A BILL FOR AN ACT

CONCERNING A COLLABORATIVE MULTI-AGENCY APPROACH TO INCREASING COMPETITIVE INTEGRATED EMPLOYMENT OPPORTUNITIES FOR PERSONS WITH DISABILITIES, AND, IN CONNECTION THEREWITH, DEVELOPING AND IMPLEMENTING AN EMPLOYMENT FIRST POLICY.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at http://www.leg.state.co.us/billsummaries.)

The bill 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.

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

SECTION 1. In Colorado Revised Statutes, add part 5 to article 10 of title 25.5 as follows:

PART 5

EMPLOYMENT FIRST FOR

PERSONS WITH DISABILITIES

25.5-10-501. Legislative declaration. (1) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:

(a) EIGHTY-FIVE PERCENT OF ADULTS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES ARE EITHER UNEMPLOYED OR
UNDEREMPLOYED, DESPITE THEIR ABILITY, DESIRE, AND WILLINGNESS TO
WORK IN THE COMMUNITY;

(b) The percentage of working-age people with all
disabilities in the labor force is about one-third that of persons
with no disability;

(c) As reported by the Bureau of Labor Statistics, persons
with disabilities who are not employed or underemployed report
many barriers to employment, including the potential for loss
of Medicaid benefits due to Medicaid income limitations;

(d) Public policy designed to increase competitive
integrated employment for persons with disabilities must
address these barriers in a number of key ways by promoting
best practices; better school-to-work transitions; service
system enhancements, including the adoption of employment
first policies; and training and supports for persons with
disabilities and those implementing programs and providing
services; and

(e) The adoption of an employment first policy is
consistent with the United States supreme court's decision in
Olmstead v. L.C., 527 U.S. 581 (1999), that persons with disabilities
receive services in the most integrated setting appropriate to
their needs.

(2) Therefore, the general assembly declares that
developing and implementing an employment first policy will
benefit persons with disabilities by increasing:

(a) Opportunities for postsecondary education, including
college and vocational training, that lead to better jobs;
(b) Opportunities to work in jobs that pay fair and reasonable wages and benefits;

(c) Opportunities for self-employment and business ownership;

(d) Opportunities to work with and employ people without disabilities;

(e) The ability to explore new directions over time and, at the appropriate time, retire; and

(f) The ability to accumulate earnings and assets through work without losing eligibility for needed public benefits.

25.5-10-502. Definitions. As used in this part 5, unless the context otherwise requires:

(1) "Agency partners" means the state department, the department of labor and employment, the department of education, and the department of higher education.

(2) "Career development plan" means a person-centered plan that identifies the individual's employment goals and objectives; the services and supports needed to achieve those goals and objectives; the persons, agencies, and providers assigned to assist the individual in attaining the goals; and the obstacles faced by the individual working in competitive integrated employment.

(3) "Competitive integrated employment" means work paid directly by employers at the greater of the state or federal minimum wage or prevailing wage with commensurate benefits, occurring in a typical work setting where the employee with a disability interacts or has the opportunity to interact
CONTINUOUSLY WITH COWORKERS WITHOUT DISABILITIES, NOT INCLUDING SUPERVISORY PERSONNEL OR INDIVIDUALS WHO ARE PROVIDING SERVICES TO THE EMPLOYEE WITH A DISABILITY, AND THE EMPLOYEE WITH A DISABILITY HAS AN OPPORTUNITY FOR ADVANCEMENT OR JOB MOBILITY, AND IS ENGAGED, PREFERABLY, IN FULL-TIME WORK.

(4) "EMPLOYMENT FIRST" MEANS A FRAMEWORK FOR CHANGE IN THE PROVISION OF SERVICES THAT IS CENTERED ON THE PREMISE THAT ALL PERSONS, INCLUDING PERSONS WITH SIGNIFICANT DISABILITIES, ARE CAPABLE OF FULL PARTICIPATION IN COMPETITIVE INTEGRATED EMPLOYMENT AND COMMUNITY LIFE. UNDER THIS FRAMEWORK, IN PROVIDING PUBLICLY FUNDED SERVICES, EMPLOYMENT IN THE GENERAL WORKFORCE IS THE FIRST AND PREFERRED OUTCOME FOR ALL WORKING-AGE PERSONS WITH DISABILITIES, REGARDLESS OF THE LEVEL OF DISABILITY. PUBLICLY FUNDED AGENCIES AND SYSTEMS ALIGN POLICIES, SERVICE DELIVERY PRACTICES, FUNDING, AND REIMBURSEMENT STRUCTURES IN ORDER TO ACHIEVE COMPETITIVE INTEGRATED EMPLOYMENT.

(5) "EMPLOYMENT FIRST ADVISORY BOARD" MEANS THE EMPLOYMENT FIRST ADVISORY BOARD CREATED AND EXISTING PURSUANT TO SECTION 8-84-109, C.R.S.

(6) "EMPLOYMENT FIRST POLICY" MEANS THE EMPLOYMENT FIRST POLICY FOR PERSONS WITH DISABILITIES DEVELOPED PURSUANT TO SECTION 25.5-10-503.

25.5-10-503. Employment first for persons with disabilities - multi-agency policy - development - implementation. (1) (a) In consultation with the Employment First Advisory Board, the Executive Director of the State Department, the Executive
DIRECTOR OF THE DEPARTMENT OF LABOR AND EMPLOYMENT, THE
COMMISSIONER OF EDUCATION, AND THE EXECUTIVE DIRECTOR OF THE
COLORADO COMMISSION ON HIGHER EDUCATION, OR THEIR DESIGNEES,
shall:

(I) JOINTLY DEVELOP AN EMPLOYMENT FIRST POLICY THAT ALIGNS
AGENCY PARTNER POLICIES, SERVICE DELIVERY PRACTICES, FUNDING, AND
REIMBURSEMENT STRUCTURES TO ACHIEVE COMPETITIVE INTEGRATED
EMPLOYMENT FOR PERSONS WITH DISABILITIES;

(II) REVIEW AGENCY PARTNER AUTHORITY AND RESOURCES TO
DEVELOP A PLAN AND TIMELINE FOR IMPLEMENTATION OF THE
EMPLOYMENT FIRST POLICY;

(III) MAKE RECOMMENDATIONS TO THE GENERAL ASSEMBLY AND
THE RELEVANT POLICY-MAKING BOARDS CONCERNING ANY CHANGES TO
STATE STATUTE OR AGENCY RULES NECESSARY TO FULLY IMPLEMENT THE
EMPLOYMENT FIRST POLICY;

(IV) ESTABLISH ONGOING COORDINATION AMONG THE AGENCY
PARTNERS TO ENSURE THAT THE IMPLEMENTATION OF AND RESOURCES
ALLOCATED TO THE EMPLOYMENT FIRST POLICY BY EACH AGENCY
PARTNER SUPPORTS THE ATTAINMENT OF COMPETITIVE INTEGRATED
EMPLOYMENT FOR PERSONS WITH DISABILITIES; AND

(V) REVIEW AND REVISE THE EMPLOYMENT FIRST POLICY, AS
NECESSARY.

(b) EACH AGENCY PARTNER SHALL IMPLEMENT THE EMPLOYMENT
FIRST POLICY TO THE EXTENT AUTHORIZED BY STATE STATUTE AND
PURSUANT TO AVAILABLE APPROPRIATIONS.

(2) THE EMPLOYMENT FIRST POLICY MUST, AT A MINIMUM:

(a) ENSURE THAT, IN PROVIDING PUBLICLY FUNDED SERVICES,
COMPETITIVE INTEGRATED EMPLOYMENT IS THE PRIMARY OBJECTIVE AND PREFERRED OUTCOME FOR ALL WORKING-AGE PERSONS WITH DISABILITIES, REGARDLESS OF THE LEVEL OF DISABILITY;

(b) EXPAND COMPETITIVE INTEGRATED EMPLOYMENT OUTCOMES FOR PERSONS WITH DISABILITIES BY REMOVING BARRIERS;

(c) REALLOCATE EXISTING RESOURCES WITHIN OR AMONG AGENCY PARTNERS, WHERE POSSIBLE, TO INCREASE COMPETITIVE INTEGRATED EMPLOYMENT OPPORTUNITIES, INCLUDING INCREASING PROVIDER CAPACITY THROUGH FUNDING INCENTIVES;

(d) ESTABLISH EVIDENCE-BASED EMPLOYMENT SERVICES POLICIES THAT ARE BASED ON AN INDIVIDUAL'S CAPABILITIES, CHOICES, AND STRENGTHS;

(e) INCLUDE POLICY PROVISIONS RELATING TO POSTSECONDARY EDUCATION PLANNING, CAREER PLANNING, TRANSITION PLANNING, EMPLOYMENT SERVICES, AND CLOSING GAPS IN SERVICE;

(f) CONSISTENT WITH STATE AND FEDERAL LAW CONCERNING DATA PRIVACY, INCLUDE PROVISIONS FOR DATA COLLECTION AND SHARING BY AGENCY PARTNERS RELATING TO PERSONS WITH DISABILITIES, INCLUDING, AT A MINIMUM, THE FOLLOWING DATA IN NON-AGGREGATE FORM:

(I) THE NUMBER OF INDIVIDUALS WHO HAVE BEEN ACCEPTED INTO A POSTSECONDARY EDUCATIONAL INSTITUTION AT THE TIME OF HIGH SCHOOL GRADUATION;

(II) THE NUMBER OF INDIVIDUALS WHO HAVE OBTAINED COMPETITIVE INTEGRATED EMPLOYMENT AT THE TIME OF HIGH SCHOOL GRADUATION; AND

(III) THE FOLLOWING INFORMATION IN NON-AGGREGATE FORM
COLLECTED THROUGH THE MEDICAID MANAGEMENT INFORMATION SYSTEM, INCLUDING THE NUMBER OF HOURS IN THE FOLLOWING ACTIVITIES AND THE WAGE PER HOUR EARNED, IF APPLICABLE:

(A) THE NUMBER OF INDIVIDUALS WITH A CAREER DEVELOPMENT PLAN;

(B) THE NUMBER OF INDIVIDUALS IN PRE-EMPLOYMENT SERVICES;

(C) THE NUMBER OF INDIVIDUALS IN NON-INTEGRATED EMPLOYMENT;

(D) THE NUMBER OF INDIVIDUALS IN INTEGRATED EMPLOYMENT;

(E) THE NUMBER OF INDIVIDUALS IN FACILITY-BASED NON-WORK;

AND

(F) THE NUMBER OF INDIVIDUALS IN INTEGRATED NON-WORK, INCLUDING GROUP ACTIVITY, INDIVIDUAL ACTIVITY, GROUP VOLUNTEER ACTIVITY, AND INDIVIDUAL VOLUNTEER ACTIVITY;

(g) REQUIRE THAT PROFESSIONALS PROVIDING EMPLOYMENT SERVICES FOR JOB CREATION, JOB DEVELOPMENT, AND JOB COACHING COMPLETE A NATIONALLY-CERTIFIED PROGRAM BEFORE PROVIDING EMPLOYMENT SERVICES;

(h) ESTABLISH THE EMPLOYMENT FIRST POLICY AS PART OF THE STATE'S PLAN RELATING TO THE UNITED STATES SUPREME COURT'S DECISION IN *OLMSTEAD V. L.C.*, 527 U.S. 581 (1999); AND

(i) INCLUDE A PLAN FOR A STATEWIDE OUTREACH AND TRAINING PROGRAM FOR THE EMPLOYMENT FIRST POLICY, INCLUDING THE TRAINING OBJECTIVES, THE PERSONS BEING TRAINED, THE PARTNER AGENCY OR AGENCIES THAT MAY PROVIDE THE TRAINING, AND RESOURCES AVAILABLE OR NEEDED TO IMPLEMENT THE PLAN. AMONG OTHER COMPONENTS, THE STATEWIDE OUTREACH AND TRAINING PROGRAM MUST:
(I) PROVIDE INFORMATION TO PERSONS WITH DISABILITIES AND
THEIR FAMILIES ON THE BENEFITS OF COMPETITIVE INTEGRATED
EMPLOYMENT IN ORDER TO ENCOURAGE PERSONS WITH DISABILITIES TO
SEEK EMPLOYMENT;

(II) ADDRESS THE PERCEIVED OBSTACLES TO PARTICIPATING IN
COMPETITIVE INTEGRATED EMPLOYMENT; AND

(III) INCLUDE EVIDENCE-BASED, BEST-PRACTICE MODELS FOR
SUPPORTED EMPLOYMENT AND CUSTOMIZED EMPLOYMENT, AND TRAINING
ON INCORPORATING THESE MODELS INTO DAY AND TRANSITION SERVICES.

25.5-10-504. Employment first policy - state department duties
- state board rules - reporting. (1) IN CONSULTATION WITH THE
EMPLOYMENT FIRST ADVISORY BOARD, AND IN CONJUNCTION WITH THE
AGENCY PARTNERS, THE EXECUTIVE DIRECTOR, OR HIS OR HER DESIGNEE,
SHALL PARTICIPATE IN THE DEVELOPMENT OF THE EMPLOYMENT FIRST
POLICY.

(2) PURSUANT TO ITS STATUTORY AUTHORITY AND AVAILABLE
APPROPRIATIONS, THE STATE DEPARTMENT SHALL IMPLEMENT THE
PROVISIONS OF THE EMPLOYMENT FIRST POLICY. PRIOR TO IMPLEMENTING
PROVISIONS OF THE EMPLOYMENT FIRST POLICY, THE STATE DEPARTMENT
SHALL SEEK ANY FEDERAL WAIVER OR AUTHORIZATION NECESSARY TO
ENSURE FULL FEDERAL MATCHING FUNDS. FURTHER, THE STATE
DEPARTMENT SHALL MAKE RECOMMENDATIONS TO THE GENERAL
ASSEMBLY CONCERNING ANY CHANGES TO STATE STATUTE NECESSARY TO
IMPLEMENT THE EMPLOYMENT FIRST POLICY.

(3) WITHIN ITS AUTHORITY, THE STATE BOARD SHALL
PROMULGATE ANY RULES NECESSARY TO IMPLEMENT THE EMPLOYMENT
FIRST POLICY.
(4) In implementing the Employment First Policy, in addition to any other State Department duties established in the Employment First Policy, the State Department shall:

(a) Develop a plan to expand competitive integrated employment outcomes for persons with intellectual and developmental disabilities that includes a gradual shift in funding from noncompetitive employment to competitive integrated employment;

(b) Establish a preference for competitive integrated employment over pre-vocational services and limit pre-vocational services for persons receiving home- and community-based services to a maximum of two years of services; except that the State Department may extend pre-vocational services on a case-by-case basis annually for up to a maximum of three additional years of services;

(c) Provide persons with intellectual and developmental disabilities who work in segregated employment or employment that pays below minimum wage with a vocational assessment to ensure informed choice, a trial work experience, information concerning the benefits of competitive integrated employment, benefits counseling, and a review of the individual’s career development plan, if the individual has one, prior to allowing the individual to remain in segregated or below-minimum-wage employment;

(d) Establish baseline data concerning the number of persons in home- and community-based services in competitive integrated services, and the number of persons with
INTELLECTUAL AND DEVELOPMENTAL DISABILITIES WHO ARE IN
COMPETITIVE INTEGRATED EMPLOYMENT, AND SET CLEAR STATEWIDE
EXPECTATIONS FOR COMPETITIVE INTEGRATED EMPLOYMENT THAT
INCLUDE A FIVE PERCENT ANNUAL INCREASE IN THE NUMBER OF PERSONS
IN HOME- AND COMMUNITY-BASED PROGRAMS WHO OBTAIN COMPETITIVE
INTEGRATED EMPLOYMENT;

(e) In consultation with the Employment First Advisory
Board, no later than June 30, 2017:

(I) Develop a plan, including an implementation timeline,
to expand the Medicaid Buy-In program to allow persons with
disabilities to be employed in a job that will not result in a loss
of Medicaid benefits, including any applicable waiver benefits;

(II) Develop a plan to raise asset limits for all Medicaid
eligibility categories that do not have federal asset limits; and

(III) Develop recommendations, including an
implementation timeline, for the creation and implementation of
career development plans that:

(A) Reflect a presumption that all persons receiving
home- and community-based services are capable of working in
a competitive integrated employment setting;

(B) Include a goal for the ending date of pre-employment
services and the attainment of competitive integrated
employment for persons who receive pre-employment services;

(C) Place the focus of the career development plan on the
strengths of the individual, with the goal of maximizing the
number of hours spent working based on the person's abilities
and choices; and
(D) Include a goal for creating career development plans
for all working-age persons receiving home- and
community-based services that are reviewed annually and that
are completed automatically as part of the intake process for
persons enrolling in home- and community-based services;

(f) Dedicate a full-time, statewide employment
coordinator to oversee and coordinate employment supports
through Medicaid waiver programs;

(g) Maintain Colorado's membership in the state
employment leadership network that was founded as a joint
partnership between the National Association of State Directors
of Developmental Disabilities Services and the Institute for
Community Inclusion at the University of Massachusetts Boston,
or another similar organization that facilitates collaboration
with other states to share effective solutions to increase
employment outcomes for persons with disabilities;

(h) Actively participate in the United States Department
of Labor Office of Disability Employment Policy's Employment
First State Leadership Mentoring Program to align policies,
coordinate resources, and update service delivery models to
facilitate increased competitive integrated employment
outcomes; and

(i) Prepare an annual report concerning the Employment
First policy and its implementation by agency partners that
includes data required to be collected pursuant to the
employment first policy and any recommendations to the
General Assembly regarding statutory changes necessary to
fully implement the employment first policy. The state department shall present the report as part of its annual presentation to the legislative committee of reference pursuant to section 2-7-203, C.R.S.

**SECTION 2.** In Colorado Revised Statutes, add 8-84-109 as follows:

8-84-109. Employment first policy - department duties - advisory board - creation - rules - definitions - repeal. (1) As used in this section, unless the context otherwise requires:

(a) "agency partners" means the department, the department of health care policy and financing, the department of education, and the department of higher education.

(b) "competitive integrated employment" has the same meaning as set forth in section 25.5-10-502, C.R.S.

(c) "employment first" has the same meaning as set forth in section 25.5-10-502, C.R.S.

(d) "employment first advisory board" means the employment first advisory board created in subsection (6) of this section.

(e) "employment first policy" means the employment first policy for persons with disabilities developed pursuant to section 25.5-10-503, C.R.S.

(f) "person with an intellectual and developmental disability" has the same meaning as set forth in section 25.5-10-202, C.R.S.

(2) In consultation with the employment first advisory board, and in conjunction with the agency partners, the
EXECUTIVE DIRECTOR OF THE DEPARTMENT, OR HIS OR HER DESIGNEE, SHALL PARTICIPATE IN THE DEVELOPMENT OF THE EMPLOYMENT FIRST POLICY.

(3) PURSUANT TO ITS STATUTORY AUTHORITY AND AVAILABLE APPROPRIATIONS, THE DEPARTMENT SHALL IMPLEMENT THE PROVISIONS OF THE EMPLOYMENT FIRST POLICY. THE EXECUTIVE DIRECTOR SHALL PROMULGATE ANY RULES NECESSARY TO IMPLEMENT THE EMPLOYMENT FIRST POLICY. FURTHER, THE DEPARTMENT SHALL MAKE RECOMMENDATIONS TO THE GENERAL ASSEMBLY CONCERNING ANY CHANGES TO STATE STATUTE NECESSARY TO IMPLEMENT THE EMPLOYMENT FIRST POLICY.

(4) AS PART OF IMPLEMENTING THE EMPLOYMENT FIRST POLICY, IN ADDITION TO ANY OTHER DEPARTMENT DUTIES SET FORTH IN THE EMPLOYMENT FIRST POLICY, THE DEPARTMENT SHALL:

(a) ESTABLISH COLORADO'S MEMBERSHIP IN THE UNITED STATES DEPARTMENT OF LABOR OFFICE OF DISABILITY EMPLOYMENT POLICY'S EMPLOYMENT FIRST STATE LEADERSHIP MENTORING PROGRAM TO ALIGN POLICIES, COORDINATE RESOURCES, AND UPDATE SERVICE DELIVERY MODELS TO FACILITATE INCREASED COMPETITIVE INTEGRATED EMPLOYMENT OUTCOMES;

(b) PROMOTE PARTNERSHIPS WITH EMPLOYERS TO OVERCOME BARRIERS TO MEETING WORKFORCE NEEDS THROUGH THE EMPLOYMENT OF PERSONS WITH DISABILITIES;

(c) CREATE A SUPPORT RATE REIMBURSEMENT CODE IN THE VENDOR FEE SCHEDULE FOR "DISCOVERY PROCESS" TO ALIGN ACROSS AGENCIES WITH EVIDENCE-BASED BEST PRACTICES OF SUPPORTED AND CUSTOMIZED EMPLOYMENT SERVICES FOR PERSONS WITH SIGNIFICANT
DISABILITIES; AND

(d) REQUIRE WORKFORCE CENTERS TO USE THE UNITED STATES DEPARTMENT OF LABOR'S "PROMISING PRACTICES IN ACHIEVING UNIVERSAL ACCESS AND EQUAL OPPORTUNITY: A SECTION 188 DISABILITY REFERENCE GUIDE", INCLUDING THE SECTION 188 CHECKLIST, TO PROMOTE NONDISCRIMINATION AND EQUAL OPPORTUNITIES FOR PERSONS WITH DISABILITIES, INCLUDING PERSONS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES.


(6) (a) THERE IS HEREBY CREATED IN THE DEPARTMENT THE EMPLOYMENT FIRST ADVISORY BOARD, REFERRED TO IN THIS SUBSECTION (6) AS THE ADVISORY BOARD, TO ASSIST WITH DEVELOPING,
IMPLEMENTING, AND REVISING, AS NECESSARY, THE EMPLOYMENT FIRST
POLICY. IN ORDER TO COORDINATE STATE EFFORTS AND ACHIEVE
EFFICIENCIES IN DEVELOPING AND IMPLEMENTING THE STATE'S
EMPLOYMENT FIRST POLICY, THE ADVISORY BOARD ENCOMPASSES THE
EMPLOYMENT FIRST STATE LEADERSHIP MENTORING PROGRAM CORE
STATE ADVISORY GROUP, CREATED FOR PURPOSES OF THE UNITED STATES
DEPARTMENT OF LABOR OFFICE OF DISABILITY EMPLOYMENT POLICY'S
EMPLOYMENT FIRST STATE LEADERSHIP MENTORING PROGRAM, AND
INCLUDES ITS MEMBERSHIP AND DUTIES. IF PERMITTED UNDER THE
FEDERAL PROGRAM, THE ADVISORY BOARD SHALL ACCESS THE
EMPLOYMENT FIRST STATE LEADERSHIP MENTORING PROGRAM'S SERVICES,
INCLUDING MENTORING, TECHNICAL ASSISTANCE, AND TRAINING RELATING
TO EMPLOYMENT FIRST POLICIES.

(b) THE ADVISORY BOARD CONSISTS OF NOT LESS THAN ELEVEN
NOR MORE THAN FIFTEEN MEMBERS, INCLUDING ONE MEMBER FROM EACH
OF THE AGENCY PARTNERS, APPOINTED BY THE HEAD OF THE AGENCY, TWO
MEMBERS APPOINTED BY THE SPEAKER OF THE HOUSE OF
REPRESENTATIVES, TWO MEMBERS APPOINTED BY THE PRESIDENT OF THE
SENATE, AND UP TO SEVEN ADDITIONAL MEMBERS APPOINTED BY THE
GOVERNOR.

(c) WITH THE EXCEPTION OF THE REPRESENTATIVES OF THE
AGENCY PARTNERS, THE REMAINING APPOINTMENTS TO THE ADVISORY
BOARD MUST INCLUDE, AT A MINIMUM:

(I) ONE MEMBER REPRESENTING A NATIONAL ASSOCIATION OF
PERSONS SUPPORTING THE IMPLEMENTATION OF EMPLOYMENT FIRST
POLICIES;

(II) ONE MEMBER WHO IS AN ADVOCATE FOR PERSONS WITH
INTELLECTUAL AND DEVELOPMENTAL DISABILITIES;

(III) ONE MEMBER WHO IS A PERSON WITH A DISABILITY WHO HAS
OR IS SEEKING COMPETITIVE INTEGRATED EMPLOYMENT;

(IV) ONE MEMBER WHO IS A PARENT OR LEGAL GUARDIAN OF A
PERSON WITH A DISABILITY; AND

(V) ONE MEMBER REPRESENTING AN EMPLOYMENT SERVICE
AGENCY.

(d) THE INITIAL APPOINTMENTS TO THE ADVISORY BOARD SHALL
BE MADE NO LATER THAN SEPTEMBER 1, 2016, WITH THE MEMBERS
APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE
PRESIDENT OF THE SENATE SERVING TWO-YEAR TERMS. THE AGENCY
REPRESENTATIVES MAY SERVE INDEFINITE TERMS, AND THE GOVERNOR'S
APPOINTEES MAY SERVE A TERM SPECIFIED BY THE GOVERNOR. MEMBERS
SERVE AT THE PLEASURE OF THE APPOINTING AUTHORITY AND WITHOUT
COMPENSATION OR REIMBURSEMENT FOR EXPENSES.

(e) THE ADVISORY BOARD SHALL ELECT A MEMBER TO SERVE AS
CHAIR OF THE ADVISORY BOARD. THE ADVISORY BOARD SHALL MEET AS
OFTEN AS NECESSARY TO COMPLETE ITS DUTIES, BUT SHALL MEET AT
LEAST TWICE EVERY YEAR.

(f) WITH RESPECT TO THE EMPLOYMENT FIRST POLICY, THE
ADVISORY BOARD SHALL, AT A MINIMUM:

(I) IDENTIFY BARRIERS TO COMPETITIVE INTEGRATED
EMPLOYMENT FOR PERSONS WITH DISABILITIES, INCLUDING LEGAL,
PROCEDURAL, AND FINANCIAL BARRIERS;

(II) REVIEW AGENCY PARTNER RESPONSIBILITIES FOR PROGRAMS
AND SERVICES, STATE AND FEDERAL FUNDING, AND OVERSIGHT TO
DETERMINE WHETHER OPPORTUNITIES EXIST FOR MORE EFFICIENT OR
EFFECTIVE PROGRAMS OR SERVICES;

(III) MAKE RECOMMENDATION RELATING TO THE DEVELOPMENT
OF COMPETITIVE INTEGRATED EMPLOYMENT SUPPORT MODELS;

(IV) IDENTIFY BARRIERS TO SUCCESSFUL IMPLEMENTATION OF THE
EMPLOYMENT FIRST POLICY;

(V) MAKE RECOMMENDATIONS WITH RESPECT TO OUTREACH AND
TRAINING RELATING TO THE EMPLOYMENT FIRST POLICY;

(VI) COLLECT AND DISSEMINATE INFORMATION RELATING TO
EMPLOYMENT OPPORTUNITIES FOR PERSONS WITH DISABILITIES; AND

(VII) MAKE RECOMMENDATIONS, AS NECESSARY, CONCERNING
REVISIONS TO THE EMPLOYMENT FIRST POLICY.

(g) THE DEPARTMENT SHALL PROVIDE OFFICE SPACE, EQUIPMENT,
AND STAFF SERVICES AS MAY BE NECESSARY FOR THE ADVISORY BOARD.

(h) (I) THIS SUBSECTION (6) IS REPEALED, EFFECTIVE SEPTEMBER
1, 2026.

(II) PRIOR TO REPEAL OF THE ADVISORY BOARD, THE DEPARTMENT
OF REGULATORY AGENCIES SHALL CONDUCT A SUNSET REVIEW OF THE
ADVISORY BOARD PURSUANT TO THE PROVISIONS OF SECTION 2-3-1203,
C.R.S.

SECTION 3. In Colorado Revised Statutes, 2-3-1203, add (3)
(mm) (II) as follows:

2-3-1203. Sunset review of advisory committees. (3) The
following dates are the dates on which the statutory authorization for the
designated advisory committee is scheduled for repeal:

(mm) September 1, 2026:

(II) THE EMPLOYMENT FIRST ADVISORY BOARD IN THE
DEPARTMENT OF LABOR AND EMPLOYMENT CREATED IN SECTION 8-84-109,
SECTION 4. In Colorado Revised Statutes, add 22-2-143 as follows:

22-2-143. Employment first policy - duties - state board rules - definitions. (1) As used in this section, unless the context otherwise requires:

(a) "Agency partners" means the Department of Labor and Employment, the Department of Health Care Policy and Financing, the Department, and the Department of Higher Education.

(b) "Competitive integrated employment" has the same meaning as set forth in section 25.5-10-502, C.R.S.

(c) "Employment first" has the same meaning as set forth in section 25.5-10-502, C.R.S.

(d) "Employment first advisory board" means the Employment first advisory board created and existing pursuant to section 8-84-109, C.R.S.

(e) "Employment first policy" means the Employment first policy for persons with disabilities developed pursuant to section 25.5-10-503, C.R.S.

(2) In consultation with the Employment first advisory board, and in conjunction with the agency partners, the commissioner, or his or her designee, shall participate in the development of the Employment first policy.

(3) Pursuant to its statutory authority and available appropriations, the department shall implement the provisions of the Employment first policy. Further, the department shall
MAKE RECOMMENDATIONS TO THE GENERAL ASSEMBLY CONCERNING ANY
CHANGES TO STATE STATUTE NECESSARY TO IMPLEMENT THE
EMPLOYMENT FIRST POLICY. THE STATE BOARD SHALL PROMULGATE ANY
RULES NECESSARY TO IMPLEMENT THE EMPLOYMENT FIRST POLICY.

(4) AS PART OF IMPLEMENTING THE EMPLOYMENT FIRST POLICY,
IN ADDITION TO ANY OTHER DEPARTMENT DUTIES SET FORTH IN THE
EMPLOYMENT FIRST POLICY, THE DEPARTMENT MAY, WITHIN EXISTING
POLICIES AND PROGRAMS AND IN CONJUNCTION WITH AGENCY PARTNERS:

(a) Coordinate training and consultation for public
schools concerning evidence-based, best practice models for
supported employment and customized employment and for
incorporating these models in transition services offered by the
public school;

(b) Encourage school-to-work transition programs that
expose students to job opportunities, including entrepreneurial
experiences, and enable students to graduate with employment;

(c) Expand transition programs that expose students to
postsecondary education options and career paths;

(d) Encourage public schools to provide information to
parents and legal guardians of students with a disability, when
appropriate, about the achieving a better life experience (ABLE)
savings program pursuant to section 23-3.1-311, C.R.S., that may
allow the student to save money for, among other things,
education, employment training and support, and assistive
technology, without disqualifying the student from certain
federal benefits;

(e) Actively participate in the United States department
OF LABOR OFFICE OF DISABILITY EMPLOYMENT POLICY’S EMPLOYMENT
FIRST STATE LEADERSHIP MENTORING PROGRAM TO ALIGN POLICIES,
COORDINATE RESOURCES, AND UPDATE SERVICE DELIVERY MODELS TO
FACILITATE INCREASED COMPETITIVE INTEGRATED EMPLOYMENT
OUTCOMES FOR PERSONS WITH DISABILITIES; AND

(f) ENSURE THAT PUBLIC SCHOOLS PROMOTE:

(I) EARLY TRANSITION PLANNING, INCLUDING COORDINATION WITH
CAREER DEVELOPMENT PLANS, AS APPROPRIATE;

(II) ASSESSMENT FOR AND USE OF APPROPRIATE ASSISTIVE
TECHNOLOGY;

(III) ONGOING INVOLVEMENT OF STATE AND LOCAL AGENCIES TO
SUPPORT COMPETITIVE INTEGRATED EMPLOYMENT;

(IV) WORK EXPERIENCE AND COMPETITIVE INTEGRATED
EMPLOYMENT; AND

(V) POSTSECONDARY CAREER DEVELOPMENT.

(5) PURSUANT TO SECTION 25.5-10-504 (4) (i), C.R.S., THE
DEPARTMENT OF HEALTH CARE POLICY AND FINANCING SHALL PREPARE AN
ANNUAL REPORT ON THE EMPLOYMENT FIRST POLICY AND ITS
IMPLEMENTATION BY THE AGENCY PARTNERS. TO FACILITATE THE
PREPARATION OF THE REPORT, THE DEPARTMENT SHALL PROVIDE THE
DEPARTMENT OF HEALTH CARE POLICY AND FINANCING WITH
INFORMATION CONCERNING THE DEPARTMENT’S IMPLEMENTATION OF THE
EMPLOYMENT FIRST POLICY, ANY DATA REQUIRED TO BE COLLECTED BY
THE DEPARTMENT PURSUANT TO THE EMPLOYMENT FIRST POLICY, AND THE
DEPARTMENT’S RECOMMENDATIONS TO THE GENERAL ASSEMBLY
REGARDING STATUTORY CHANGES NECESSARY TO FULLY IMPLEMENT THE
EMPLOYMENT FIRST POLICY. THE DEPARTMENT SHALL PRESENT ITS
PORTION OF THE REPORT PREPARED BY THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING AS PART OF THE DEPARTMENT'S ANNUAL PRESENTATION TO THE LEGISLATIVE COMMITTEE OF REFERENCE PURSUANT TO SECTION 2-7-203, C.R.S.

SECTION 5. In Colorado Revised Statutes, add 23-1-134 as follows:

23-1-134. Department directive - employment first policy - definitions. (1) As used in this section, unless the context otherwise requires:

(a) "Agency partners" means the Department of Labor and Employment, the Department of Health Care Policy and Financing, the Department of Education, and the Department.

(b) "Competitive integrated employment" has the same meaning as set forth in section 25.5-10-502, C.R.S.

(c) "Employment first" has the same meaning as set forth in section 25.5-10-502, C.R.S.

(d) "Employment first advisory board" means the Employment First Advisory Board created and existing pursuant to section 8-84-109, C.R.S.

(e) "Employment first policy" means the Employment First Policy for Persons with Disabilities developed pursuant to section 25.5-10-503, C.R.S.

(2) In consultation with the Employment First Advisory Board, and in conjunction with the Agency partners, the Executive Director, or his or her designee, shall participate in the development of the Employment First Policy.

(3) Pursuant to its statutory authority and available
APPROPRIATIONS, THE DEPARTMENT SHALL IMPLEMENT THE PROVISIONS OF THE EMPLOYMENT FIRST POLICY. FURTHER, THE DEPARTMENT SHALL MAKE RECOMMENDATIONS TO THE GENERAL ASSEMBLY CONCERNING ANY CHANGES TO STATE STATUTE NECESSARY TO IMPLEMENT THE EMPLOYMENT FIRST POLICY. THE COMMISSION SHALL ESTABLISH ANY GUIDELINES OR PROCEDURES NECESSARY TO IMPLEMENT THE EMPLOYMENT FIRST POLICY.

(4) AS PART OF IMPLEMENTING THE EMPLOYMENT FIRST POLICY, IN ADDITION TO ANY OTHER DEPARTMENT DUTIES SET FORTH IN THE EMPLOYMENT FIRST POLICY, THE DEPARTMENT SHALL:

(a) COLLABORATE WITH THE DEPARTMENT OF EDUCATION CONCERNING POLICIES AND PROGRAMS THAT:

(I) EXPOSE STUDENTS TO POSTSECONDARY EDUCATION OPTIONS AND CAREER PATHS;

(II) PROMOTE EARLY TRANSITION PLANNING, INCLUDING POSTSECONDARY EDUCATION;

(III) SUPPORT THE USE OF APPROPRIATE ASSISTIVE TECHNOLOGY;

(IV) SUPPORT POSTSECONDARY CAREER DEVELOPMENT AND COMPETITIVE INTEGRATED EMPLOYMENT;

(V) SUPPORT THE RETENTION AND GRADUATION OF STUDENTS WITH DISABILITIES;

(VI) ASSIST WITH JOB PLACEMENT;

(b) PROVIDE INFORMATION ABOUT THE ACHIEVING A BETTER LIFE EXPERIENCE (ABLE) SAVINGS PROGRAM PURSUANT TO SECTION 23-3.1-311, C.R.S., WHICH MAY ALLOW A QUALIFIED STUDENT WITH A DISABILITY TO SAVE MONEY FOR, AMONG OTHER THINGS, EDUCATION, EMPLOYMENT TRAINING AND SUPPORT, AND ASSISTIVE TECHNOLOGY,
WITHOUT DISQUALIFYING THE STUDENT FROM CERTAIN FEDERAL BENEFITS; AND

(c) Actively participate in the United States Department of Labor Office of Disability Employment Policy's Employment First State Leadership Mentoring Program to align policies, coordinate resources, and update service delivery models to facilitate increased competitive integrated employment outcomes for persons with disabilities.

(5) Pursuant to section 25.5-10-504 (4) (i), C.R.S., the Department of Health Care Policy and Financing shall prepare an annual report on the Employment First Policy and its implementation by the agency partners. To facilitate the preparation of the report, the Department shall provide the Department of Health Care Policy and Financing with information concerning the Department's implementation of the Employment First Policy, any data required to be collected by the Department pursuant to the Employment First Policy, and the Department's recommendations to the General Assembly regarding statutory changes necessary to fully implement the Employment First Policy. The Department shall present its portion of the report prepared by the Department of Health Care Policy and Financing as part of the Department's annual presentation to the Legislative Committee of Reference Pursuant to section 2-7-203, C.R.S.

SECTION 6. Effective date. This act takes effect July 1, 2016.

SECTION 7. Safety clause. The general assembly hereby finds,
determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.