

**UPDATED SUMMARY  
SENATE BILL 16-077**

**Second Regular Session - Seventieth Colorado General Assembly**

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*This summary applies to the reengrossed version of this bill as introduced in the second house. It does not reflect any amendments that may be subsequently adopted. This summary reflects only the main points of the legislation.*

*The bill creates the employment first advisory partnership (partnership) of existing entities, including the state rehabilitation council, established by the department of labor and employment (CDLE), the state work force development council, and the employment first state leadership mentoring program core state advisory group, established in CDLE, to develop an employment first strategic plan that increases competitive integrated employment, as defined in the bill, for persons with disabilities. The state rehabilitation council shall serve as the lead agency to coordinate cross-departmental and inter-agency collaboration within CDLE and among the agency partners.*

*By a date specified in the bill, CDLE, the department of health care policy and financing, department of education, department of higher education, and the department of human services (agency partners) shall identify the staff member or members within the agency providing input and assistance to the partnership. By a date specified in the bill, the state rehabilitation council shall convene a meeting of the partnership and agency partners to develop a memorandum of understanding for the partnership relating to the duties of the partnership, including time frames for completing work.*

*The partnership shall seek stakeholder participation, at a minimum, from advocates and persons listed in the bill. The partnership may form subgroups comprised of members and stakeholders to consider specific issues relating to the strategic plan.*

*The partnership shall develop a strategic plan and recommendations to expand competitive integrated employment outcomes for persons with disabilities through employment first policies and practices. No later than November 1, 2017, the partnership shall prepare an initial report of the strategic plan, and the agencies shall present the initial report to the legislative committees of reference during the legislative interim prior to the 2017 legislative session.*

*In developing the strategic plan, the partnership shall:*

- ! Make recommendations to ensure that, in providing publicly funded services, competitive integrated employment is the primary objective for all working-age persons regardless of disability;*
- ! Identify barriers to competitive integrated employment for persons with disabilities;*
- ! Identify unnecessary, inefficient, or conflicting agency rules and regulations that make it more difficult for employers to hire persons with disabilities;*
- ! Identify training and knowledge gaps among agency staff, agency vendors, and individuals with disabilities and their families that may create obstacles and perceived obstacles for persons with disabilities, including significant*

- disabilities, from participating in competitive integrated employment;*
- ! Identify the data available and the gaps in data collection that prohibit the measurement of Colorado's progress toward compliance with the United States Supreme Court's decision in *Olmstead v. L.C.*; and*
  - ! Make recommendations relating to pre-vocational services to ensure that, in compliance with federal law, the services are time limited and reasonably lead to competitive integrated employment.*

*The partnership may consider employment first issues and make recommendations on issues not described in the bill and may prioritize its work on the issues described in the bill.*

*The partnership repeals in 2021, and the bill requires a sunset review of the partnership prior to its repeal.*

*In addition, CDLE shall review and make recommendations for amendments, if necessary, to Colorado's combined plan under the federal "Workforce Innovation and Opportunity Act" to ensure that persons with intellectual and developmental disabilities are supported in achieving employment. CDLE shall also promote youth transitions that focus on employer engagement.*

*The bill also requires agency partners to develop practices that reflect a presumption that all persons with disabilities are capable of working in competitive integrated employment, provide agency input on the strategic plan, and present the strategic plan to the agencies' legislative committees of reference.*

*The bill takes effect July 1, 2016.*

~~The bill requires the heads of the department of health care policy and financing (HCPF), the department of labor and employment (CDLE), the department of education (CDE), and the department of higher education (CDHE), (referred to as agency partners), to develop an employment first policy that increases competitive integrated employment, as defined in the bill, for persons with disabilities. The agency partners shall consult with the employment first advisory board (advisory board) as part of developing and implementing the employment first policy:~~

~~At a minimum, the employment first policy must:~~

- ~~! Ensure that competitive integrated employment is the primary objective for all working-age persons regardless of disability;~~
- ~~! Remove barriers to competitive integrated employment for persons with disabilities;~~
- ~~! Reallocate existing resources, where possible, to increase provider capacity through funding incentives;~~
- ~~! Include provisions relating to postsecondary education planning, career planning, transition planning, employment services, and closing gaps in service;~~
- ~~! Include provisions for data collection and sharing by agency partners relating to employment and postsecondary education for persons with disabilities;~~

~~consistent with state and federal data privacy laws;~~

- ~~! Require professionals providing employment services to complete a nationally-certified program before providing employment services;~~
- ~~! Establish the employment first policy as part of the state's plan to address federal case law relating to providing disability services in an integrated setting; and~~
- ~~! Include a plan for a statewide outreach and training program.~~

~~Each agency partner shall implement the program pursuant to its statutory authority, available appropriations, and federal authority if changes relate to medicaid waivers. The agency partner's policy boards shall adopt any rules necessary to implement the program.~~

~~In addition to any other duties under the plan, HCPF shall:~~

- ~~! Develop a plan to expand competitive integrated employment for persons with intellectual and developmental disabilities that includes a gradual shift in funding from noncompetitive employment to competitive integrated employment;~~
- ~~! Limit pre-vocational services for persons receiving home- and community-based services to a maximum of 2 years, with extensions possible for up to 3 additional years;~~
- ~~! Provide persons with intellectual and developmental disabilities who work in segregated employment or employment that pays below minimum wage with services related to exploring competitive integrated employment prior to allowing the individual to remain in segregated or low-wage employment;~~
- ~~! Establish baseline data for competitive integrated employment and set goals for annual increases in the number of persons in home- or community-based services who obtain competitive integrated employment;~~
- ~~! In consultation with the advisory board and by a certain date, develop a plan and implementation timeline to expand the medicaid buy-in program, and develop a plan to raise asset limits for medicaid eligibility categories that do not have federal limits, and develop recommendations for the development and implementation of career development plans;~~
- ~~! Dedicate a full-time staff member to oversee and coordinate employment support through medicaid waiver programs;~~
- ~~! Maintain Colorado's membership in the national employment leadership network for states;~~
- ~~! Actively participate in the United States department of labor's employment first state leadership mentoring program (federal mentoring program); and~~
- ~~! Prepare an annual report concerning the employment first policy and its implementation by agency partners and present the report to the general assembly committee of reference for HCPF.~~

~~In addition to any other duties under the plan, the CDLE shall:~~

- ~~! Establish Colorado's membership in the federal mentoring program;~~
- ~~! Promote partnerships with employers to overcome barriers to employment for~~

~~persons with disabilities;~~

- ~~! Create a reimbursement code discovery process for persons with significant disabilities;~~
- ~~! Require workforce centers to use a federal reference guide and checklist to promote nondiscrimination and equal opportunities in employment for persons with disabilities; and~~
- ~~! Provide information to HCPF to prepare the annual report on the employment first policy and present the report to the general assembly's committee of reference for the CDLE.~~

~~The bill creates the advisory board in the CDLE. The advisory board will encompass the state's advisory group created for purposes of the federal mentoring plan, and will include that group's membership and duties, along with additional advisory board members and duties. The bill includes the structure of the advisory board, including the advisory board's membership and appointing authorities. In addition, the bill requires a sunset review of the advisory board by the department of regulatory affairs before the advisory board's repeal date in 2026.~~

~~In addition to any other duties under the plan, the bill encourages the CDE, in conjunction with the agency partners, to facilitate, encourage, and expand programs and supports for students with disabilities relating to, among other provisions, school-to-work transitions, early transition planning, and postsecondary education options and career paths. Further, the bill directs the CDE to actively participate in the federal mentoring program to coordinate employment first practices that affect public schools. Finally, the bill requires the CDE to provide information to HCPF to prepare the annual report on the employment first policy and present the report to the general assembly's committee of reference for the CDE.~~

~~In addition to any other duties under the plan, the bill requires the CDHE, among other provisions, to collaborate with the CDE concerning policies and programs that support early transition planning, including postsecondary education; the use of assistive technology; and the retention and graduation of students with disabilities attending higher education institutions. The bill directs the CDHE to actively participate in the federal mentoring program to coordinate employment first practices in the higher education setting. The CDHE shall provide information to HCPF to prepare the annual report on the employment first policy and present the report to the general assembly's committee of reference for the CDHE.~~

~~The bill takes effect July 1, 2016.~~