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Fiscal Note

Drafting Number: LLS 22-1010
Prime Sponsors: Sen. Winter, Rep. Bacon

Date: April 26, 2022
Bill Status: Senate Education
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Bill Topic: PREVENTION OF TITLE IX MISCONDUCT IN PUBLIC SCHOOLS

- Summary of Fiscal Impact: State Revenue, State Expenditure, State Transfer, TABOR Refund, Local Government, School Districts

The bill aligns state law with the federal government's Title IX requirements, requires school districts to report information about their Title IX policy to the state, and creates a grant program for rural schools to assist in updating their Title IX policy.

Appropriation Summary: For FY 2022-23, the bill requires an appropriation of \$498,592 to the Colorado Department of Education.

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

Table 1
State Fiscal Impacts Under SB 22-207

Table with 4 columns: Category, Sub-category, Budget Year FY 2022-23, and Out Year FY 2023-24. Rows include Revenue, Expenditures (General Fund, Centrally Appropriated, Total Expenditures, Total FTE), Transfers, and Other Budget Impacts (General Fund Reserve).

Summary of Legislation

The bill aligns state law with the federal government's Title IX requirements. By July 1, 2023, all schools must:

- adopt a Title IX policy that states schools do not discriminate on the basis of sex, sexual orientation, gender identity, sexual harassment, or sexual violence;
- define forms of misconduct, reporting options, and procedures for investigations;
- require procedures for an adjudicative process, including preponderance of evidence as an evidentiary standard, and protections from disciplinary or retaliatory actions;
- provide information and training to students, parents and staff on the Title IX policy;
- promote awareness and prevention of misconduct; and
- designate at least one employee as a Title IX coordinator.

The bill creates the Rural School District Title IX Implementation Grant Program in the Colorado Department of Education (CDE) to assist rural schools and districts with creating, implementing, or updating Title IX policies and procedures. The State Board of Education must adopt rules and procedures and the CDE must administer the grant program.

Public schools must provide certain information to the CDE about their policy, and the department must post the information on their website. The CDE must prepare annual reports on district policies and the grant program to the General Assembly, the State Board of Education, and the Governor.

Background

The U.S. Department of Education released a final Title IX rule on May 6, 2020, which amended Title IX regulations to specify how recipients of financial assistance must respond to allegations of sexual harassment and sexual assault. More information on the new rules can be found here: https://www.cde.state.co.us/cde_english/titleixsexbasedharrassment

State Expenditures

The bill increases state expenditures in the CDE by \$520,135 in FY 2022-23 and \$489,601 in FY 2023-24 from the General Fund. Expenditures are shown in Table 2 and detailed below.

**Table 2
 Expenditures Under SB 22-207**

	FY 2022-23	FY 2023-24
Department of Education		
Personal Services	\$94,967	\$112,460
Operating Expenses	\$2,025	\$2,025
Capital Outlay Costs	\$12,400	-
Grants	\$350,000	\$350,000
IT Programming	\$39,200	-
Centrally Appropriated Costs ¹	\$21,543	\$25,116
Total Cost	\$520,135	\$489,601
Total FTE	1.3 FTE	1.5 FTE

¹ Centrally appropriated costs are not included in the bill's appropriation.

Staffing costs. The CDE will require 1.3 FTE in FY 2022-23 and 1.5 FTE in FY 2023-24, to provide guidance and technical assistance to schools to develop Title IX policies, and to implement the Rural School District Title IX Implementation Grant Program, including evaluating applications, administering the grants; and reporting on the implementation of Title IX. Standard operating and capital outlay costs are included. Personal services in FY 2022-23 reflect an October 1, 2022, effective date.

Grants. Starting in FY 2022-23, expenditures in the CDE will increase to provide grants. The fiscal note assumes that \$350,000 in grants will be given per year. Actual grant funding is at the discretion of the General Assembly.

Computer programing. In FY 2022-23 only, the CDE requires 560 hours of computer programing to create a searchable interface and post Title IX policy information online. Computer programming is estimated at \$70 per hour.

Centrally appropriated costs. Pursuant to a Joint Budget Committee policy, certain costs associated with this bill are addressed through the annual budget process and centrally appropriated in the Long Bill or supplemental appropriations bills, rather than in this bill. These costs, which include employee insurance and supplemental employee retirement payments, are shown in Table 2.

Other Budget Impacts

General Fund reserve. Under current law, an amount equal to 15 percent of General Fund appropriations must be set aside in the General Fund statutory reserve beginning in FY 2022-23. Based on this fiscal note, the bill is expected to increase the amount of General Fund held in reserve as shown in Table 1, which will decrease the amount of General Fund available for other purposes.

School District

Starting in FY 2022-23, workload and expenditures in school districts will increase to align policies with the federal law change and to report required information to the CDE. In addition, expenditures and staff may increase to designate a Title IX coordinator, to provide training, to promote the policy, and to investigate and adjudicate any complaints according to the new process. Costs to any one school or school district will depend on the policies already adopted by the school. Finally, workload and revenue increase for rural school districts to participate in the grant program.

Effective Date

The bill takes effect 90 days following adjournment of the General Assembly sine die, assuming no referendum petition is filed.

State Appropriations

For FY 2022-23, the bill requires a General Fund appropriation of \$498,592 to the Department of Education and 1.3 FTE.

State and Local Government Contacts

Education School Districts