

  
*Colorado Legislative Council Staff Fiscal Note*  
**STATE**  
**FISCAL IMPACT**

**Drafting Number:** LLS 11-0137

**Date:** February 1, 2011

**Prime Sponsor(s):** Sen. Hudak

**Bill Status:** Senate Education

**Fiscal Analyst:** Josh Abram (303-866-3561)

**TITLE:** CONCERNING PROVIDING POSTSECONDARY OPPORTUNITIES TO STUDENTS WITH SPECIAL NEEDS.

Fiscal Impact Summary	FY 2011-2012	FY 2012-2013
<b>State Revenue</b>		
<b>State Expenditures*</b> General Fund	at least \$1.5 million	at least \$1.5 million
<b>FTE Position Change</b>	at least 17.3 FTE	at least 17.3 FTE
<b>Effective Date:</b> Upon signature of the Governor, or upon becoming law without his signature.		
<b>Appropriation Summary for FY 2011-2012:</b> See State Appropriations section.		
<b>Local Government Impact:</b> None.		

*\* The estimate of State Expenditures and FTE is the minimum amount anticipated. Actual amounts and staffing for each campus in the higher education system will be determined during the annual budget setting process.*

**Summary of Legislation**

This bill requires that each public institution of higher education provide minimum access services to students with special needs. Such services must include appropriate academic adjustments and comparable, convenient, and accessible housing. A high school student with special needs who concurrently enrolls at the institution must also receive services.

A student who requests access services may be required to provide documentation of need; however, if the student is a recent graduate of a public high school and had an individualized education plan (IEP), the IEP may serve as sole documentation of need. If the student submits an IEP, the institution must provide the accommodations and services required in the plan as access services.

Beginning November 10, 2011, each institution must report the progress of students with special needs to the Department of Higher Education (DHE). The department will compile a summary report of the school's data and present it to the education committees of the General Assembly.

The bill creates the Special Needs Advisory Committee for Higher Education in the DHE. The committee will assist the Colorado Commission on Higher Education (CCHE) when considering and adopting policies that affect students with special needs. The DHE must provide staff services and support to the committee, including meeting space. Committee membership must include representatives from the Department of Education, the Department of Human Services, and the DHE. Members of the committee serve without compensation or reimbursement. The committee is repealed effective July 1, 2012, following a sunset review.

## **Background**

Under the federal Individuals with Disabilities in Education Act (IDEA), public K-12 students with special educational needs must have an individualized education plan. The IEP is designed to meet the unique educational needs of an individual student with a learning. An IEP team, including a student's parents and school and district special education professionals, regularly maintain and update the plan throughout the student's public education; however, an IEP is not required in higher education.

All public universities must follow the federal American with Disabilities Act (ADA), and Section 504 of the Rehabilitation Act of 1973, which require that services and programs of public entities be accessible to individuals with disabilities. Some institutions already provide educational accommodations in addition to access services under federal law, but may not be providing the level of service required by an IEP in secondary education. Some institutions already accept information in an IEP as documentation of a disability when complying with federal law, but may also request additional information not contained in an IEP.

## **State Expenditures**

***Beginning in FY 2011-12, this bill will increase costs for institutions of higher education by at least \$1.5 million per year. These costs would be paid from the General Fund and include associated costs for 17.3 FTE across the system of higher education.***

The requirement that institutions provide the specific accommodations in an IEP is the principal driver of new costs. An IEP may require services that are currently provided in higher education, or require simple accommodations that can be met at low cost. However, the institutions do not routinely provide personalized services (e.g., specialized educational equipment, transportation services, speech and language therapy, individualized training), which may be required in an IEP. There will be increased costs wherever services required by an IEP exceed what institutions currently provide under federal law. The potential costs of such personalized assistance and equipment could range from \$1,000 to \$10,000 per student with special needs, per year. If all campuses in the higher education system have only 1 high-cost IEP each year, systemwide costs are \$280,000. Actual costs will vary across campuses based on the number and types of new services provided.

The bill is also anticipated to increase the caseload of students with special needs seeking services at each campus. As a result, schools will require new administrative staff to evaluate IEPs, coordinate services, and monitor and report the progress of students with special needs. A minimum expectation is that each major campus will need to add 0.75 FTE, and smaller campuses 0.5 FTE, for a total of 17.3 FTE system wide. Personal services, including standard operating expenses for these new staff, are estimated at \$1.25 million in FY 2011-12, and \$1.17 million thereafter.

There will also be increased workload for the DHE to assist the task force, and in the CDE and DHE to provide membership to the task force; however, these costs are anticipated to be minimal and can be met within existing appropriations.

### **State Appropriations**

In FY 2011-12, this bill requires an appropriation of \$1,532,576 General Fund, and 17.3 FTE for fee-for-service contracts with the governing boards of the institutions of higher education.

### **Departments Contacted**

Education

Higher Education

Human Services