postsecondary transition services and planning comparable to the processes intended for students with an IEP.

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Figure A[1]

IEP vs. 504 Plan	Individualized Education Plan (IEP)	504 plan
Type of Law	Required because of IDEA	Required because of Rehabilitation Act of 1973
Department	Department of Education	Office of Civil Rights
Requirements for Eligibility	Has disability that: meets criteria under IDEA, significantly impacts educational performance, Requires specialized services	Has a disability that significantly impacts a major life function
What is Included?	Specialized education services, accommodations and related services	Accommodations and modifications

However, they are still eligible to apply for services with DVR. Further, there is no centralized office or agency or recommended process for postsecondary transition services for Colorado high school students with a 504 plan. Where a high school has available college counseling and the Individual Career and Academic Plan (ICAP) for all students, any student with a 504 plan would likely be encompassed in these processes regardless of any special education or accommodation determinations. This would be the only publicly provided postsecondary transition service available regardless of whether the system or approach was accessible or adequate to the needs of a student with a 504 plan.

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[1] https://verdugopsych.com/individualized-education-plans-iep-vs-504-plans-whats-the-difference-between-them/

Data considerations for Colorado 504 eligible students

It is the responsibility of the Local Education Agency (LEA) to ensure that students with IEPs receive the secondary transition services that they need to effectively transition into a postsecondary setting. CDE's Office of Special Education oversees this process. Students with 504 plans may be served through the ICAP process but there is no clarity or data regarding how the myriad of students with disabilities such as those in private, online and charter schools are served.

Unfortunately, there is no data to accurately reflect the number of students with IEPs who enroll in higher education. Nor is there data to accurately reflect the number of students with IEPs who access accommodations by IHEs. It should be noted that Colorado HB22-1255 has made efforts toward collecting data from students with disabilities in higher education by requiring Colorado IHEs to report on the total number of students with disabilities they serve starting in January 2024.[2] Still, this report does not include information on students who received IEPs or 504 plans in high school.

There are data collected each year by CDE's Exceptional Student Services Unit (ESSU) through the post-school outcome interview process. During the post-school outcomes interview process for students who received transition services from their IEP, students and families are called to determine whether students were enrolled in higher education/training for at least one semester. In Spring 2023, 6,262 students with IEPs exited public education by graduating, dropping out or aging out. A sample of 4,005 students were selected and 2,825 participated in the post-school outcomes interviews process. Of the 2,825 students, 669 students enrolled in at least one course in higher education for at least one term. At this time, there is no way to track whether these students needed or accessed accommodation services at their IHE respectively, or other information relevant to this report.

Additionally, there is no data to support whether students with 504s who needed accommodation services accessed them. Data to support actionable steps is needed to increase the support for all students with disabilities to access accommodation services and support in higher education. Therefore, one consideration for this recommendation is for CDHE and CDE to establish and strengthen data collection, data analysis and data sharing processes across systems.

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[2] https://cdhe.colorado.gov/sites/highered/files/SWD%201st%20Data%20Report%20Jan%202024%20FINAL_0.pdf

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Demographic Limitations compared to the first report

This distinction for postsecondary transition services between students with an IEP and students with a 504 plan was not defined in the first report. Colorado-based students enrolled in high school credits among charter, private, virtual or homeschool environments may not have access to the opportunity of formalized postsecondary Transition Services. Colorado's congressional support should explore the establishment of provisions for postsecondary Transition Services catering to the needs for students with IEPs and 504 plans.

The Colorado Department of Education's SchoolView Snapshot from March of 2024[3] provides a synopsis of commonly requested Colorado education facts. These data facts regarding K-12 education students include:

- Colorado public school PK-12 enrollment in 2023-24 was the lowest in a decade at 881,464. Compared to the 2019-2020 academic year enrollment figure of 913,223.

- Charter and Online: In 2023-24, 135,223 students were enrolled in charter schools and 31,839 students in online schools.

- Homeschool: In 2023-24 students counted as homeschooled full-time increased to 8.44% or 9,406 students.

- Special Education: Colorado public schools educate over 113,992 students in special education (i.e., IEP students only). Up from 104,612 in the 2020-21 academic year.

- In the 22-23 academic year of the 104,181 students K-21; 25,847 students ages 15-21 were eligible for secondary transition services.[4]

These figures highlight the significant number of Colorado high school students with 504s and homeschooled students who would be ineligible for direct secondary Transition Services planning. Additionally, the growing statistical trends show that more students are determined eligible for IEPs

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[3] https://www.cde.state.co.us/schoolview/explore/statesnapshot#:~:text=Charter%20and%20Online%3A%20In%202023,113%2C992%20students%20in%20special%20education.

[4] https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.cde.state.co.us%2Fcdesped%2Fcoloradochildcount%2Fedenvironment2022-2023&wdOrigin=BROWSELINK

and postsecondary transition services. Increased enrollments in environments where there is no oversight for Transition Services increases the variability of services and education about postsecondary transition service eligibility.

Demographics not previously considered

Students enrolled in Colorado IHEs as non-residents, who wouldn't have received support through K-12 IEPs or 504 plans in Colorado, constitute a demographic requiring transparent consideration for disability transition services. Consistent with the 2019 report prepared by CDHE[5], several different thresholds are set for non-resident enrollment. While these enrollment rates are differentiated by cohort requirements, including enrollment timeline, merit scholarship status and foreign student status, the goal is to allow flexibility to individual campuses to make up for declining state-sponsored revenue streams. Ultimately, in Colorado, the caps for out-of-state/non-resident enrollment are significantly higher compared to other states, and range by criteria, but up to 45% of an incoming class can be non-resident for most IHEs.

Although data on the percentage of non-resident college students who received Transition Services from their Local Education Agency (LEA) are unavailable, some may require academic accommodations, regardless of their readiness to access accommodation services upon enrollment in higher education. For students who move to Colorado to attend higher education but have either not received Transition Services or are not prepared otherwise to receive academic accommodations, personal challenges can be great. Since there is no tracking on persistence levels for non-resident students, what can be deduced is attrition, transfer (to another Colorado IHE or elsewhere), financial loss and emotional toll is a possibility. Since particular data points are unattainable as they relate to further demographic limitations for postsecondary transitioning students, the committee recognized the following groups as underserved and needing transparent information in preparation to access disability services in higher education:

- Transfer students;
- Students who take temporary breaks in their educational pathways; and

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[5] CRS 23-1-113.5

- Students identified with academic accommodation and auxiliary aid needs after high school graduation.

For these groups of students, individual IHEs should communicate the academic accommodations that are possible as well as the minimal requirements to request accommodation services at IHEs in Colorado. The student affairs division as a whole should be responsible for dissemination of disability accommodation information, but the emissions and outreach department should be leading this charge.

While internet forums and private service specialists advising disability accommodation registration can be found in abundance, a common summary of this advice is 'it depends.' There is currently not a unified standard process to access accommodations consistently, and each student will have needs and academic abilities specific to their circumstance. Similarly significant, stigma around disability may prevent students and families from seeking necessary information about disability services. Institutions should provide proactive, accurate and transparent information about how to access disability services.

Summary of Focus Areas, Considerations, and Action Steps for Recommendation #1

- Develop a structured liaison program with appropriate staffing that can operate to connect CDE, CDHE and corresponding community agencies including DVR, Local Educational Providers and Case Management Agencies. Liaisons can capture broader demographics and disaggregate data to ensure improved postsecondary preparedness and persistence for students with disabilities enrolling at Colorado IHEs.

- Provide a space for CDE and CDHE to collaborate on providing technical assistance, guidance and training to support school districts and IHEs with access to postsecondary education preparation services as it pertains to both students with an IEP and students with a 504 plan.

- Improve transparency and consistency with accommodation services by having CDE and CDHE establish adequate and accurate accommodation services information for school districts and student affairs at IHEs to disseminate to students with disabilities.

Finally, the committee urges state legislators to demand the immediate release of a U.S. Department of Education, OCR Notice of Proposed Rulemaking for Section 504 of the Rehabilitation Act of 1973.

The current regulations have left significant gaps in access to reasonable accommodations at IHEs. Failure to revisit and update these regulations will result in continued and devastating impacts on students with disabilities.

This holds particular importance for the legislative agenda aimed at improving outcomes for students with disabilities in higher education. The committee sides with the OCR in signaling that a §504 rulemaking is forthcoming to update the Department's §504 regulations and strengthen the rights of students with disabilities. The proposed rulemaking should address the longstanding issues that students with disabilities endure with accessing education, such as managing inaccessible classroom buildings on K-12 and college campuses, increasing access to effective accommodations in postsecondary education and ensuring that learning platforms and class materials are accessible and equitable.

The proposed rulemaking should provide technical assistance to support better communication and planning between students and their families, 504/IEP teams and Vocational Rehabilitation agencies to facilitate increased opportunities for postsecondary transition planning. The rulemaking should also include provisions for students with 504 plans to have access to the same transition services that students with IEPs receive in K-12 education.

Recommendation #2: Student and Institutional Orientation Program

- Provide a comprehensive new and transfer student orientation program that includes informative resource procedures for all college student support services and programs for students with disabilities.

Recommendation Context

New student orientation programs are an important high-impact practice for student success. These introductory programs not only empower students to be able to self-identify how their academic support needs can be met, but they also provide a critically important introduction to social support networks. Leadership at IHEs can implement data collection strategies to better understand the role

of new student orientation programs, understand their complexities and find ways to illustrate the role of orientation programs.[6]

According to a study from the University of Colorado Medical School, undergraduate students with a disability were at a 70% greater risk of burnout, whereas undergraduate students with multiple disabilities were at a 254% greater risk of burnout.[7] Additionally, stigma is a greater detriment for students needing accommodations. In an analysis of 2,709 students who responded to a survey of undergraduate students at the University of Michigan, among 63.9% of 1,368 respondents who needed accommodations, 19% reported that they did not seek accommodations for reasons other than needing it.[8] The stigmatization of disability and lack of community lead many students to believe that their best interest is to separate their academics from who they are and bootstrap their studies independently, without academic support and a welcoming disability community, contributing to high rates of burnout and isolation.

As noted in the first report, students with disabilities do not always receive transition services from their secondary school to equip them with information about how to seek out accommodation services from Disability Service Offices (DSOs) at IHEs. This is concerning because students who do not receive this information are often unaware of their options, desperately seeking out DSOs weeks into the college semester or feeling stigmatized in identifying their needs. The process can hinder academic progress, ultimately leading to the student being underserved and impacting their academic trajectory.

An orientation program can serve as a component to bridge gaps of information from one college campus to another. Additionally, implementing a holistic approach that focuses on the entire college community (i.e., students, staff and faculty) may improve information about the tools and processes available to students with disabilities. Students who receive information about how to request

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[6] Wolcott, G., Reckmeyer, W., Connor, A., & Flores, R. (2020). *Becoming a champion of orientation*. Journal of Research on the College President. https://collegepresidentresearch.uark.edu/2020/12/champion-of-orientation/

[7] Nguyen, M., Meeks, L. M., Pereira-Lima, K., Bullock, J. L., Addams, A. N., Moreland, C. J., & Boatright, D. B. (2024). Medical student burnout by race, ethnicity, and multiple disability status. JAMA Network Open, 7(1). https://doi.org/10.1001/jamanetworkopen.2023.51046

[8] Meeks, L. M., Pereira-Lima, K., Plegue, M., Stergiopoulos, E., Jain, N. R., Addams, A., & Moreland, C. J. (2022). Assessment of accommodation requests reported by a national sample of US MD students by category of disability. JAMA, 328(10), 982. https://doi.org/10.1001/jama.2022.12283

accommodations at their IHE during orientation will be able to learn about the accommodation process.

This section outlines focus areas, considerations and action steps that can be used to develop and offer an effective student and institutional orientation program. The program is intended to support a culture of inclusion within the campus, destigmatize disability and provide students with disabilities the information about resources they will need during their academic journey to improve outcomes. These focus areas, considerations and action steps are:

- The formation of an orientation advisory committee to provide standardized, recommended orientation content for students seeking accommodations. The advisory committee should include:
  - Three rotating DSO leaders (i.e., one each from a four-year, two-year and technical college for a two-year term).
  - Three student representatives from different IHEs.

- Standardized, recommended orientation program should include and support:
  - An inclusive campus culture, campus office location on a thoroughfare, accessible branding, broad marketing, community outreach, development of new practices and implementation of best practices disseminated across campuses and implementing a clear, well-publicized, complaint-resolution policy for students using disability services.
  - Development of a student orientation program that includes vetted aspects or elements agreed upon by the orientation advisory committee and Colorado IHEs.
  - Recommendation for faculty involvement in orientation programs.
  - Funding recommendations.
  - Report progress to the Colorado Commission on Higher Education (CCHE) including recommendations for improvement.

New student orientation is an opportunity for the campus to highlight a multitude of positive aspects about the campus, its student body, academic success and available resources. It also offers an opportunity for the campus to solidify its values and goals. Orientation allows the campus and

constituents to begin to destigmatize disability and commit to diversity, which includes disability as a core component.

Research indicates that if new students do not begin to feel like they "belong" within eight weeks of arriving on campus, they are at an especially high risk for dropping out. [9] Belonging is seen as a multi-dimensional concept that is neither automatically experienced nor fostered without challenges. However, efforts to support belonging are seen as having a reciprocal and sometimes substantial benefit. Gopalan and Brady[10] found that students' sense of belonging at the end of their first year of college was positively correlated with their persistence, mental health and use of campus services two years later. Additionally, a secure sense of school belonging reduces students' likelihood to consider dropping out. As it is often left to college students to self–identify and make first contact with the DSO for support, students who do not are often unaware of all that is available and can be more likely to have persistent feelings of peer isolation. Creating an inclusive community and fostering belonging should be intentional, occurring at all levels of the campus community starting with orientation.

Most campuses offer a range of programs and support aimed at enhancing the sense of connectedness and community experienced by all students. First-year orientation programs are an especially common pathway for accomplishing this goal.[11] Although their specific functions can differ across campuses and IHEs, most are aimed at smoothing the academic and social transitions of new students by introducing them to one another, mentorship programs, the campus and different aspects of college life.[12]

If done with fidelity, creating an inclusive culture, fostering belonging and enhancing student success, begins before a student's arrival/enrollment. To demonstrate that the campus is a welcoming, supportive community with a de-stigmatized lens IHEs should:

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[9] Raley, Y. (2007). Why we quit. Scientific American Mind, August/September, 75-79.

[10] Gopalan M, Brady ST. College students' sense of belonging: A national perspective. Educational Researcher 2020 Mar 1; 49(2): 134-7

[11] Padgett, R. D., & Keup, J. R. (2011). 2009 National survey of first-year seminars: Ongoing efforts to support students in transition. University of South Carolina.

[12] Chan, M. (2019). An analysis of new student orientation programs at U.S. four-year colleges: How can administrators enhance the first and major milestone of a student's academic journey? Planning for Higher Education Journal, 47(3), 38-52

- Include information about disability services in general information; brochures/packets and recruitment efforts.

- Provide students with information about accommodations, the DSO and peer mentoring groups; and.

- Create or update a specific website/page that features disability services and highlights peer mentoring groups.

A successful orientation and transition of new students to an institution requires informed staff and faculty. Both new and returning staff and faculty should be trained on support services for students with disabilities. Training topic areas include:

- Information on the Universal Design approach to instruction.

- An orientation to the legal, regulatory, and policy aspects of disability services.

- The services available at their institution and the process students need to know utilize them.

- Thorough Information about the complaint filing process that includes how to make a complaint about disability-related issues inside and outside the classroom.

- Information about how the DSOs interact with staff and faculty and the role of each in the accessibility process.

- Points of contact with DSO.

- Accommodations process for staff and faculty as well - further 'normalizing' discussing such issues and reducing stigma.

Summary of Focus Areas, Considerations, and Action Steps for Recommendation #2

The implementation of a statewide framework for orientation programs and associated action steps will provide students with disabilities in higher education more consistency with tools and resources as they start or continue that academic journey to ignite their passion for learning, build community and aim for academic success. Additionally, implementation will also generate a greater sense of understanding and as a result, a sense of community among the entire college or university, thus supporting a more inclusive environment for all students regardless of disability status.

Recommendations #3 and #4: Establish Statewide Support for Training and Technology Support

- Establish a statewide higher education teaching and learning resource center designed to provide professional learning opportunities for college faculty, staff and administrators to effectively support the needs of students with disabilities inside and outside the classroom.

- Establish a statewide higher education IT help center to provide technical support and guidance for digital media, ECT and web/online content accessibility.

Revised Recommendation

- Establish an online technical assistance site to include evidence-based, current and widely applicable best practices guidelines under the authority of the Colorado Department of Higher Education (CDHE) to provide guidelines and standards for institutions of higher education to follow in addressing campus-level improvements to accessibility.

Recommendation Context

IHEs are wrestling with digital educational opportunities, and sometimes without guidance on how to make them inclusive, universally-designed and accessible. Many administrators and faculty do not possess full knowledge of the scope of accessibility as it pertains to legislative mandates, such as; the Americans with Disabilities Act (ADA) of 1990 Title I & Title II, Section 504 of the Rehabilitation Act, and HB21-1110. Furthermore, ADA coordinators, when they are appointed, typically serve in that capacity as a fraction of their total responsibilities—it is common to see someone in human resources or a similar office named as the ADA/504, Title VII, Title IX Coordinator, in addition to their official title. This individual typically serves as the final point of contact in an internal civil rights complaint but may spend very little time providing any form of training to faculty and staff and direct services to students.

Direct service provision to students is the responsibility of DSO who determine accommodations but have no authority over the decisions about curriculum, course design, procurement, facilities, parking, landscaping or website design that cause the students to need those accommodations. The offices and departments responsible for these areas have little to no training or understanding of accessibility. Whenever concerns arise, whether it is with inaccessible course content, web content or

a building that does not need ADA guidelines, these offices typically refer the student to a DSO to request accommodations. If there is no reasonable accommodation available, the student is referred to a complaint or grievance process. If they do complain, or decide to file a lawsuit, the institution assumes that the fault is with the student for requesting unreasonable accommodations, or with the DSO for failing to serve them adequately.

The assumption is that compliance is equivalent to accommodation. Accommodations are not an indication that an institution of higher education is accessible. Accommodations are necessary when the educational environment is inaccessible or presents disability-related barriers to participation. Accommodation satisfies the minimum requirements of compliance and do not necessarily promote an inclusive culture. This sets up the unsustainable status quo at many campuses, where many decisions are made without regard to accessibility. And then when a service or course proves to be problematic and inaccessible, the institution simply refers anyone with concerns to the DSO, who is not empowered, lacks the authority and is often not funded to address the root cause of the problem.

IHEs have made progress understanding accessibility in the physical environment and have taken steps to address environmental barriers (e.g. ramps, door openers, etc.). However, with the move toward digital instruction, we must also address the barriers to the digital environment. Students are using a variety of assistive technology tools to access digital content at their schools, but the technology used to access information is only as good as the content being accessed. In other words, digital content needs to be made to be more robust in order for assistive technology tools to be effective. Information Communication Technology (ICT) must be designed to be accessible proactively and built into the design process to allow for inclusion. Finally, creating a more accessible campus and classroom environment can circumvent the need for accommodations and create a more inclusive campus climate.

Rather than limiting the scope to the areas traditionally handled by DSOs, such as student accommodations and course materials in alternative formats, guidelines should address accessibility at a systems level that involve all aspects of campus life, including, but not limited to:

- Faculty training on digital accessibility.
- Inclusive pedagogy.

- Access to exemplar IHE materials/ resources.

- Accessible procurement resources (e.g., VPATS and HECVATs) and contract language.

- Software and hardware vendor agreements for captioning, website auditing, and assistive technology.

- Repository for accessible course materials.

- Guidance for meeting current Web Content Accessibility Guidelines (WCAG) standards.

- Methods to build capacity across campus units and divisions.

Each IHE would have flexibility in meeting standards and guidelines on their respective campuses, but each institution would report progress on meeting expectations of the guidelines in addition to the disability data collected and reported to CDHE via the SURDS reporting system.

Summary of Focus Areas, Considerations and Action Steps for Recommendations #3 and #4

Guidelines, standards and best practices should be documented for the broad spectrum of accessibility issues faced by IHEs, including but not limited to:

- Equipment or interconnected system or subsystem of equipment that is used in the creation, conversion or duplication of electronic or digital data or information, such as websites, emails, marketing materials, course, instructional and communication materials (Word documents, PDF documents, PowerPoint presentations, videos, podcasts, online textbooks, adaptive courseware, exams, flyers, brochures, etc.), courseware, software, other classroom technologies, content management systems, search engines and databases, registration and grades, online proctoring tools, financial and human resource management systems, telecommunications, official university social media sites and emerging technologies.

- A clearinghouse should be established by CDHE to collect and disseminate this information by bringing together and utilizing the accessibility experts and resources already being developed. CDHE should create a mechanism for hosting and sharing this information and facilitating the exchange of information by digital accessibility offices, OIT, assistive technology offices and others already engaged in this work. This may also allow state institutions to work with vendors to leverage bulk pricing on products and services (e.g., captioning).

Recommendation #5: Evaluation Referral Program

- Establish a free disability learning evaluation referral program for students without a documented disability who are requesting accommodation services in higher education.

Recommendation Context

Generally, the laws that govern disability services in K-12 education vs higher education are different, IDEA vs ADA respectively. Historically, the eligibility determination for K-12 services was considered insufficient as a way of substantiating the existence of a disability-related accommodation in higher education. Nearly 20 years ago, students and families were told at IHEs that their K-12 education paperwork lacked a sufficiently recent evaluation by a licensed educational psychologist. Currently, IHEs will accept an IEP as evidence for the need for an accommodation for recent high school graduates in most circumstances.

Required learning disability evaluations (i.e., often a battery of tests) had to be included as supporting documentation of a disability during the accommodation eligibility process. Furthermore, the assessment had to have been completed within the past three years. These evaluations are not typically covered by health insurance and can cost between $400 and $5,000. Many IHEs had other standards for "recency" for other categories of disability, such as mental health conditions. These also required evaluations for mental illness to have been completed within the past year. This caused additional barriers for students who were attending an IHE from a "non-traditional" and/or transfer student path. In some cases, students have been told that they have to get evaluated (sometimes reevaluated) at their own expense. This procedure was conducted to prove that the student had a disability, and was thereby eligible for accommodations, even if they have received disability accommodations throughout their educational journey.

Who is and is not eligible for accommodations under ADA has been the central question of disability discrimination litigation from 1990 until the ADA amendment of 2008. Congress passed the Amendments Act to counteract this prevailing status quo that had "too narrowly interpreted the ADA definition of a disability."[13] The amendments explicitly stated that the newly revised definition of Disability, under the ADA Amendment Act of 2008, should allow for broad coverage and that

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[13] https://www2.ed.gov/about/offices/list/ocr/docs/dcl-504faq-201109.html

determination of eligibility "should not demand extensive analysis." (42 U.S.C. § 12102). The Association of Higher Education and Disability (AHEAD) revised its documentation guidelines as a result of this legislation, issuing revised guidance in 2012.[14] While this new guidance did not explicitly deny the possibility that documentation could and often should be utilized in determining or contributing to a student's eligibility for accommodations, it did advise that primary consideration should be given to the student's self-report (i.e., third party documentation such as the evaluation process has been moved to a tertiary level).

Summary of focus areas, considerations, and action steps for Recommendation #5

In the first report, the committee suggested that there be consideration to create a free opportunity for students and their families to receive documented disability evaluations. A collaborative process is recommended to be developed between CDHE and the Colorado Department of Labor and Employment (CDLE/DVR. Further exploration of this partnership is necessary. Conducting a needs assessment is essential to better understand this concern from the student's perspective. A special projects committee should be appointed to develop and conduct the needs-based assessment.

- Other focus areas, considerations and action steps include IHEs in conjunction with DSO's to conduct free- or reduced-costs for eligibility assessments.

    o Working with IHEs that have already set up processes to ensure that documentation is not a barrier to supportive accommodations. (e.g., University of Colorado at Colorado Springs UCCS).
    o Setting up funds for students to have access to evaluations.
    o Coordinating with local agencies and diagnostic professionals to ensure local and timely evaluations may be conducted for students who need immediate documentation.

Implementation Strategies

The advisory committee has worked diligently to provide a set of comprehensive recommendations to improve outcomes for students with disabilities in higher education. We hope that each of the recommendations in the first and second reports are operable and within reason. Between the reports, the advisory committee put forth 17 recommendations. Five were highlighted as top priority.

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[14] https://www.ahead.org/professional-resources/accommodations/documentation

Below is a list of suggested implementation strategies that the Colorado General Assembly, CDHE and CCHE can use to help bring the recommendations to fruition respectively:

- Introduce disability-related legislation, initiatives and/or policies so that they require or encourage use of the recommendations.

- Introduce disability-related legislation, initiatives and/or policies that bolster the process of implementing the recommendations as a holistic culture shift and not the duty of just one department or person.

- Develop legislation, initiatives and/or policies that establish rules, expectations, and guidelines for new disability-related programs and practices.

- Influence campus leadership including college boards to declare it a priority for the recommendations to be implemented via strategic planning.

- Participate in efforts to reform ethical and professional standards for conduct that encourage stakeholders to view the delivery of new practices as an ethical responsibility.

- Start a committee or coalition responsible for disseminating new disability-related programs and practices.

- Evaluate current program configurations and adapt disability-related legislation, initiatives and/or policies to accommodate new disability-related programs and practices.

- Consider changing the location of services or resources for better access to disability-related programs.

- Revamp data collection systems and efforts to allow better assessment of new disability-related programs and outcomes.

- Prune competing initiatives to reduce implementation overload to enable stakeholders to focus energy on new disability-related programs and practices for the recommendations.

The State of Disability Services for Institutions of Higher Education in Colorado

In April 2024, Georgia Tech announced that they discontinued their Access Text Network (ATN) services.[15] ATN has been instrumental in working with the Association of American Publishers (AAP) to provide equal access to textbooks for IHEs in a timely manner.[16] Now that the service is no longer available, there is a concern among DSOs that disability service professionals may struggle to provide alternative textbook formats to students with disabilities who have been approved for alternative format accommodations. This issue is a prime example of how fragile disability services can become at a moment's notice. Although DSOs were not immediately impacted by this issue because of the timing, DSOs are scrambling to find a solution before the Fall 2024 semester when requests for alternative textbook formats are typically at their highest. Without a defined plan, DSOs remain concerned about providing equal access to textbooks. In respect of Colorado HB21-1110, the situation is counterintuitive to maintaining digital accessibility compliance. At the time of this report, the Access Technology Higher Education Network (ATHEN) was collaborating with AHEAD on efforts to restore ATN.[17] Without a immediate solution to this matter, IHEs are having to resort to alternative format processes that threaten the efficacy of DSOs to manage requests for textbooks in alternative format and distributing to students in a timely manner. However, the committee has provided a recommendation in the <u>first report that we believe would strengthen procedures for requesting and distributing alternative format textbooks.</u>

The advisory committee believes that all 17 recommendations are urgent to the state of disability services in Colorado. The current system reveals equity gaps and we ask for help from our state legislators, CCHE and CDHE to make disability services for IHEs more robust. ATN services is one example of an issue for disability services at IHEs, but it nonetheless poses a significant risk to necessary services for students with disabilities in higher education. The ramifications of this one issue can have detrimental impacts to the way DSOs support students with disabilities. Each recommendation provides defined solutions that can offer protections for both predictable and unanticipated circumstances that affect the efficacy of disability services at IHEs.

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[15] https://publishers.org/accesstext/

[16] https://www.corada.com/links/accesstext-network

[17] https://www.athenpro.org/

If we have learned anything about the state of disability services, it is that there is a high need for unified and/or combined programs. The recommendations presented in this report illustrate a critical need for comprehensive legislation, policies and initiatives to build robust disability services for students with disabilities at IHEs. HB22-1255 has been instrumental in the discovery of services and resources to improve outcomes for students with disabilities in higher education. However, the implementation of all 17 recommendations is paramount toward sustained disability services.

Integrating the recommendations calls for nothing less than an action-oriented approach and an increase of interagency collaboration. These recommendations promote comprehensive methods toward synchronized processes for defining robust systems for delivering disability services. Non-adherence to these recommendations would only contribute to an ever-frailer disability services system in higher education.

In conclusion, the committee requests that the CCHE Student Success and Workforce Alignment Standing (SSWA) Committee continue where the advisory committee left off. We ask that the CCHE SSWA Standing Committee devise a similar advisory committee to provide continuous improvement processes regarding necessary services for students with disabilities in higher education. One possibility is for the CCHE SSWA Standing Committee to partner with the Colorado Cross Disability Coalition or the Higher Education Special Purpose Programs to provide a disability services forum and invite stakeholders to share transformative methods for continuous improvement.