

# ILLUMINATING THE PATHWAY

to Postsecondary Education for  
Students with Disabilities  
Through Concurrent Enrollment

OCTOBER 2022

“ **CREATING PATHWAYS** between high schools and institutions of higher education **IS ESSENTIAL TO** fulfilling the Colorado promise of **DOUBLING THE NUMBER OF POSTSECONDARY DEGREES** earned by Coloradans **AND REDUCING BY HALF THE NUMBER OF STUDENTS WHO DROP OUT** of high schools in the state.”

— Concurrent Enrollment Programs Act Legislative Declaration



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## Expanding access for students with disabilities to concurrent enrollment

**Since legislation passed in 2009, the number of Colorado high school students enrolled in college courses has increased dramatically. 97% of Colorado school districts now offer concurrent enrollment and have experienced an 11% growth in student participation.**

During the past few years, Colorado has made a concerted effort to improve equity in all college in high school programs. And their efforts have paid off. Participation rates for all race/ethnicity categories are increasing, including 23% for African American, 18% for Hispanic and 27% for Asian students. The demographics of concurrent enrollment participation now closely resemble the composition of Colorado public high schools for almost all groups, with one exception — students with disabilities.

Through the joint efforts of the Colorado Department of Higher Education, Department of Education, the Colorado Community College System and with support from the Governor's Office, Colorado was chosen to receive technical assistance from the College in High School Alliance (CHSA).

Using the recently released framework, *Unlocking the Potential of College in High School Programs for Students with Disabilities*, we have created a unique landscape analysis for Colorado that both identifies barriers faced by students with disabilities in accessing concurrent enrollment as well as potential action steps to address these obstacles.

We hope this project will help Colorado consider the unique issues facing the interaction and collaboration between secondary and postsecondary education in supporting this student population in concurrent enrollment. We are grateful for the thoughtful feedback we have received from numerous stakeholders during this process.

# Colorado’s commitment to college in high school opportunities for students with disabilities

Colorado’s ambitious goal to increase the number of citizens with high-quality postsecondary credentials has led the state to redouble its commitment to reaching students with college in high school opportunities.

Research—completed both nationally and in Colorado—affirms the importance of concurrent enrollment and other programs that provide early college credit at no cost to high school students. Not only can students walk away with valuable post secondary credits, but participating students are more likely to graduate high school, enroll in college, and require little remediation. And there is no reason to believe that the same isn’t true for students with disabilities.

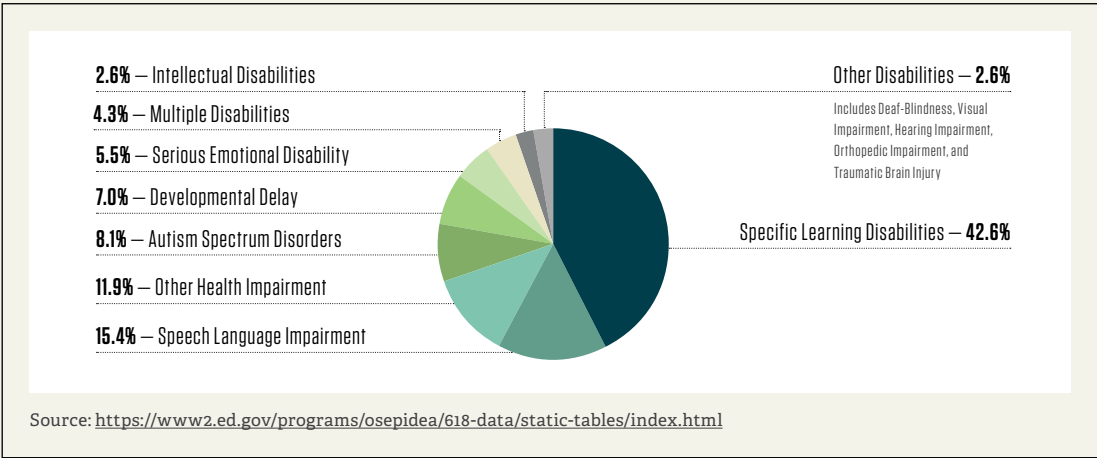
### Concurrent Enrollment Participation & Potential of Students with Disabilities

Colorado’s targeted efforts to increase overall participation and improve equity in concurrent

enrollment appear to be working. Participation rates for all race/ethnicity categories are rising, including a 23% increase for African American, 18% for Hispanic, and 27% for Asian students. In fact, the demographics of concurrent enrollment participation now closely resemble the composition of Colorado public high schools for almost all groups, with one exception—students with disabilities. The size of the gap is unknown. The data are not currently collected.

There are 93,947 students in Colorado receiving special education services under the Individuals with Disabilities Education Act,<sup>2</sup> representing 10.7% of the total K12 population. [Chart 1](#) shows that almost 70% of Colorado students receiving special education services have high incidence disabilities that are generally considered to be mild in nature. These are specific learning disabilities such as dyslexia and dysgraphia, and other health impairments such as attention deficit disorder and speech-language impairments. Only 2.6% of these

**CHART 1** Colorado Special Education Population 2017–2018



<sup>1</sup> <http://masterplan.highered.colorado.gov/> | <sup>2</sup> <https://www.cde.state.co.us/fedprograms/statereportcard>. This does not include the 25,016 students with Section 504 plans required under the Americans with Disabilities Act.

students with disabilities have a cognitive impairment as a primary diagnosis. These numbers demonstrate that the vast majority of students with disabilities are fully capable of achieving on par with their peers if given the services and support to which they are entitled.

*“ All of the state’s **HIGH SCHOOLS SHOULD EVENTUALLY DEVELOP EQUITABLE ACCESS TO CONCURRENT ENROLLMENT PROGRAMS** to provide the infrastructure necessary **TO IMPROVE HIGH SCHOOL RETENTION, TO MOTIVATE YOUNG PEOPLE** to take seriously the need to become postsecondary- and workforce-ready, **AND TO ACCELERATE STUDENTS’ PROGRESS TOWARD A POSTSECONDARY CREDENTIAL.**”*

— Concurrent Enrollment Programs Act  
Legislative Declaration

### Equitable Access for All

The lofty goal Colorado has set for equitable access in concurrent enrollment programs is admirable, but the state must realize that equitable access for students with disabilities will necessitate a unique approach. Colorado has already begun the hard work necessary to establish a strong foundation of technical assistance and guidance to support student participation in these programs. However, the little data we have indicates that participation of students with disabilities in concurrent enrollment remains low, and the data provide little information regarding student qualifications and allowable accommodations.

Colorado law defines concurrent enrollment as “the **simultaneous enrollment** of a qualified student in a local education provider and in one or more post secondary courses.” Although colleges are responsible for coursework, schools are responsible

for providing a free and appropriate education (FAPE) to all identified elementary and secondary students with disabilities as provided in their Individualized Education Program (IEP). Too often these have been perceived as conflicting, yet solutions can be found if all stakeholders agree on a common goal — to provide the services and support students with disabilities need to succeed.

Initiatives to develop student pathways abound, yet few exist for students with disabilities even though the vehicle already exists. The transition requirements embedded in the IDEA afford students and their families the opportunity to establish postsecondary goals and articulate the services, coursework, and other activities necessary to achieve them. The federally mandated transition plan is itself intended to be the pathway for students with disabilities, but it appears to be underutilized in supporting concurrent enrollment. Colorado can change that.

*“ Therefore, **[THE COLORADO COMMISSION ON HIGHER EDUCATION]** established as the overarching **GOAL TO ‘ INCREASE THE NUMBER OF COLORADANS aged 25 to 34 WHO HOLD A HIGH-QUALITY POSTSECONDARY CREDENTIAL** — that is, a certificate or degree — **TO 66 PERCENT BY 2025.**”<sup>1</sup>*

— The Colorado Commission on Higher Education  
Statewide Attainment Goal

## Strengthen concurrent enrollment data collection for students with disabilities

Concurrent enrollment offers exciting benefits for students. In fact, Colorado's own [research](#) demonstrates that concurrent enrollment improved the odds of college entrance, success and earnings by similar amounts—regardless of student income, ethnicity, gender or ninth-grade reading test scores. But not all students are benefiting equally.

**“ BEING INTENTIONAL ABOUT CLOSING EQUITY GAPS, accurately measuring them and being held publicly accountable to close the gaps IS FUNDAMENTAL TO UNLOCKING THE PROMISE OF COLLEGE IN HIGH SCHOOL PROGRAMS. Discussion and definitions of equity often include students who have been historically disadvantaged or historically marginalized, YET STUDENTS WITH DISABILITIES ARE OFTEN EXCLUDED from these definitions.”**

— Excerpt from the College in High School Alliance's (CHSA) report, [Unlocking Potential: A State Policy Roadmap for Equity and Quality in College in High School Programs for Students with Disabilities](#)

Students with disabilities are woefully underrepresented in concurrent enrollment in Colorado and across the nation. Utilizing the U.S. Department of Education's Civil Rights Data Collection<sup>3</sup>, [research](#) demonstrated that while students with disabilities represent 12.7% of K12 students nationally, they only represent 3.9% of students in concurrent enrollment, resulting in a 8.8% representation gap nationally. In Colorado,

the gap is 5.6%. Yet nothing indicates that students with disabilities won't experience the same benefits if they are given the chance.

Just this year, the Colorado legislature recognized the need to improve data collection for students with disabilities. When Governor Polis signed [HB 22-1255](#) in April 2022, he created new data requirements for the Colorado Department of Higher Education (CDHE) related to students with disabilities. The department will now gather new data for the state as a whole and for each institution of higher education, with each item further disaggregated by race, ethnicity, Pell grant eligibility and military status.

**“ COLORADO DOES NOT HAVE STATEWIDE DATA TO EXAMINE THE POSTSECONDARY OUTCOMES FOR STUDENTS WITH DISABILITIES, and the lack of information prevents Colorado from connecting students with disabilities to the workforce. Therefore, the general assembly declares that in order TO MEET THE ECONOMIC DEMANDS OF COLORADO, IT IS ESSENTIAL TO COLLECT SIGNIFICANT DATA AND EXAMINE THE POSTSECONDARY SERVICES, SUPPORTS, AND ACCOMMODATIONS necessary for students with disabilities to improve postsecondary education and career outcomes.”**

— Excerpt from [Colorado House Bill 22-1255](#)

<sup>3</sup> There are limitations to this national database, however it is the only source Colorado currently has.

The data will include the number of students with disabilities in the state in addition to how many of these students:

- Received a service, support or accommodation;
- Continued enrollment in an institution of higher education in a subsequent academic year;
- Graduated from an institution of higher education; and
- Received a service or support from the division of vocational rehabilitation in the department of labor and employment at the institution of higher education that is related to the student's disability and graduated.

The new law also creates a postsecondary services advisory committee in CDHE to identify resources and policy changes needed to improve outcomes for students with disabilities.

Colorado can now leverage this new mandate to improve data collection for students with disabilities and consider the following actions.

#### ■ STRATEGY 1

##### **Include students with disabilities in Colorado's Annual Concurrent Enrollment Report**

The primary dilemma is connecting the secondary and postsecondary data to identify how many students with disabilities are accessing concurrent enrollment. But once collected and reported in the annual concurrent enrollment report, the data will provide an important baseline to begin developing solutions, setting goals and measuring progress so Colorado can improve opportunities for students with disabilities. While concurrent enrollment data is not specifically mentioned in the new data collection legislation, the new processes that will be developed may be able to be utilized to accomplish these goals as well.

Colorado is currently collecting excellent concurrent enrollment data, and the law already requires an annual report to be submitted by CDHE and the Colorado Department of Education (CDE). While this [annual report](#) includes the demographic information of participating students, it hasn't yet

included the disability status of students. Without these specific data, it is difficult to ascertain what the current participation rates are, what the unmet need is and if students with disabilities are succeeding in these opportunities.

In many states, Colorado included, the oversight and administration of concurrent enrollment lies with the state agency that governs higher education. And this is troublesome for data purposes. Generally in higher education, the only data that exist for students with disabilities is for the students who self-disclose their disability and register with the college's disability resource center. This has traditionally been under-representative of the population and their needs. Fortunately, because students participating in concurrent enrollment are still considered high school students, extensive data exist that indicate which students are receiving special education services.

#### College Enrollment by Disability Categories



*Federal regulations require that states also disaggregate elementary and secondary student data by the thirteen disability categories. Arizona was able to match the high school graduation cohort data with the National Student Clearinghouse to demonstrate how many students with disabilities disaggregated by disability enrolled in a two or four year institution within one year of graduation. {See [Arizona Postsecondary Attainment Report](#)}*

#### ■ STRATEGY 2

##### **Incorporate students with disabilities into Colorado Rises**

When the Colorado legislature directed the CDHE to develop a higher education master plan for the state and to identify the top priorities, goals and strategies to achieve it, they developed the [Colorado Rises](#) initiative. Through this initiative, Colorado has set the ambitious goal to increase the

number of Coloradans aged 25–34 who hold a high-quality postsecondary credential, certificate or degree to 66% by 2025. The system currently sits at 57.5%. To meet its goal, Colorado will need 73,500 more individuals to reach the designated education qualifications in the next three years.

The Colorado Rises report acknowledges that to reach this goal the state's institutions of higher education will have to play a role, and it may require **“reaching out to new student populations** to increase enrollment and completion numbers.” This could—and should—mean students with disabilities. Although one of the four key goals in the Colorado Rises plan is to erase equity gaps, students with disabilities are neither included in the discussion or analysis nor in the companion Equity Toolkit resource.

Colorado students with disabilities represent 11% of the state's K12 student population and they should be an integral part of the state strategy. Consider that the high school graduation rate in 2020 was 81.9% of all students yet only 61.8% for students with disabilities. This gap, while concerning, also represents an opportunity to expand the postsecondary attainment pipeline.

Colorado has embraced concurrent enrollment as a successful college-going pathway and credential completion initiative, so including students with disabilities in data analysis is imperative. With an eye on the state's 66% attainment goal, CDHE should determine the appropriate targets and benchmarks for improvement.

### Colorado Rises Provided Critical Funding



*Colorado Rises is also charged with developing “opportunities for students with disabilities, including intellectual disabilities, to participate in postsecondary education.” [HB 22-1107](#) signed by Governor Polis in May 2022 provided critical funding to create more college opportunities for students with disabilities.*

### ■ STRATEGY 3

#### **Expand data sharing opportunities into cooperative agreements to support local efforts to improve outcomes for students with disabilities**

With state level goals and data collection processes in place, the state can shift to ensuring the high schools and colleges have the local level data they need to target improvement and attainment.

For example, C.R.S. 22-35-14 (6)(b)(IV.5) states that the “local education provider and the institution of higher education may share student contact and academic information to facilitate the qualified student's concurrent enrollment and the recording of the qualified student's academic performance in the concurrent enrollment course.” This could be expanded to clarify how student level data can be used to facilitate the transition of students with disabilities to postsecondary education and to identify supports early on.

Colorado has strong provisions in the law bolstering data privacy, on top of those required by the federal Family Education Rights and Privacy Act (FERPA). However, a commonly held assumption is that there are more stringent data privacy protections for students with disabilities. It would be helpful for CDE, CDHE and the CCRS to provide guidance clarifying the regulatory guardrails enabling greater analysis and use of the data for students with disabilities.

When a student with a disability enrolls in college, the first step they must take is to contact the college disability resource center. The college then begins the process to determine that a student does indeed have a disability. Colorado can leverage existing data to eliminate or streamline this step. **Early identification of concurrent enrollment students can accelerate the process of disability identification, expediting the process of accommodation determination.**



### The RISE Act Eases College Transition



*At the federal level, legislation has been introduced to simplify this process. The RISE Act stipulates that a student's individualized education program (IEP) or 504 plan is sufficient evidence of a disability in postsecondary education. However, Colorado doesn't need to wait for Congress to act. In fact, Arizona Governor Ducey signed House Bill 2031 on June 6, 2022 establishing the documentation that an Arizona public university or community college must deem sufficient to establish that an enrolled or admitted student has a disability.*

## Increase access to concurrent enrollment for students with disabilities

Colorado's [Graduation Guidelines](#) embrace the idea of multiple pathways for students to demonstrate Postsecondary and Workforce Readiness, and concurrent enrollment is one of the approved pathways, coupled with the use of the Individual Career and Academic Plan (ICAP). Currently, students with disabilities are enrolling in college in high school programs but are expected to navigate college disability resources on their own. The following recommendations will help Colorado provide students with disabilities a more supportive and successful postsecondary transition.

### ■ STRATEGY 1

#### **Illuminate a clear pathway to postsecondary education for students with disabilities utilizing concurrent enrollment.**

As Colorado develops student pathways to postsecondary education, the state should incorporate the federal transition requirements to design a clear pathway for students with disabilities.

Under IDEA, students with disabilities are required to have IEPs, and when the student turns sixteen, IEPs must include a plan for transition to post-school life. In fact, Colorado recognized the importance of transition by going beyond the federal requirements and lowering the transition plan requirement age to 15. The transition plan must include goals for employment, postsecondary education, training, and—when appropriate— independent living along with the services and support the student will require to achieve these goals. This transition plan is currently an underutilized tool in the facilitation of concurrent enrollment participation, and it should be the foundation for the pathway.

Indeed, the United States Department of Education (USED) spotlights dual enrollment in their

**“ ENSURING EQUITABLE ACCESS INCLUDES MAKING SURE [CONCURRENT ENROLLMENT] COURSES ARE AVAILABLE TO ALL STUDENTS and that artificial barriers aren't in place. In designing college in high school programs, STATES SHOULD ALSO RECOGNIZE THAT THERE ARE MULTIPLE PATHWAYS INTO POSTSECONDARY EDUCATION AND THE WORKPLACE and these must also be accessible to students with disabilities.”**

— Excerpt from [Unlocking Potential: A State Policy Roadmap for Equity and Quality in College in High School Programs for Students with Disabilities](#)

[Transition Guide to Postsecondary Education and Employment for Students and Youth with Disabilities](#), stating “IEPs for students with disabilities could include transition services in the form of coursework at a community college or other postsecondary institution, provided that the State recognizes the coursework as secondary school education under State law.” The definition of concurrent enrollment in Colorado law<sup>4</sup> meets this criteria.

CDE has a robust array of resources available to address transition services. These can be amended and used to define the process and documentation necessary to ensure coursework for students with disabilities—with services and accommodations—will both earn college credit and fulfill transition requirements. To expedite and facilitate this work, CDE could convene a task force of special educators to review all resources and trainings to ensure

<sup>4</sup> 22-35-103 (6)(a)

concurrent enrollment is incorporated. Some examples include:

- [Sample IEP](#)
- [Technical Assistance: Concurrent Enrollment](#)
- [Technical Assistance: Transition Planning](#)
- [Transition Toolkit](#)

Similarly, CDE staff should conduct a thorough review of other related guidance documents to determine how students with disabilities can be more explicitly included. Examples include both the [Concurrent Enrollment Student Checklist](#) and the [Concurrent Enrollment District Checklist](#), plus other documents such as the [Colorado Sequencing of Services](#) and the [Understanding Postsecondary Outcomes Framework](#). The state could also include a continuum of postsecondary opportunities such as other college in high school programs, the ability to audit classes and career and technical education.

Colorado law<sup>5</sup> also established a Concurrent Enrollment Advisory Board comprised of representatives of all key stakeholders. One of their duties is to make 'recommendations as necessary to the general assembly, the state board, and the commission concerning the improvement or updating of state policies relating to concurrent enrollment programs'. As programs continue to evolve, the Concurrent Enrollment Advisory Board should regularly review the statutory requirements regarding the application process and sample

### Guiding Students in Minnesota



*The [Minnesota Postsecondary Enrollment Options Reference Guide](#) lays out a variety of scenarios for how students with disabilities may access college in high school even if they don't qualify for the state's formal Postsecondary Education Options.*

documents developed by CDE to determine the ways students with disabilities can be better integrated.

### ■ STRATEGY 2

#### **Redefine the use of ICAPs for students with disabilities.**

Colorado law clearly envisions the [Individual Career and Academic Plan](#) (ICAP) as playing a critical role in student participation in concurrent enrollment. CDE provides an impressive amount of resources to facilitate ICAP use and

**“ A QUALIFIED STUDENT WHO SEEKS TO CONCURRENTLY ENROLL IN AN INSTITUTION OF HIGHER EDUCATION SHALL ESTABLISH, in consultation with the administration of his or her local education provider, AN ACADEMIC PLAN OF STUDY THAT DESCRIBES ALL OF THE COURSES THAT THE STUDENT INTENDS TO COMPLETE to satisfy his or her remaining requirements FOR GRADUATION from the local education provider. PRIOR TO THE QUALIFIED STUDENT'S CONCURRENT ENROLLMENT in the institution of higher education, THE PRINCIPAL, A COUNSELOR, OR A TEACHER ADVISOR of the qualified student's local education provider SHALL APPROVE THE ACADEMIC PLAN OF STUDY. In approving an academic plan of study, a principal, counselor, or teacher advisor shall apply the guidelines established by rules promulgated by the state board pursuant to section 22-35-111 (1)(b).”**

— Colorado Revised Statutes § 22-35-104

<sup>5</sup> 22-35-107

implementation, yet confusion remains over how the ICAP interfaces with IEPs for students with disabilities. The use of terms such as “alignment” and “crosswalks” reinforces the perception that the ICAP and IEP documents are duplicative and burdensome. Rather than facilitating alignment, CDE should consider developing new guidance with exemplars and step-by-step instructions as well as updating previous [technical assistance](#) to communicate the different roles of the two documents and how they interact.

The ICAP offers students an opportunity to articulate their postsecondary goals and dreams, whereas the IEP catalogs the system’s responsibilities to enable them. Students with disabilities and their counselors are responsible to bring ICAPs to the federally required IEP meetings. Colorado should update guidance with new messaging to emphasize the plan’s potential to improve post-school outcomes rather than the need for compliance. This new guidance could live on both the CDE Postsecondary and Workforce Readiness site as well as the Exceptional Student Services Unit page—sending the clear message that the responsibility doesn’t lie solely with special education staff.

Colorado statute requires local education providers to create and make publicly available a concurrent enrollment application referencing the guidelines published by the State Board. The [regulations](#) prescribe a list of assurances which includes that “each course is consistent with the Qualified Student’s Individual Career and Academic Plan (ICAP).” Colorado may find opportunities to amend these references to include alignment with transition goals on their IEP as well.

Moreover, the Colorado law<sup>6</sup> authorizing ICAPs also delineates the school personnel permitted to approve an ICAP. For students with disabilities, the signature of the special education or transition director should be required, thus ensuring awareness of the student’s goals and hopefully facilitating a supportive transition plan.

State law<sup>7</sup> stipulates that the cooperative agreements between local education providers and institutions of higher education include a requirement for an academic plan of study to be developed that includes the student’s ICAP. The state should also consider amending this to include the IEP for students with disabilities. Corollary changes could also be made to the [Sample Cooperative Agreement](#) developed by CDE.

### ■ STRATEGY 3

#### **Identify barriers in eligibility criteria and enrollment procedures.**

Colorado law<sup>8</sup> provides a simple and unambiguous definition<sup>9</sup> of a qualified student for the purposes of concurrent enrollment. Even so, participation rates clearly demonstrate that students with disabilities are underrepresented. Nationwide, misunderstandings of the abilities of students with disabilities have resulted in [lower expectations](#)<sup>10</sup>, and Colorado is no exception. Below are some suggested areas policymakers may use to kickstart the conversation.

- **Identify Barriers to Enrollment:** The state should consider convening key stakeholders to discover how concurrent enrollment eligibility criteria is being interpreted and how enrollment procedures are developed, with an eye toward identifying any potential barriers for students with disabilities. How these procedures are being implemented—and even messaged—might be inadvertently dampening participation.
- **Include Special Education Directors in Application Process:** The law<sup>11</sup> also specifies the list of administrators that can approve a student’s concurrent enrollment application. Amending this list to include special education directors would send a clear message to the field that the state expects and encourages the participation of students with disabilities. This addition may also go far in ensuring that the concurrent enrollment courses a student wishes to take will also fulfill transition requirements.

<sup>6</sup> 22-35-104 (3) | <sup>7</sup> 22-35-104 (6)(IV) | <sup>8</sup> 22-35-103 (15) | <sup>9</sup> 22-35-103. “Qualified student” means a person who is less than twenty-one years of age and is enrolled in the ninth grade or a higher grade level in a local education provider. | <sup>10</sup> <https://nceo.umn.edu/docs/onlinepubs/nceobrief17.pdf> | <sup>11</sup> 22-35-104 (1)(a)(II)

- Define “Unreasonably Deny” for Administrators:** The same statute stipulates that school administrators cannot “unreasonably deny a qualified student approval to concurrently enroll in postsecondary courses.”<sup>12</sup> CDE should consider developing guidance to define “unreasonably deny” and provide a framework for decision making. Policymakers may also consider stipulating under which circumstances students with disabilities can or cannot be denied while clearly messaging about the other college in high school program options that are available.

#### STRATEGY 4

##### Increase awareness of concurrent enrollment opportunities for students with disabilities and their families.

For students with disabilities, concurrent enrollment should serve as a bridge to postsecondary education and provide structured transition—just as it is envisioned by federal law. While they still have the support of secondary educators, students and their families can learn how to navigate these new environments and determine what kind of support they would need. With some simple changes and collaboration with proven partners, Colorado can ensure all students with disabilities and their families are aware of concurrent enrollment opportunities and benefits.

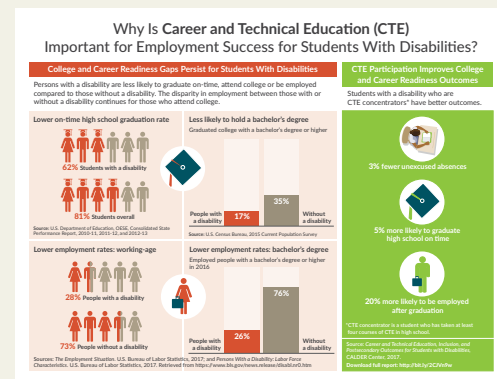
With great foresight, Colorado policymakers stated their clear intention that all students be given the information they need to participate in concurrent enrollment. CDE can—and should—develop strategies to ensure students with disabilities are also included in the mandatory notifications prescribed in law.<sup>13</sup> Furthermore, the law<sup>14</sup> requires that the notification include a statement describing the benefits of concurrent enrollment. Policymakers could add language to this to describe how these courses can satisfy transition requirements and help students with disabilities achieve their postsecondary goals. Additions could also be made to the [sample](#) notification and guidance even without statutory change.

Additionally, every state has parent and information centers supported by federal funds that work toward inclusion in all areas of life for individuals with disabilities. CDE should work with their partners at the [PEAK Parent Center](#) and the [THRIVE Center](#) to coordinate the design of materials and outreach opportunities for the families of students with disabilities to encourage participation in concurrent enrollment. These resources and activities should complement the efforts of CDE.

#### Telling the Story with Data & Design



*This infographic serves as a stellar example of how program participation can improve outcomes for students with disabilities. Colorado should consider replicating this for concurrent enrollment.*



<sup>12</sup> 22-35-104 (1)(a)(II) | <sup>13</sup> 22-35-104 (1)(b) | <sup>14</sup> 22-35-104 (1)(b)(I)

## Provide students with disabilities the services and supports necessary to succeed in concurrent enrollment

Concurrent enrollment is, by definition, the overlap of secondary and postsecondary education. Students with disabilities face many unique barriers to participating in these programs, and the solutions are complicated by the differing processes, cultures and legal requirements of secondary and postsecondary education. The following strategies offer a variety of ways Colorado can bring clarity to administrators and provide the resources necessary to bridge the gap.

### ■ STRATEGY 1

#### Clarify the process of determining accommodations

The message that the IEP for a student with a disability doesn't apply in concurrent enrollment has been received loud and clear, and may be contributing to the extremely low participation rates for students with disabilities in these programs. It is true that colleges are governed by the Americans with Disabilities Act (ADA) and not IDEA, but in 2019 [USED clarified](#) that if concurrent enrollment is appropriately noted as part of the transition plan required in federal law for students with disabilities then students are still entitled to services and support. Therefore, Colorado should consider developing and communicating this to all stakeholders—including students, parents, and secondary and postsecondary schools—to ensure students receive the support they need.

Discussions and debates over governing authority and which federal law prevails in concurrent enrollment have caused stakeholders to lose sight of the overarching goal of concurrent enrollment: to increase attainment levels for all students, including students with disabilities, and find agreement on how the services and supports can be provided. The Colorado legislature has made their opinion very clear in the preamble to [HB 22-1255](#):

**“ COLLEGE IN HIGH SCHOOL PROGRAMS SHOULD NOT BE SINK OR SWIM. All students need some level of support navigating the transition and securing the support they need to succeed. PROGRAMS MUST BE INTENTIONAL AND THOUGHTFUL TO ENSURE THAT STUDENTS WITH DISABILITIES ARE PROVIDED THE UNIQUE SUPPORT AND ADVISING SERVICES THEY NEED TO MAXIMIZE THEIR SUCCESS and ease the transition from secondary to postsecondary learning environments.”**

— Excerpt from [Unlocking Potential: A State Policy Roadmap for Equity and Quality in College in High School Programs for Students with Disabilities](#)

*“The statewide implementation of universal and inclusive services, supports, and accommodations for students with disabilities can greatly improve cost efficiencies for institutions of higher education, improve access and successful outcomes for all students, and sustain the workforce and economic vitality of Colorado.”*

Creating opportunities for jointly developed resources and trainings could be the perfect way to begin collaboration in Colorado. One of the inherent difficulties with concurrent enrollment is that secondary and postsecondary stakeholders are typically unfamiliar with one another's systems and procedures. As a result, the full scope of the problem is unknown. It may be that most of the accommodations students require can be easily provided.

It is clear that more extensive discussions will be needed to develop a common understanding of the differences between accommodation and modifications. A common description is that an accommodation changes **how** a student learns and demonstrates understanding. A modification makes changes to **what** a student is taught or expected to learn. This distinction carries big implications in higher education.

One potential avenue might be through a joint Accommodations Manual. CDE already has an impressive and thorough Accommodations Manual. The manual provides guidance and also presents a five-step process for the selection of accommodations. Stakeholders could either replicate this type of resource for concurrent enrollment or add an addendum to the current manual. It is also important to note that the accommodation process may look different depending on whether the class is on the high school campus with high school teachers or on the community college campus with college instructors.<sup>15</sup>

## ■ STRATEGY 2

### **Explore funding mechanisms to design model programs, develop supportive resources**

In order to tackle the representation gap in concurrent enrollment for students with disabilities, Colorado will need funding to design model programs and develop supportive resources. There are existing funding options Colorado can leverage or adjust to support concurrent enrollment opportunities for students with disabilities. And this begins with identifying how schools can use existing funding sources and, potentially, develop new ways to advance partnerships between school districts and institutions of higher education.

First, Colorado should consider building out the pathway through the federal transition requirements to unlock federal IDEA and vocational rehabilitation funds that support this work.<sup>16</sup>

The USED Transition Guide states that:

*“If under State law, attending classes at a postsecondary institution, whether auditing or for credit, is considered secondary school education for students in grade 12 or below and the education provided meets applicable State standards, those services can be designated as transition services on a student’s IEP and paid for with IDEA Part B funds consistent with the student’s entitlement to FAPE (free and appropriate public education).”*

These federal dollars may be able to support the students with disabilities’ participation in college in high school programs directly, including transportation. Beyond covering direct costs, Colorado can explore how IDEA funds can be used to develop this pathway as well as pay for the development of supportive resources and training. The Minnesota Reference Guide offers a great example of how scenarios of different student pathways can be laid out and how each may be funded.

Next, Colorado can identify ways to encourage the participation of students with disabilities by reviewing existing funding mechanisms. For example, the state has a unique funding mechanism for concurrent enrollment called the College Opportunity Fund stipend, and policymakers might consider weighting the stipend for students with disabilities to compensate for any extra support they need beyond what is typically covered by state funding, especially if the course is held on the community college campus.

Laying out new pathways and the resources to support them is a great beginning, but the state may need to create incentives for new collaboration and program development to take off. One of the goals of the Colorado Concurrent Enrollment Expansion and Innovation Grant Program is to remove barriers to concurrent enrollment for qualified students. This grant could, perhaps,

<sup>15</sup> Eighty percent of dually enrolled students nationally take their college courses at their own school. <https://www.nacep.org/resource-center/nacep-fast-facts/> | <sup>16</sup> Increasing Postsecondary Opportunities and Success for Students and Youth with Disabilities

be leveraged to develop and design a model program using the transition process to help students with disabilities access concurrent enrollment. Another idea might be to build in a competitive priority of training and professional development for Universal Design for Learning.

### ■ STRATEGY 3

#### **Codify/clarify responsibilities for providing services**

Colorado can draw from the examples of other states when considering how to take proactive steps to go above and beyond federal law and delegate the roles and responsibilities to specific stakeholders. Regardless of what decisions Colorado policymakers ultimately make, the state must consider how decisions are communicated to high schools, counselors, colleges, students and families.

This may be the most difficult step and the one that will most likely involve policymakers. There are a variety of ways in which the state can approach and codify these decisions to improve concurrent enrollment access and success for students with disabilities. Some states have placed these decisions into statute or statutorily delegated the rulemaking to the state board, while others have left it to the local communities to decide and incorporate into cooperative agreements.

This conversation can quickly devolve into a legal debate, which, unfortunately, often revolves around questions of governing authority and compliance rather than how students should best be served.

Special education in secondary schools is governed by IDEA, and disability issues in higher education are governed by ADA. Students enrolled in concurrent enrollment are, by definition, both secondary and post-secondary students. While they are enrolled in a higher education course, they are still reported and funded as secondary students. Most importantly, they are receiving both secondary and postsecondary credit. Rather than debating governing rights, a more productive conversation would be to ask how secondary and postsecondary schools can collaborate to improve postsecondary outcomes for students with disabilities.

Regardless of which federal law is in play, one thing is certain: nothing prohibits states from going above and beyond what federal law requires. IDEA and ADA are floors, not ceilings. Here are examples of how states have approached this.

#### **State Statutes**

Some states have used state law to clarify responsibilities for providing services.

- **Minnesota** statute requires postsecondary institutions to provide the support services described in the student's IEP with the secondary and postsecondary institutions negotiating the appropriate charge for these services.
- **Rhode Island** law requires that schools offering dual enrollment must adopt the statewide dual enrollment policy promulgated by the state board of education. The regulations require that students with disabilities receive “the protections, services and accommodations as prescribed by federal and state law in accordance with the policies and procedures of the postsecondary institution in the case of dual enrollment or the secondary school in the case of concurrent enrollment.”
- **Oregon** law requires that the school district is responsible for providing any required special education and related services to the student. The higher education institution may contract with the school district to provide these services, and they must comply with the standards established by the state board of education. The standards include implementing the services as provided in the student's IEP.

#### **Cooperative Agreements**

Other states have chosen to stipulate decisions over services be reflected in the cooperative agreements between higher education institutions and school districts. At a bare minimum, the cooperative agreements developed between the local education providers and institutions of higher education should include a requirement that



parties develop a process to ensure a successful transition for students with a disability as well as identify funding options and training needs.

Colorado law<sup>17</sup> already offers the opportunity by saying that, “a local education provider and an institution of higher education may elect to include in their cooperative agreement other financial provisions that are not inconsistent with the provisions of this section.” Below are examples of how other states have utilized cooperative agreements to make sure students with disabilities receive the services they are entitled to.

- The **Montana** University System (MUS) and Office of the Commissioner of Higher Education (OCHE) offer [Operational Guidelines for Dual Enrollment](#) that includes a Memorandum of Understanding (MOU) template. The guidelines stipulate that all MOUs must contain “specific information about whether the college, school district, or both the college and school will make the necessary provisions to accommodate students with disabilities.”
- **Pennsylvania’s** [Dual Credit Toolkit](#) recommends that formal MOUs between secondary and postsecondary schools address issues related to students with disabilities and determine responsibilities. The document also recommends that partnerships ensure quality by, among other things, providing access to student support services for students with

disabilities to assist them in achieving success and suggests alternatives if these services cannot be delivered in person on campus.

- **Florida** statute requires an institution of higher education offering dual enrollment to include in its dual enrollment articulation agreement, the “services and resources available to students with disabilities.”

<sup>17</sup> 22-35-105 (5)