

HB22-1255 Disability Services Advisory Committee: Recommendations for Improving Outcomes for Students with Disabilities in Higher Education (1 of 2 Reports)



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for the Disability Services Advisory Committee

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The advisory committee is thankful for this opportunity to provide recommendations for improving postsecondary outcomes for students with disabilities to the House and Senate education committees and Colorado institutions of higher education. It is an honor to be appointed to an advisory committee serving the best interests of Coloradans with disabilities. Each committee member has a personal and/or professional relation to disability identity and we are grateful to have the opportunity to share our expertise. We are also appreciative of all the disability allies and co-conspirators that have paved the way for House Bill 22-1255 to come to fruition. The advisory committee also acknowledges those disability activists that have championed the right to equal opportunity. We stand in alliance with all the courageous defenders and promoters of disability rights who made it possible for an opportunity such as this. The advisory committee would especially like to honor and thank disability activist and humanitarian Judy Heumann. Judy was instrumental in progressing the Americans with Disabilities Act of 1990 and other disability legislation. For that, we thank her for honoring her accomplishments and continuing to advocate for Coloradans with disabilities.

Executive Summary

House Bill 22-1255 was authorized by Governor Jared Polis on behalf of the Colorado Department of Higher Education to improve outcomes for students with disabilities in higher education. One of the directives stemming from the bill was to establish an advisory committee charged with developing recommendations concerning necessary services and best practices for institutions of higher education that will improve successful outcomes for students with disabilities. Additionally, the committee was charged with examining the ability of institutions of higher education in exceeding the minimum requirements of federal and state disability laws. This report is one of two reports to be submitted to the House and Senate education committees. The first report will be submitted by June 15, 2023, and the second report will be submitted by June 14, 2024. Each report includes recommendations for outcomes and how/if they are impacted by intersectionality, availability of financial support, resources, and statutory and policy changes.

This first report was prepared in a collaborative effort by the fifteen (15) member advisory committee consisting of higher education stakeholders appointed by the executive director of the Colorado Department of Higher Education. The recommendations cited in this report were based on the expertise and shared experiences of each member. A solutions-based approach through the lens of disability laws and legislation and evidence-based research reviews of disability studies in higher education was used to examine critical gaps in necessary services and best practices for students with disabilities.

Through a considerable amount of passionate and constructive dialogue, the committee recognized many issues and inconsistent patterns within institutions of higher education that impact postsecondary outcomes for students with disabilities. The advisory committee asserts that solutions must be a campus-wide effort, encouraged by shared responsibility and accountability measures. Further, services must move beyond compliance and toward implementing inclusive-universal design for meaningful improvements to occur within higher education. Additionally, the recommendations cited in this first report require regulation of cross - agency collaboration and community resource partnerships to enhance the efficacy of service delivery to improve critical postsecondary outcomes for students with disabilities. In other words, the committee's recommendations cannot come to fruition without the establishment of state legislation and program policy and integrated systemic procedures needed to oversee organizational operations of internal and external disability services and resources. The advisory committee firmly believes that improving outcomes for students with disabilities in higher education is not solely contingent upon current disability resource systems within institutions of higher education in Colorado. Rather, improving disability service

delivery in higher education requires systemic work that includes state legislation, program policy and integrated systemic procedures to be effective.

Following several discussions and testimonies on how to organize the most pressing recommendations to improve outcomes for students with disabilities in higher education, the advisory committee identified **three main areas and corresponding subcommittees**:

1. institutional equity and collaboration;
2. accessibility and universal design for learning; and
3. student engagement and success.

The **Institutional Equity and Collaboration Subcommittee** focused its attention on themes surrounding administrative procedures, quality control, and funding. Discussions centered on issues and inconsistent patterns regarding:

- transition services and student guides;
- concurrent enrollment participation; and
- financial supports.

The **Access and Universal Design for Learning Subcommittee** focused their attention on themes surrounding pedagogy considerations involving faculty and staff training, resource centers, and technology tools. Discussions centered on issues and inconsistent patterns regarding:

- professional learning opportunities;
- multi-cultural centers;
- accessible curriculum and course content; and
- electronic communication technology accessibility.

The **Student Engagement and Success Subcommittee** focused its attention on themes surrounding student needs and postsecondary success. Discussions centered on issues and inconsistent patterns regarding:

- campus engagement;
- alternative campus support resources;
- college preparedness; and
- postsecondary disability diagnosis.

Each subcommittee presented recommendations to improve postsecondary outcomes for students with disabilities to the advisory committee during weekly briefings. Of particular interest is how outcomes differ for student populations that traditionally have lower enrollment and completion rates, such as students of color, students from low-income families, English learners, and first-generation students.

A total of seventeen (17) recommendations were vetted and finalized by the advisory committee. The committee provided recommendations which request that state legislators appropriate funding for establishing resource centers that assist employees at institutions of higher education with supporting students with disabilities. Recommendations from the advisory committee also included proposed rulemaking and regulations to ensure students with disabilities receive postsecondary education preparatory transition services, expedited student aid appeal processes and equitable student aid for part-time students. Other recommendations consisted of policies and guidelines for enhancing the efficacy of integrated systemic procedures through interagency collaboration practices.

Introduction

Statistics and research data reveal low percentages of academic performance and success for students with disabilities in higher education. Graduation rates for students with disabilities in higher education have been historically lower than their nondisabled peers.¹ These alarming statistics and research data reveal disability identity as an underserved population in institutions of higher education (IHEs) across the nation. House Bill (H.B.) 22-1255² acknowledges that students with disabilities must be recognized for who they are and requires adequate support to address student needs in higher education. The Colorado general assembly has acknowledged that necessary services and best practices for students with disabilities in higher education must also exceed the minimum requirements of federal and state disability laws. These acknowledgments illustrate a high demand for increased efforts to improve outcomes for students with disabilities in higher education, while also demonstrating a unified obligation to support fundamental rights and human dignity.

The state of Colorado continues to be a leader and ally for laws and policies that foster equitable access and participation in education for Coloradoans with disabilities. Senate Bill 16-196³ that creates pilot programs via the Colorado initiative for inclusive higher education to establish inclusive programs for students with intellectual and developmental (ID) disabilities at the University of Northern Colorado, the University of Colorado at Colorado Springs, Arapahoe Community College and Regis University is one example of Colorado's commitment to equal education opportunity. Expanded by H.B. 22-1107⁴, the Colorado Initiative for Inclusive Higher Education began offering additional grant opportunities to expand inclusive opportunities to other IHEs in March of 2023. However, overall degree-seeking students with disabilities in higher education continue to be underserved and postsecondary outcomes remain dismal.⁵

¹ Characteristics and Outcomes for Undergraduates with Disabilities <https://nces.ed.gov/pubsearch/pubsinfo.asp?pubid=2018432>

² Colorado House Bill 22-1255 <https://leg.colorado.gov/bills/hb22-1255>

³ Colorado Senate Bill 16-196 <https://leg.colorado.gov/bills/sb16-196>

⁴ Colorado House Bill 22-1107 <https://www.leg.colorado.gov/bills/hb22-1107>

⁵ Students with Disabilities in Higher Education Fact Sheets <https://pnpi.org/students-with-disabilities-in-higher-education/>

H.B. 22-1255 is the latest Colorado law authorized by Governor Polis to improve outcomes for students with disabilities in higher education. The bill includes two directives for the Colorado Department of Higher Education (CDHE):

- (1) to collect data from Colorado IHEs on students with disabilities to analyze access and outcomes; and,
- (2) to appoint an advisory committee charged to submit recommendations to the Colorado General Assembly and IHEs focused on improving outcomes for students with disabilities.

The bill illustrates the continued effort on behalf of Colorado's governing officials to address inclusive educational opportunities and to promote equity for students with disabilities.

Colorado education laws have come a long way since Section 504 of the Rehabilitation Act of 1973⁶ and the Americans with Disabilities Act (ADA) of 1990⁷ to prevent discrimination based on a disability and ensure students with disabilities receive equal access to education. Title 7 of the Higher Education Opportunities Act (HEOA) of 2008⁸ may arguably be the first federal law that goes beyond non-discriminatory compliance to improve opportunities for students with disabilities in higher education through promoting equity and inclusion.

While these federal and state laws have been paramount to the progression of inclusive educational programs and services for Coloradans with disabilities, there are still many issues and inconsistent patterns within IHEs recognized by the advisory committee that adversely impact postsecondary education outcomes for students with disabilities. Immediately after the CDHE appointed members to the advisory committee in September of 2022, the committee began working vigorously to meet the statutory June 2023 report deadline to determine resolutions to capture the most applicable and relevant recommendations for the charge at hand. Three main areas for exhorting recommendations to improve postsecondary outcomes for students with disabilities in higher education have been selected and titled as follows:

1. Institutional equity and collaboration;
2. Accessibility and universal design for learning; and
3. Student engagement and success.

⁶ Section 504 of the Rehabilitation Act of 1973
<https://www.hhs.gov/sites/default/files/ocr/civilrights/resources/factsheets/504.pdf>

⁷ The Americans with Disabilities Act of 1990 <https://www.ada.gov/law-and-regs/ada/>

⁸ Title VII of the Higher Education Opportunities Act of 2008
<https://uscode.house.gov/view.xhtml?path=/prelim@title20/chapter28/subchapter7&edition=prelim>

Method for Vetting Recommendations

Subcommittees for each of the three areas based on the member's professional knowledge and expertise were assigned to identify and address themes surrounding current issues and provide recommendations to resolve the issues. A solutions-based approach through the lens of disability laws and legislation and evidence-based research reviews of disability studies in higher education was used to further examine critical gaps in necessary services. The main statutory sources that were utilized for exhorting recommendations include the Higher Education Opportunities Act,⁹ Title 23 of the Colorado Revised Statutes, the Colorado initiative for inclusive higher education, and the report of the advisory commission on accessible instructional materials in postsecondary education for students with disabilities.¹⁰ The advisory committee reflected on case management observations and eyewitness accounts to identify themes surrounding current issues and inconsistent patterns regarding necessary services and best practices in higher education.

Two co-chairs were selected to organize and structure the advisory committee briefings and subcommittee discussions. Each subcommittee met biweekly to brainstorm and discuss pressing issues and possible solutions for students with disabilities in higher education. The entire advisory committee also met biweekly to provide briefings with all members of their work, share recommendation updates, and receive feedback from each other to refine recommendations. Most of the briefings and discussions were video/audio recorded and notetakers were assigned to take meeting minutes for each scheduled discussion and briefing.

The method for identifying and refining recommendations to improve outcomes for students with disabilities in higher education spanned 10 weeks starting on the week of January 16 and culminating on March 20. The co-chairs drafted the report with multiple cycles of feedback from the overall committee. A copy of the report was submitted to the CDHE on May 15 for additional editing and proofing before submitting the final report to the General Assembly on June 15. The report was written in a reader-friendly manner in hopes of providing practical applications that establish practical gains. The recommendations are organized by subcommittee area and corresponding themes identified by the advisory committee.

⁹ The Higher Education Opportunities Act <https://www.govinfo.gov/content/pkg/PLAW-110publ315/pdf/PLAW-110publ315.pdf>

¹⁰ Report of the Advisory Commission on Accessible Instructional Materials in Postsecondary Education for Students with Disabilities <https://www.federalregister.gov/documents/2011/08/23/2011-21559/advisory-commission-on-accessible-instructional-materials-in-postsecondary-education-for-students>

Recommendations at a Glance

(The committee believes that adopting all recommendations is necessary to meaningfully improve postsecondary outcomes for students with disabilities. Recommendations listed in blue italics / intense emphasis and ending with an asterisk are suggestions from the committee to focus on first, and link to further explanation.)

Institutional Equity and Collaboration Recommendations

- > *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.**
- > IHEs provide and/or expand transition and transfer student guides that include disability accommodations information.
- > *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.**
- > Provide a **concurrent enrollment option for inclusive higher education** programs in Colorado.
- > Expedite **financial aid appeal processes** for a course withdrawal when the extenuating circumstance or hardship is related to the student's disability.
- > Provide state-funded student aid subsidies for undergraduate students with disabilities who enroll in college part-time.

Accessibility and Universal Design for Learning Recommendations

- > *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 education needs of students with disabilities inside and outside the classroom.**
- > Ensure that teaching and learning resources within IHEs include a **disability resource that provides training/workshops** for college faculty, staff, and administrators to effectively support the education needs of students with disabilities inside and outside the classroom.
- > Ensure that IHEs include **college-wide resources for disability identity as part of DEI and multi-cultural programs.**

- > *Establish a statewide higher education IT help center to provide technical support and guidance for digital media, ECT, and web/online content accessibility.**
- > Establish a **statewide higher education instructional materials center** designed to assist IHEs and DSOs with creating and disseminating alternative text formats and digital learning media content to students with disabilities.

Student Engagement and Success Recommendations

- > Enhance the efficacy of interagency collaboration between the Colorado Department of Labor and Employment (CDLE), DVR and CDHE to provide **integrated career services** to students with disabilities in higher education.
- > Conduct a comprehensive DSO program evaluation to **measure employee workload criteria** for optimizing disability service delivery in higher education.
- > Exploring alternative methods for collecting data regarding **measures of first-hand accessibility experiences** inside and outside the classroom from students.
- > Implementation of policy and guidelines regarding the **operations and functions of TRIO to effectively support students** with disabilities at IHEs.
- > Implement accountability measures that hold IHEs responsible for providing **textbook and course material information during course registration**.
- > *Establish a free disability learning evaluation referral program for students without a documented disability who are requesting accommodation services in higher education.**

Institutional Equity and Collaboration

The institutional equity and collaboration (IEC) subcommittee began with a review of current administrative procedures and dynamics involved with accommodation service delivery of disability resources at IHEs. The IEC subcommittee's review of administrative procedures also included quality control and equitable funding processes.

The disability services office (DSO) housed at IHEs are primarily responsible for providing student accommodations (i.e., academic adjustments) which includes federally mandated Auxiliary aids¹¹. Examples of Auxiliary Aids include but are not limited to:

- taped texts;
- notetakers;
- interpreters;
- readers;
- videotext displays;
- talking calculators;
- electronic readers;
- Braille calculators, printers, or typewriters;
- Closed caption; and
- extended time for exams.

Title II of the ADA and Section 504 of the Rehabilitation Act mandate that IHEs who receive federal financial support are prohibited from discriminating against students based on a disability. The ADA defines disability¹² as "...a physical or mental impairment that substantially limits one or more major life activities...". The ADA requires IHEs to provide reasonable physical, academic, and program access accommodations when requested by a student with a documented disability.

For K-12 education, the Individuals with Disabilities Education Act (IDEA) mandates that school officials are responsible for identifying and evaluating students and planning educational programs to include accommodation services.¹³ However, upon graduation, it becomes the student's responsibility to self-advocate and register for services, likely of which the student is unfamiliar and/or unaware. This means that the student is responsible for contacting the DSO to receive reasonable accommodation services. This programmatic shift to higher education can be a difficult transition for students who have constantly received assistance with obtaining accommodations and support provided directly from a special education teacher or related service provider.

¹¹ U.S. Department of Education, Auxiliary Aids and Services for Postsecondary Students with Disabilities <https://www2.ed.gov/about/offices/list/ocr/docs/auxaids.html>

¹² ADA Defines disability <https://www.ada.gov/resources/disability-rights-guide/#:~:text=An%20individual%20with%20a%20disability%20is%20defined%20by,perceived%20by%20others%20as%20having%20such%20an%20impairment.>

¹³ Section 1414 of the Individuals with Disabilities Education Act <https://sites.ed.gov/idea/statute-chapter-33/subchapter-ii/1414>

Themes surrounding issues and inconsistent patterns regarding administrative procedures, quality control, and equitable funding processes involved with service delivery of accommodations in higher education were brought up in the IEC subcommittee. These issues and inconsistent patterns include transition services and student guides, concurrent enrollment participation, and financial supports.

Theme: Transition Services and Student Guides

For students receiving special education services via an Individual Education Plan (IEP) from their Local Education Agency (LEA), the student starts receiving transition services at the age of 15 in Colorado. Transition services include but are not limited to:

- Postsecondary education preparation;
- Postsecondary workforce readiness (e.g., job exploration);
- Independent living skills;
- Community participation; and
- other adult services (e.g., banking, budgeting, health education, or medical care).¹⁴

The determination of services is based on the student's needs and also considers the student's interests. Transition services must, however, include instruction, community resources, and the development of any postsecondary objectives. Additionally, an account of any public agency (e.g., Division of Vocational Rehabilitation [DVR]) providing transition support or resources must be arranged before the student completes secondary education. A student can only bypass transition services if the IEP team determines that the student does not need any transition services. Ultimately, it is the LEA's responsibility to ensure that the student receives the transition services that they need to effectively transition into a postsecondary setting.

The primary issue identified by the IEC subcommittee is that students with disabilities do not always receive transition services from school officials at their LEA or a public agency to equip them with information about seeking accommodation services from DSOs at IHEs. This is a concern because students who do not receive this information are often desperately seeking out DSOs weeks into the college semester, which hinders academic progress and ultimately leads to the student being underserved and on a detrimental academic path moving forward. In contrast, students who receive transition services are reaching out to the DSO and getting accommodations set up ahead of the college semester. The IEC subcommittee recognizes that students must get

¹⁴ The Transition Process Handbook for Students with Disabilities
https://disabilitylawco.org/sites/default/files/uploads/Transition%20to%20Adulthood%20Series%20-%20The%20Transition%20Process%20Guidebook%20reduced%20file%20size_0.pdf

accommodations arranged well in advance of the college semester to enhance student persistence and success. The IEC subcommittee also recognizes that collaborative efforts between K-12 and higher education vary. Specifically, practices that ensure students effectively connect with the DSO at IHEs could be made more consistent and robust across the state. Furthermore, Colorado school districts, especially rural school districts do not always have transition programs or adequate transition services personnel to support students with disabilities interested in pursuing higher education. Additionally, high school students who have a 504 plan are not entitled to receive high school transition services.¹⁵ High school students with a 504 plan are required to seek transition services from a public agency such as DVR. The result contains both systemic and equity issues that predispose critical gaps in service delivery of accommodations for students with disabilities upon entering postsecondary education.

Transition issues also exist for students transferring from one college to another. Since IHEs organize DSOs differently from college to college and each college also reviews and implements student accommodations differently, many students struggle just finding the DSO and information about how to request accommodations. IHEs individually determine the specific aid or service provided to the student and have differing application and documentation requirements for eligibility. The lack of continuity with accommodation requirements between IHEs and DSOs has been known to cause difficulties for students with disabilities pursuing accommodations. A transition and transfer student guide could provide the necessary guidance and be of great support for students with disabilities. These guides would enable IHEs to effectively inform students with disabilities about the eligibility procedures for obtaining accommodation services at their institution.

Recommendation: 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.

This recommendation asks for rule-making that ensures all students with disabilities, regardless of a student IEP or 504 plan, have received adequate and appropriate transition services for postsecondary education preparedness per the student's transition plan. This requires the development of CDE policies that hold school officials, such as special education teachers, school counselors, related service providers, or a school administrative designee (e.g., assistant principal, dean, director, etc.) accountable for ensuring all postsecondary services within the student's transition plan

¹⁵ Can a Student with a 504 Plan get a Transition Plan? <https://www.understood.org/en/articles/can-a-student-with-a-504-plan-get-a-transition-plan>

have been performed. An appointment of a supervisory program could assist with supporting school districts in providing transition services to students with fidelity and providing a layer of accountability. Considerations for accountability measures need to ensure that students meet with a DSO employee and/or receive instruction from a qualified school official on how to obtain accommodation services in higher education and/or register for a college preparatory class/seminar; measures that ensure students meet with a DVR employee and/or meet with a Colorado board of cooperative educational services¹⁶ (BOCES) employee, in addition to measures ensuring that all other transition services concerning postsecondary education preparations in the student's transition plan were performed. All postsecondary education preparation services must ensure that the student can demonstrate knowledge about how to request accommodation services in higher education, disability documentation requirements for accommodation eligibility, rights and responsibilities regarding accommodations to include complaint and grievance procedures and seeking additional support services and resources on a college campus. All students with an IEP and 504 plan should work with a designated transition services school official to adjust K-12 IEP or 504 plan accommodations that reflect 504 plan accommodations for higher education. Parents of the student should be encouraged to participate to the maximum extent possible and should receive resource guides relevant to the student's postsecondary education preparatory expectations.

Recommendation: IHEs provide and/or expand transition and transfer student guides that include disability accommodations information.

This recommendation asks for the Colorado Commission on Higher Education (CCHE) to implement a policy for IHEs to provide transition and transfer student guides that include information about disability accommodations and services. Considerations for IHEs guidelines include information about requesting accommodation services and/or intake appointment procedures; accommodation implementation processes including timelines and/or renewing accommodation procedures; available accommodations and/or auxiliary aids; collegewide disability resources and/or additional support services; disability documentation requirements and/or accommodation eligibility; rights and responsibilities regarding accommodations to include complaint and grievance procedures. Policy considerations also include guidelines (e.g., appropriate documentation) for reinforcing and maintaining continuity and consistency regarding disability accommodation requirements between IHEs.

¹⁶ Colorado Boards of Cooperative Educational Services <https://www.coloradoboces.org/>

Recommendation: 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.

This recommendation asks the CCHE to develop a policy regarding the establishment of virtual (i.e., video tutorials) and in-person, synchronous and asynchronous (i.e., modules) new student orientation workshops or seminars at all IHEs. Comprehensive new student orientation considerations include designs to meet the needs of freshman students to non-traditional students to transfer students and include specific information that helps students with disabilities matriculate into higher education. Informative resource tutorials or modules shall include but not be limited to application processes; academic advising; registering for courses to include available class support options; LMS and/or online learning to include access to digital accessibility resources; contacting the DSO; and accessing all student support services to include TRIO.

Theme: Concurrent Enrollment Participation

Concurrent enrollment programs are a crucial pathway for high school students to earn a higher education credential and bolster Colorado's workforce with skilled employees. These programs have enhanced equity opportunities for postsecondary education preparedness and/or workforce readiness through a Career Technical Education (CTE) program. Students who participate in concurrent enrollment programs through their school district can also earn course credits needed for their high school graduation requirements. Many underserved groups including racially minoritized students have benefited from concurrent enrollment programs.¹⁷

Data shows that approximately 40,000 high school students in Colorado are receiving special education services, of which approximately 70% meet the academic standards to participate in concurrent enrollment programs.¹⁸ This suggests that about 30% of students with disabilities are not receiving the same opportunity to participate in a concurrent enrollment program. Additionally, students with a 504 plan are not included

¹⁷ Annual Report for Dual and Concurrent Enrollment for Colorado
https://highered.colorado.gov/Publications/Reports/Enrollment/FY2020/2020_Concurrent_Enrollment_July_2021.pdf

¹⁸ Illuminating the Pathway to Postsecondary education for Students with Disabilities through Concurrent Enrollment <https://collegeinhighschool.org/wp-content/uploads/2022/12/Illuminating-the-Pathway-Colorado-Students-with-Disabilities-Concurrent-Enrollment-Report.pdf>

in data for special education services so the full impact of concurrent enrollment participation for all students with disabilities is not entirely known.

A significant issue with concurrent enrollment program participation for students with disabilities is that an inclusive higher education concurrent enrollment option for students with ID disabilities does not exist. There are currently four inclusive higher education programs in Colorado that serve students with ID disabilities that do not have a concurrent enrollment option. However, the advisory committee is thankful for the state to initiate additional opportunities for IHEs to apply for inclusive education pilot programs starting in March of 2023. Lastly, students with ID disabilities do not always receive equal access and participation in college campus housing programs.

Recommendation: Provide a concurrent enrollment option for inclusive higher education programs in Colorado.

This recommendation asks for CDHE administrators to implement a policy for inclusive higher education concurrent enrollment that aligns with ADA guidelines for equal opportunity. Policy considerations include guidelines for allowing equal access and participation in an inclusive higher education concurrent enrollment program for eligible students with ID disabilities as it pertains to Title 7 (20 U.S.C. 1133 et seq.) section 781, Part D. Policy considerations also include the development of safeguard procedures for students with ID disabilities to have equal access to transportation and, if relevant, accessible college campus housing to include safe participation in all college campus housing activities. Other considerations for safeguard procedures include guidelines for paraprofessionals and/or personal care aids to support students with ID disabilities.

Theme: Financial Supports

Title IV of the HEOA authorizes qualifying IHEs to provide students with various forms of financial support including financial aid, federal loans, scholarships, and grants. It is the largest source of financial assistance for college students pursuing postsecondary education.¹⁹ IHEs are required to offer an eligible academic or vocational degree program, along with state authorization and accreditation requirements to receive Title IV assistance. All requirements are designed to maintain consumer protection, quality assurance, oversight, and compliance of IHEs participating in Title IV student aid programs.

State authorization regulates the approval processes for IHEs to operate educational programs in each state with special considerations for distance (i.e., online) education

¹⁹ Federal Student Aid <https://studentaid.gov/about>

programs. Non-governmental entities approved by the CDE grant accreditations based on specified standards that assess student achievement according to an institution's mission, fiscal and administrative capacity, and inputs regarding organizational functions. There is also a certification process granted by CDE that verifies state authorization and accreditation status, as well as an assessment of the financial and administrative capability to manage student aid. Lastly, IHEs enter into a Title IV program participation agreement with CDE stating the institution agrees to comply with Title IV laws, regulations, and policies.²⁰ Therefore, IHEs are required to institute safeguard procedures (i.e., consumer protection) for federal financial aid funds. The safeguards are also designed to prevent students from abusing the system and requesting federal loans without the intent of completing a degree or paying back the loans. The policies are specific to the mandatory return of Title IV financial aid appeal procedures that Financial Aid offices have to process when students withdraw from courses.

Students with disabilities who experience a legitimate disability-related hardship often need to complete separate appeals and wait for funding approval. However, the process can sometimes harm the success of students with disabilities, especially when they experience a mental or physical health complication related to their disability. The issue is exacerbated when the student returns to register for classes and is informed that they are ineligible for Financial Aid because of the previous withdrawal, prompting a financial aid appeal. Depending on the timeliness of the financial appeal review, the student may or may not have their financial aid processed in time to pay for tuition and fees. The entire process is an unfortunate cycle that covers exhaustive time spent completing and submitting separate appeals that may or may not be approved.

Additionally, to avoid being dropped for non-payment, students will use another form of payment or wait to register until they find out if the financial aid was approved. These bureaucratic requirements are overwhelming and difficult for students with disabilities to understand. Most students with disabilities are first-generation students, many with limited advocacy skills or English language proficiency needed to appropriately navigate these appeal processes. Further, students with disabilities find it difficult to enroll in college programs full-time or even part-time, which can create a financial burden because students do not qualify for most student aid programs without enrolling at least part-time.²¹

²⁰ Institutional Eligibility for Participation in Title IV Student Financial Aid Programs <https://sgp.fas.org/crs/misc/R43159.pdf>

²¹ Financial Aid for Students with Disabilities <https://www.bestcolleges.com/resources/students-with-disabilities-financial-aid/>

Recommendation: Expedite financial aid appeal processes for a course withdrawal when the extenuating circumstance or hardship is related to the student's disability.

This recommendation asks for rule-making that follows section 504 and ADA guidelines for prompt processing of complaints or grievances of discrimination based on a disability. The same prompt processing should be enacted when a student needs to drop/withdraw from a class on account of a disability-related hardship. Policy guidelines need to be created for establishing what constitutes a disability-related hardship; rights and responsibilities regarding course withdrawals and financial aid appeal processes; and point of contact for case management and/or referrals to the ADA coordinator or DSO representative for appeal review processes.

Recommendation: Provide state-funded student aid subsidies for undergraduate students with disabilities who enroll in college part-time.

This recommendation asks state legislators to establish regulations and provisions for a student aid program that provides comprehensive funding for undergraduate students with disabilities who meet the definition of part-time enrollment. Regulation considerations include details for full-time classification and criteria for undergraduate students with disabilities who otherwise cannot participate under the definition of full-time status in higher education. Alternative student aid program considerations for part-time enrollment include providing state funding for all tuition and fees including accessible college campus housing; accessible transportation; and technology. Other considerations include regulations for adjusting full-time equivalence (FTE) guidelines for students with disabilities for college enrollment status data purposes.

Accessibility and Universal Design for Learning

The accessibility and UDL subcommittee opened discussions with a review of pedagogy considerations involving faculty and staff training, along with resource centers to help enhance inclusive education experiences. Pedagogy considerations also prioritized technology tools needed to ensure accessible course materials and communication within the classroom. Since DSOs are primarily responsible for providing student accommodation services, faculty and staff require training to effectively equip them to meet the accommodation needs inside and outside the classroom. The accessibility and UDL subcommittee recognize that the quality of providing an inclusive education experience would require a whole-campus, shared responsibility approach. The

accessibility and UDL subcommittee also recognize that teaching and learning practices surrounding disability needs are a priority for fostering inclusive education excellence, especially for students with disabilities who are not registered with the college's DSO.

IHEs establish DSOs and employ staff who are responsible for ADA and Section 504 compliance for non-discrimination on the bases of a disability by providing academic adjustments. As previously stated, students with disabilities are required to connect with the DSO to set up accommodation services. Accessibility can best be defined as the degree to which a device, product, service, activity, facility, or environment is usable for all people. This means that a person with a disability should be allowed to obtain information, engage in interactions, and participate in activities as equally and independently as a person without a disability.²² In the context of higher education settings, students should be able to obtain course-related information, engage in all learning content, and participate equally in all course activities.

Themes surrounding issues and inconsistent patterns regarding faculty/staff training, resource centers, ADA compliance, and accessibility in higher education were brought up by the Accessibility and UDL subcommittee. These issues and inconsistent patterns include professional learning opportunities, multicultural centers, assistive technology (AT), and electronic communication technology (ECT) accessibility.

Theme: Professional Learning Opportunities

How professional development is provided or exists at IHEs varies from institution to institution. However, IHEs are increasingly providing professional learning opportunities to enhance professional growth, student success and retention. Many IHEs provide in-house professional development for their faculty and staff. In addition, professional organizations also provide professional development resources. For instance, the Association of College and University Educators (ACUE), in collaboration with the American Council on Education (ACE), provides training based on evidence-based practices that help IHEs to increase student retention, strengthen belonging and achievement, and close equity gaps through their certification program.²³

Faculty and staff who work with college students with a disability require specialized training on how to promote and support an inclusive educational experience. The college's DSO has been and continues to be the resource that faculty and staff seek

²² Understanding the Definition of Accessibility <https://www.ace-ed.org/understanding-the-definition-of-accessibility/>

²³ Evidence- Based Teaching Practices Improve Student Outcomes <https://acue.org/>

when inquiring about disability support and accommodation services. Some IHEs are developing and implementing accessibility centers and teaching and learning centers that employ disability specialists responsible for providing resources and guidance for supporting students with disabilities in the classroom.

The main issue is that the college's DSO is considered to be the point of contact for faculty and staff seeking support with accommodation implementation or disability resource information. However, many faculty need assistance with resources that go beyond accommodation implementation, such as instructional coaching for developing a classroom curriculum that follows the principles of UDL. Furthermore, it is especially challenging for a DSO to support all college programs including non-academic programs, such as student life or campus housing programs. As a critical reminder, the main priority of the DSO is to provide academic adjustments for students with disabilities. Time spent supporting non-academic programs places a strain on the time needed to support students with academic adjustments in the classroom, which often leads to a delay in services or a disservice to students who need classroom accommodations. While some IHEs have additional resources to help provide professional development across the college campus, not all IHEs have these resources available to support all their employees effectively.

Recommendation: 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 educational needs of students with disabilities inside and outside the classroom.

This recommendation asks state legislators to appropriate state funding to instate a center for teaching and learning that provides training to employees of IHEs for best practices for fostering an inclusive learning environment to include instructional coaching for faculty. Professional learning opportunity considerations include providing training/workshops focused on disability awareness and etiquette; implementing principles of UDL into course curriculum, instruction, and assessment; reasonable and appropriate accommodation implementation; creating accessible course materials and content; digital learning and/or ECT accessibility; and adaptive supports. The center should not replace teaching and learning resources found at IHEs, instead, the center should be a professional development resource and model for providing IHEs with optimal pedagogy supports as it pertains to Title 7 (20 U.S.C. 1133 et seq.) section 781, part D, subpart (1), subparagraphs (a-G).

Recommendation: Ensure that teaching and learning resources within IHEs include a disability resource that provides training/workshops for college faculty, staff, and administrators to effectively support the educational needs of students with disabilities inside and outside the classroom.

This recommendation asks the CCHE to develop a policy ensuring that employees at IHEs have access to training resources for supporting the academic needs of students with disabilities including instructional coaching for faculty. Considerations for training/workshops focus on disability awareness and etiquette; implementing principles of UDL into course curriculum, instruction, and assessment; reasonable and appropriate accommodation implementation; creating accessible course materials and content; alternative text formats; digital learning and/or ECT accessibility; AT resources; and adaptive supports.

Theme: Multi-Cultural Centers

IHEs have been creating multicultural centers as part of diversity, equity, and inclusion (DEI) initiatives. These centers are strategically designed to be a campus resource that promotes equity and social justice for marginalized groups who have experienced systemic forms of discrimination or isolation. Multicultural centers provide a safe and welcoming place to build community through collective identity engagement to build student belonging. These centers also function as a collaborative tool for faculty, staff, and students to organize collegewide cultural activities and events.²⁴

More and more IHEs are including DEI initiatives in their strategic planning and multicultural centers have been emerging on college campuses at an accelerated rate.²⁵ The benefits that students receive, feeling valued and nurturing emotional well-being, have had a positive impact on student retention.

The primary issue is that many multicultural centers do not always include similar resources that are specific to students with disabilities. In as much as multicultural centers have benefited student retention for racial minority groups; gains for these same benefits have not entirely crossed over to students with disabilities. Further, students of color that have a disability are not able to receive the full benefit of these centers.

²⁴ The Importance of Multicultural Centers on College Campuses <https://mainecampus.com/2018/04/the-importance-of-multicultural-centers-on-college-campuses/>

²⁵ Examining Campus Multicultural Centers at Predominately White Institutions https://ir.ua.edu/bitstream/handle/123456789/8400/u0015_0000001_0004221.pdf?sequence=1&isAllowed=y#:~:text=The%20history%20of%20multicultural%20centers.growing%20demographic%20of%20higher%20education.

When it comes to DEI initiatives on college campuses, students with disabilities have been excluded or omitted from receiving the same welcoming experience as their underserved peers.²⁶ Finally, while some multicultural centers are starting to provide resources for their student disability population, this practice varies from campus to campus.

Recommendation: Ensure that IHEs include college-wide resources for disability identity as part of DEI and multicultural programs.

This recommendation asks for the CCHE to develop a policy ensuring that administrators, faculty, staff, and students at IHEs have access to disability identity resources. Policy considerations include guidelines for disability identity resources that support collegewide DEI initiatives; disability awareness and etiquette; accessibility; social justice initiatives; disability stigma; disability clubs and organizations; and disability alliances that build community partnerships with disability advocacy groups.

Theme: Assistive Technology

The advancement of assistive technology (AT) has been innovative for students with disabilities. There is an abundance of commercial AT products and resources that accommodate students with accessing course curricula (e.g., textbooks, assignments, exams, etc.). With the continued progression of AT, students can participate in classroom projects and activities more effectively, efficiently, and independently than ever before.

AT is specifically designed to aid students with disabilities overcome learning barriers in all aspects of their college studies through a variety of physical equipment and digital software tools.²⁷ Some physical AT tools include stairlifts, keyboards, and prosthetics. Some digital AT tools include text-to-speech and screen reader programs that help students with reading for print disabilities access reading material and exams, and speech-to-text (i.e., dictation) programs that help students with physical disabilities to write essays. Audio and video recording devices are a form of digital AT tools that help students with processing disorders to take lecture notes. Augmentative and alternative communication devices are also a form of AT equipment that help students with speech disabilities communicate with their instructors and peers. There is also AT transcription software that provides captioning for classroom lectures via a conferencing tool for students who are Deaf or Hard-of-Hearing.

²⁶ Could Disability be Further Included in Diversity Efforts?

<https://www.insidehighered.com/news/2020/11/12/could-disability-be-further-included-diversity-efforts>

²⁷ Assistive Technology In College <https://www.edumed.org/resources/assistive-technology-in-college/>

The main issue is that AT is costly and at times too expensive for the college's DSO to afford in their budget. Third-party vendors place a high price tag on AT products. IHEs often require grant funding to provide these different forms of AT to students requesting accommodations from their college's DSO. Another issue is that students who are not registered with their college's DSO are not granted access to the AT product, they need to have equal access to course information. Many students from low-income households cannot afford the AT product without some kind of financial assistance. For students not registered with the DSO, students do not always know about what financial assistance is available.

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

This recommendation asks state legislators to appropriate state funding to instate an IT help center to support IHEs compliance with the pending Department of Justice (DOJ) notice of proposed rulemaking to amend Title 2 of the ADA to include web content standards.²⁸ The proposed rulemaking specifies that the World Wide Web Consortium (W3C) will use the web content accessibility guidelines (WCAG) to make web content accessible for students with disabilities. The IT help center should be specifically designed to provide technical assistance to IT employees and accessibility procurement consultations for AT specialists at IHEs. IT help center services should include annual automated and manual accessibility evaluations for all IHEs websites, LMSs, and digital learning media content. The IT help center should also perform annual evaluations that measure ECT accessibility maturity using evaluation methods like the capability maturity model created by Carnegie Mellon University.

Theme: Electronic Communication Technology

Any form of communication broadcasted, transmitted, stored, or viewed via digital media sources using computers, tablets, or phones is known as electronic communication technology (ECT).²⁹ ECT includes but is not limited to learning management systems (LMSs), email, texting, audio/video conferencing, phone calls,

²⁸ DOJ Announces Title II Web Accessibility Regulations <https://www.boia.org/blog/doj-announces-title-ii-web-accessibility-regulations-are-coming-whats-it-mean>

²⁹ What is Electronic Communication and its Types <https://www.elprocus.com/electronic-communication-and-its-types/#:~:text=Electronic%20communication%20can%20be%20defined,calling%2C%20FAX%20machine%2C%20etc.>

and radio or television programming. ECT is the modernization of 21st-century education that moved most learning content from paper-printed forms of communication to digital forms of communication.

ECT mainly exists in IHEs to provide faculty, staff, and students with an efficient, multi-faceted means for expressing and receiving educational materials and learning content. This means that faculty and students can access and participate in teaching and learning activities using the principles of UDL via an LMS. Students have the capability with ECT to participate in online discussions with their peers or virtually with anyone around the world, as well as access to online assignments and exams.

The primary issue is that ECT creates accessibility barriers with accessing online course materials and content when it does not follow accessibility guidelines. Even if a student uses AT, ECT is only accessible when it is made to be accessible. In other words, there are accessibility tools required to ensure that ECT is perceivable, operable, usable, and robust enough to be made accessible (also known as digital accessibility). Another issue is that creating accessible ECT requires specialized knowledge and skills. Most faculty and staff do not possess the knowledge and skillset to create accessible course materials and content. AT specialists are hired by IHEs to remediate course materials and content to be accessible for any student accessing digital content via an AT product. However, there are inconsistent patterns in how IHEs and DSOs procure AT products and digital accessibility. Additionally, AT and digital accessibility procurement can be challenging for AT specialists to perform single-handedly. Organizations like Accessible Minds³⁰ assist Information Technology (IT) personnel with making web content accessible for all users, and some IHEs have and are expanding their assistive technology offices; however, not all IHEs can afford to have private organizations perform digital accessibility diagnostics and maintenance.

Recommendation: Establish a statewide higher education instructional materials center designed to assist IHEs and DSOs with creating and disseminating alternative text formats and digital learning media content to students with disabilities.

This recommendation asks state legislators to appropriate state funding to instate a center to request, collect, produce, and/or remediate textbooks and other large course readings. The center should be designed to provide alternative formats (e.g., PDFs, Word documents, HTML, etext, epub, etc.) for required course textbooks and large course readings. Considerations for the center also include assisting with creating accessible documents and power-points and captioning and audio Synopsis for digital learning media content. The guidelines for establishing electronic/digital file format

³⁰ Accessible Minds <https://accessiblemindstech.com/>

standards should be enforced and regulated by the national instructional material accessibility standards as defined in section 674 (E)(3) of the IDEA³¹ and utilized for postsecondary education as cited in Title seven of the HEOA. Note that the Colorado instructional material center (CIMC) currently provides braille formats of textbooks for students in K-12 education.³²

Student Engagement and Success

The student engagement and success (SES) subcommittee opened discussions with a review of student needs for enhancing postsecondary education success. The SES subcommittee listed five pillars of student success needs that are crucial to improving postsecondary outcomes:

- Academic,
- Self-awareness,
- Self-advocacy,
- Self-management, and
- Motivation and confidence.

Often, students with disabilities fear being stigmatized by seeking out or receiving accommodations. More needs to be done beyond ADA compliance to support students with disabilities who choose not to receive accommodations because of these stigmatization concerns.

Students with disabilities are and have been advocating and amplifying the demand for IHEs to build a culture of accessibility and inclusion across their campuses.³³ While college DSOs provide student accommodation services for the classroom, students are stating academic accommodation services in higher education are simply not enough.³⁴

³¹ National Instructional Materials Accessibility Standards <https://www2.ed.gov/policy/speced/guid/idea/tb-accessibility.pdf>

³² Colorado Instructional Materials Center <https://csdb.colorado.gov/outreach/cimc-colorado-instructional-materials-center>

³³ Campus Disability Offices Rebranding to Become More Inclusive <https://www.insightintodiversity.com/campus-disability-offices-rebranding-to-become-more-inclusive/>

³⁴ 30 Years After Americans with Disabilities Act <https://www.nbcnews.com/news/us-news/30-years-after-americans-disability-act-college-students-disabilities-say-n1138336>

According to Title II of the ADA, IHEs that receive federal financial support are obligated to ensure equal access to postsecondary education for students with disabilities. However, IHEs have the liberty to interpret their guidelines for what constitutes an undue financial or administrative burden because there are not any standardized regulations or procedures for implementing student accommodation services. As a result, IHEs create procedural guidelines and policies for assessing eligibility and required documentation for proof of disability, appropriate or reasonable classroom accommodations, and grievance processes. Students claim that these inconsistencies contribute to an unwelcoming college experience that is also unnerving, expensive, and inefficient.

Themes surrounding issues and inconsistent patterns regarding stewarding communication, student rights and responsibilities, standardized regulations for disability documentation, new student orientation resources, and complaint or grievance procedures were brought up by the SES subcommittee. These issues and inconsistent patterns include campus engagement, alternative campus support resources, college preparedness, and postsecondary disability diagnosis.

Theme: Campus Engagement

The college campus has taken a drastic post-pandemic change in how students engage with curricular and co-curricular programs. Campus engagement is no longer dependent on a single-campus objective. Since the COVID-19 pandemic, colleges have been utilizing community partnerships and resources to enrich student learning experiences and create innovative pedagogy practices. Campus engagement has transformed the student experience toward immersive democratic values, civic responsibility and public service contributions.³⁵

IHEs are recognizing that student-community events not only foster student retention, but such activities also enhance the student experience overall. Like multicultural centers, IHEs partner with community organizations to build and/or expand student-community relationships. Some well-known community organizations, such as Campus Compact and the Bonner Scholars Program assist IHEs with building a sense of purpose through strengthening surrounding communities.³⁶

³⁵ University- Community Engagement during a Pandemic <https://files.eric.ed.gov/fulltext/EJ1337956.pdf>

³⁶ Why and How College Community Engagement must Change <https://www.insidehighered.com/views/2021/11/18/why-and-how-college-community-engagement-programs-must-change-opinion>

The main issue is that campus engagement needs more prominent and/or widespread interagency collaboration programs and initiatives to develop collegial events that focus on strengthening the disability community. There is a need for college clubs and organizations to build community partnerships that focus on a course of action for disability issues. Students are wanting to get involved with advocacy groups and public service for the betterment of the disability community, yet there are inconsistent patterns with how IHEs and DSOs connect with community partners or local disability advocacy groups.

Recommendation: Enhance the efficacy of interagency collaboration between the Colorado Department of Labor and Employment (CDLE), DVR and CDHE to provide integrated career services to students with disabilities in higher education.

This recommendation asks CDHE and CDLE/DVR administrators to engage in strategic planning initiatives to provide integrated solutions toward enhancing the efficacy of career services offered to students with disabilities in higher education. Considerations for strategic planning initiatives focus on developing effective and efficient collaboration practices for students with disabilities to connect with a DVR counselor on the college campus.

Recommendation: Conduct a comprehensive DSO program evaluation to measure employee workload criteria for optimizing disability service delivery in higher education.

This recommendation asks state legislators to devise a committee tasked with conducting a comprehensive evaluation of the scale of job responsibilities and duties for DSOs at IHEs and how workload impacts service delivery. Considerations for the evaluation include guidance and recommendations for the optimal delivery of accommodation services to students with disabilities in higher education. Committee members should include a variety of disability knowledge and expertise and include individuals from organizations such as CDHE, the Office of Civil Rights (OCR), the Association on Higher Education and Disability (AHEAD), the National Council on Disability (NCD), DSO employees from both two-and-four-year IHEs, and undergraduate and graduate students with disabilities registered with a DSO. A detailed report that includes workload strategies and practices for timely and quality delivery of accommodation services based on the ratio of DSO employee to student criteria should be initiated within one year and completed no later than Spring 2025.

Recommendation: Exploring alternative methods for collecting data regarding measures of first-hand accessibility experiences inside and outside the classroom from students.

This recommendation asks the CCHE to collaborate with the AHEAD and NCD on creating strategic methods to collect data from students regarding accessibility experiences at IHEs. Considerations for data collection methods include measurements of ECT accessibility; accessible digital learning media content; systemic barriers; equal access and participation; equal treatment including measures of disability stigma; and UDL principles including access to instruction. Data should be made available for faculty, staff, administrators, and students to review and discuss gaps and improvements with accessibility and barriers.

Theme: Alternative Campus Support Resources

As noted previously, college DSOs are the primary resource for students with disabilities who want accommodation services. Often the only other support services intended to support students with disabilities is TRIO. TRIO is a federal grant-funded program that serves students from low-income households and first-generation college students in addition to students with disabilities.³⁷ Eight TRIO programs begin assisting students starting with middle school through post-baccalaureate programs. While TRIO programs can be found predominantly at IHEs, other private and public agencies and community-based organizations that serve disadvantaged youth also house TRIO programs.

In Colorado, there are 76 TRIO programs found at various IHEs and private or public agencies.³⁸ Out of the eight programs that TRIO can provide, there are merely three programs found at the 76 organizational entities. Education opportunity centers, student support services, and upward bound are the most prominent programs found at IHEs.

The primary issue is that not all IHEs have alternative campus support services that provide services specific to students with disabilities outside of the DSS office. TRIO is the most common college program designed to support students with disabilities, but do not have a disability program specific to providing support services for students with disabilities. Additionally, TRIO programs do not always employ disability specialists or staff with professional knowledge about disability laws and accessibility to provide the support that students with disabilities need for increasing successful outcomes in higher education.

³⁷ TRIO Home Page <https://www2.ed.gov/about/offices/list/ope/trio/index.html>

³⁸ Colorado TRIO Programs <https://aspireonline.org/colorado/programs/program-directory/>

Recommendation: Implementation of policy and guidelines regarding the operations and functions of TRIO to effectively support students with disabilities at IHEs.

This recommendation asks the CCHE to develop policies and guidelines on how TRIO programs at IHEs function to best meet the needs of students with disabilities. Considerations for policies and guidelines include the development of a disability resource program to include mentorship programs; hiring criteria for employing disability specialists or disability counselors; effective case management techniques to include an appointed advocate for first-year matriculation; and high-impact tutoring programs for postsecondary education.

Theme: College Preparedness

Research on postsecondary degree completion shows that students with disabilities have historically lagged their nondisabled peers in confidence and obtaining a college degree.³⁹ Since the characteristics, attitudes, planning, and activities of students with disabilities were found to play a significant role in degree attainment, the same factors were not as significant for students without disabilities. More specifically, students with disabilities are more likely to obtain a degree when they can speak to a college representative during high school, register with a DS office immediately during freshman year, and receive special education services before college. Nonetheless, IHEs can support students with disabilities in preparing for college through early planning practices.

While IHEs may not be responsible for preparing students for college, IHEs are responsible for providing textbook and course material information when students register for classes. Section 133 of stat. 3109 in the HEOA states that “to ensure students have access to affordable course materials by decreasing costs to students and enhancing transparency and disclosure concerning the selection, purchase, sale, and use of course materials... subsection (D)(1) of the federal HEOA requires IHEs receiving federal financial assistance, to the maximum extent practicable, to disclose on the institution’s internet course schedule, the International Standard Book Number (ISBN) and retail price information of required and recommended college textbooks and supplemental materials for each course listed in the institution’s course schedule used for preregistration and registration purposes.” If the ISBN is not available for the textbook or supplemental material, then the institution shall include in the institution’s internet course schedule the author’s name, title, publisher, and copyright date. Stat.

³⁹ University Students with Disabilities <https://files.eric.ed.gov/fulltext/EJ1214186.pdf>

3110 also mandates the dissemination of student information regarding available institutional alternative content delivery programs for subsection (D)(1).

The main issue with IHEs supporting students with college preparedness is that IHEs are not being held accountable to abide by section 133, stat. 3109 and stat. 3110, of the HEOA regarding textbook and course materials information. Such information is critical to postsecondary outcomes as it relates to assessing the accessibility of course materials and content, allowing time for AT specialists to remediate reading materials if needed. This information is mandated by law and accountability measures have not been instituted to hold IHEs responsible for the dissemination of textbook and course material information at the time of course registration. The result contains illegitimate systemic processes in higher education that present equity issues, which can hinder academic persistence and success for students with disabilities who need alternative text formats.

Recommendation: Implement accountability measures that hold IHEs responsible for providing textbook and course material information during course registration.

This recommendation asks the CCHE to implement accountability measures that ensure textbook and course material information at the time of course registration as mandated by section 133, stat. 3109 and stat. 3110 of the HEOA. Accountability measures should uphold the dissemination of textbook ISBN information and/or the book title, edition, author, and publisher, as well as alternative content information. Other considerations for course material information include providing information about the course curriculum, instruction, and assessments.

Theme: Postsecondary Disability Diagnoses

Many students with disabilities receive a diagnosis of having a disability during K-12 education. Again, IDEA mandates that K-12 school personnel are responsible for identifying and evaluating students and planning educational programs. The student's teacher or guardian requests a learning needs evaluation to initiate this evaluation process. Students who may be identified as having a disability undergo various evaluations for a disability diagnosis before being eligible to receive special education services. However, not all students who are diagnosed as having a disability according to IDEA guidelines are eligible to receive special education services. If a student has a

disability but is not eligible for special education services under the IDEA, the student can seek provisions under Section 504 to address any educational needs.⁴⁰

The LEA is responsible for determining whether a student ought to be evaluated to receive special education services at no cost to the parents. The school is also required to inform parents of the evaluation for special education services via written notice and to receive parental consent before evaluating the student. The parents have the right to receive all the information involved in the evaluation process including the reason for the evaluation, evaluation procedures, the IDEA guidelines for the evaluation, and alternative options. Once the IDEA guidelines for the evaluation have been met, then the LEA has 60 days upon parental consent to complete the evaluation and determine the next steps.

DSOs may require that students provide a disability evaluation and/or diagnosis documentation to receive an accommodation. The main issue is that many college-bound students, especially students from low-income households, do not have affordable access to an education specialist to conduct a learning evaluation. These students often do not know how or where to start looking for disability resources, and most do not seek a disability evaluation from their community agency because it is costly. There are IHEs (e.g., the University of Colorado Boulder and the University of Colorado Colorado Springs) that provide learning evaluations but not all IHEs currently provide this resource. This can cause the student to not have the disability evaluation and/or diagnosis to receive the disability documentation required by the DSO, which may lead to a delay in receiving accommodations and/or temporary approval of accommodation services. Furthermore, students diagnosed with having a disability later in adulthood do not always know about their rights and responsibilities including requirements concerning disability documentation and how it pertains to receiving accommodation services in higher education.

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

This recommendation asks CDHE and CDLE/DVR administrators to develop a free disability learning evaluation referral program. Program considerations include procedures for IHEs to work with the CDLE/DVR to initiate a disability learning evaluation. Considerations for procedures also include guidelines on how DSOs conduct accommodation eligibility assessments based on student self-reporting;

⁴⁰ Evaluating School-Aged Children for Disability
<https://www.parentcenterhub.org/evaluation/>

temporary accommodation eligibility policy; and requirements for referring students to the free referral program.

Conclusion

A primary directive of H.B. 22-1255 was to appoint an advisory committee charged with submitting recommendations to the Colorado General Assembly and IHEs focused on improving outcomes for students with disabilities. The advisory committee engaged in a methodical approach to discuss and identify current issues and inconsistent patterns with the delivery of necessary services and best practices for students with disabilities in higher education. Several themes were recognized and documented through case management observations and eye-witness accounts by the committee members. A total of 17 recommendations within these themes were finalized by the committee and then submitted to the general assembly.

The proposed recommendations are expected to bridge gaps in the delivery of necessary services by implementing accountability measures, funding resource centers, and building better integrated systemic procedures until accessibility becomes commonplace. The recommendations given to the general assembly in this first report involve provisions for taking proactive accountability measures to avoid risks of non-compliance, and most importantly, improve services to students with disabilities. The committee maintains that integrating disability resources into all curricular, co-curricular, and extra-curricular programs at all IHEs is critical to improving postsecondary outcomes for all students with disabilities.

The committee recognizes that outcomes regarding disability are not only significantly impacted by the intersection of race and ethnicity, socioeconomic status, first-generation status, and English language proficiency but can also be compounded by disability resource allocation shortfalls. It is imperative for Colorado to invest more in capital wealth and program funding for consistent and sustainable disability services and resources in higher education to improve outcomes for all student populations. Indeed, the advisory committee firmly believes that the most profound outcome opportunity at colleges and universities is at the intersection of vulnerability and trust. Students can feel vulnerable when disclosing their disability to a member of the campus community – it can often be a brave act of trust. With what level of importance is the campus community honoring that trust?

Finally, while the advisory committee recognizes that there are currently many issues and inconsistencies in the delivery of disability services in higher education, we believe by adopting and implementing each recommendation that Colorado will be recognized in the future as a model for setting the highest standards for inclusive and accessible higher education.