



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

SB 20-137

FISCAL NOTE

Drafting Number: LLS 20-0929
Prime Sponsors: Sen. Gardner, Rep. Buentello

Date: February 3, 2020
Bill Status: Senate HHS
Fiscal Analyst: Anna Gerstle | 303-866-4375, Anna.Gerstle@state.co.us

Bill Topic: FERPA WAIVER FOR BEHAVIORAL HEALTH SERVICES

- Summary of Fiscal Impact: State Revenue, State Expenditure, State Transfer, TABOR Refund, School District, Statutory Public Entity

This bill provides for the distribution of a waiver form that allows school personnel to communicate with behavioral health care providers about a student's health records. The bill increases state workload in FY 2020-21 only and school district workload on an ongoing basis.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: This fiscal note reflects the introduced bill.

Summary of Legislation

The bill requires the Colorado Department of Education (CDE) to make available a waiver form that parents may use to waive provisions of the federal Family Educational Rights and Privacy Act (FERPA) as necessary to allow school personnel to communicate with behavioral health care providers about a student's health records.

The bill also requires that school districts, boards of cooperative educational services, and charter schools (local education providers) include a waiver form in their registration materials, and collect signed waivers at the beginning of each school year.

State Expenditures

In FY 2020-21 only, the bill increases the workload for CDE to create and provide the FERPA waiver form to local education providers, as well as conduct rulemaking. The workload increase is expected to be minimal and does not require a change in appropriations.

School District

The bill increases workload for local education providers to provide the FERPA waiver to parents, and for school personnel to communicate with behavioral health providers, as approved by parents via the waiver. The workload is expected to be minimal.

Effective Date

The bill takes effect August 5, 2020, if the General Assembly adjourns on May 6, 2020, as scheduled, and no referendum petition is filed.

State and Local Government Contacts

Education Law School Districts