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Final Fiscal Note

Drafting Number: LLS 23-0995 **Date:** August 4, 2023
Prime Sponsors: Sen. Winter F.; Marchman **Bill Status:** Signed into Law
Rep. Bacon; Herod **Fiscal Analyst:** Josh Abram | 303-866-3561
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Bill Topic: **PREVENT HARASSMENT & DISCRIMINATION IN SCHOOLS**

Summary of Fiscal Impact:

<input type="checkbox"/> State Revenue	<input type="checkbox"/> TABOR Refund
<input checked="" type="checkbox"/> State Expenditure	<input checked="" type="checkbox"/> Local Government
<input type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

The bill requires that public schools adopt a formal policy protecting students from harassment or discrimination, train staff annually, and collect and pass data on reported incidents to school districts and the state. The bill increases state expenditures in FY 2024-25 and FY 2025-26. School and district expenditures begin FY 2024-25 and continue indefinitely.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: The final fiscal note reflects the enacted bill.

Table 1
State Fiscal Impacts Under SB 23-296

		Budget Year FY 2023-24	Out Year FY 2024-25	Out Year FY 2025-26
Revenue		-	-	-
Expenditures	General Fund	-	\$69,700	\$5,200
Transfers		-	-	-
Other Budget Impacts	General Fund Reserve	-	\$10,455	\$780

Summary of Legislation

The bill requires that a public school accept reports of harassment or discrimination in writing or in person, by phone, email or online. Public schools must post notices in multiple places informing students how to report harassment or discrimination, and adopt procedures for investigating reports. Report case files must be retained for seven years.

The bill requires that schools allow excused absence to a student experiencing harassment or discrimination, and provide accommodations and supportive measures such as counseling, extended time for homework or tests, or modified class schedules.

No later than July 1, 2024, public schools must adopt a written policy protecting students experiencing harassment or discrimination and make it available to students, parents, and staff. The policy must contain reporting procedures, designated school staff contacts, information on resources and amnesty protections for students, and supports and accommodations available from the school. Beginning no later than July 1, 2024, schools must provide annual training to staff about harassment and discrimination, including training about the school's policy.

Beginning 2025, schools must report the number of harassment or discrimination reports, the type of bias reported and the time to complete each investigation to school districts. Districts must pass the reports to the Colorado Department of Education (CDE), and the department must report the information to the Sexual Misconduct Advisory Committee in the Department of Higher Education (DHE)

State Expenditures

The bill increases expenditures in the CDE by \$69,700 in FY 2024-25, and by \$5,250 in FY 2025-26, paid from the General Fund. The department's data and reporting systems must be modified to create new school-level collection fields for the required information reported to districts. The modified system must be designed and managed with district feedback and edits in FY 2024-25, and will have testing and ongoing maintenance costs in FY 2025-26.

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. Based on this fiscal note, the bill is expected to increase the amount of General Fund held in reserve by the amounts shown in Table 1, decreasing the amount of General Fund available for other purposes.

School District

Public schools and districts will have an increase in workload and expenses to create a harassment and discrimination reporting policy, annually train all staff, and to collect data and information on reports of harassment and discrimination. Costs also increase for investigations and reporting reported incidents to school districts, and to the CDE.

Effective Date

The bill was signed into law by the Governor on June 6, 2023, and it takes effect August 7, 2023, assuming no referendum petition is filed.

State and Local Government Contacts

Education

Law