



**Colorado  
Legislative  
Council  
Staff**

**HB17-1276**

**FISCAL NOTE**

**FISCAL IMPACT:**  State  Local  Statutory Public Entity  Conditional  No Fiscal Impact

**Drafting Number:** LLS 17-0358

**Date:** March 30, 2017

**Prime Sponsor(s):** Rep. Lontine  
Sen. Fields; Gardner

**Bill Status:** House Education

**Fiscal Analyst:** Kerry White (303-866-3469)

**BILL TOPIC:** RESTRICT RESTRAINTS ON PUBLIC SCHOOL STUDENTS

<b>Fiscal Impact Summary</b>	<b>FY 2017-2018</b>	<b>FY 2018-2019</b>
<b>State Revenue</b>		
<b>State Expenditures</b>	<b><u>\$17,661</u></b>	<b><u>\$17,661</u></b>
General Fund	16,183	16,183
Centrally Appropriated Costs	1,478	1,478
<b>FTE Position Change</b>	0.3 FTE	0.3 FTE
<b>Appropriation Required:</b> \$16,183 - Department of Education (FY 2017-18).		
<b>Future Year Impacts:</b> Ongoing expenditure increase.		

**Summary of Legislation**

This bill prohibits the use of a chemical, mechanical, or prone (face-down) restraint on a public school student. Exceptions are allowed when the student is openly displaying a deadly weapon or the person applying the restraint is an armed security officer who has received specified training and has made a referral to a law enforcement agency.

**Complaint process.** On or before November 1, 2017, the State Board of Education is required to promulgate rules establishing a process to receive formal complaints about the use of restraint or seclusion by any employee or volunteer of a school, charter school, or institute charter school. To the extent possible, the process must reflect the procedure outlined under the federal "Individuals with Disabilities Education Act."

**Reporting.** Each school district and the state charter school institute is required to include, in its conduct and discipline code, information concerning the district or institute's policies for the use of and process for filing a complaint concerning the restraint or seclusion of students. Reports are due to the Colorado Department of Education (CDE) on July 1, 2018, and before July 1 of each year thereafter. The CDE is required to retain and publish any reports it receives on its website on and after August 1, 2018.

## Background

Under current law, school conduct and discipline reporting is made by each individual school to its local Board of Education (BOE) annually. The BOE or institute is required to compile information into the format specified by the State Education Board. Reports are to include data on a number of factors, including the number of conduct and discipline violations, each of which is to be reported only in the most serious category applicable. Specific information identifying the number of and action taken with respect to certain types of violations is required, such as the possession or use of dangerous weapons; the use, possession or sale of illicit substances; sexual violence; disobedience; behavior that would constitute certain types of criminal conduct if performed by an adult; and destruction of school property, among others.

In addition, current law requires that each district attorney report to the Division of Criminal Justice (DCJ) in the Department of Public Safety the name of any student who was granted prefile diversion or adult diversion for a ticket, summons, or offense that occurred at a public elementary, middle or junior high, or high school; in a school vehicle; or at a school activity or sanctioned event. In addition to the full name of the student, the district attorney is required to report the student's date of birth, race, ethnicity, and gender and the arrest or incident number, as recorded by a law enforcement agency.

## State Expenditures

Beginning in FY 2017-18, this bill increases state General Fund expenditures in the CDE by an estimated \$17,661 and 0.3 FTE per year. Table 1 and the discussion that follows present the costs of the bill.

Table 1. Expenditures Under House Bill 17-1276		
Cost Components	FY 2017-18	FY 2018-19
Personal Services	\$16,183	\$16,183
FTE	0.3 FTE	0.3 FTE
Centrally Appropriated Costs*	1,478	1,478
<b>TOTAL</b>	<b>\$17,661</b>	<b>\$17,661</b>

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

**Assumptions.** According to the CDE, there are approximately 1,300 school-based incident complaints each year. Assuming that 1 percent of incidents result in complaints, about 13 incidents will require investigation each year. About half of these are assumed to involve students with disabilities, which can be investigated using current resources. The fiscal note assumes that about seven incidents will be investigated per year, each requiring about 80 hours of effort of a compliance investigator. This results in about 0.3 FTE per year, for a total cost of \$17,661 including salary and required benefits.

**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. The centrally appropriated costs subject to this policy are estimated in the fiscal note for informational purposes and summarized in Table 2.

<b>Table 2. Centrally Appropriated Costs Under HB17-1276</b>		
<b>Cost Components</b>	<b>FY 2017-18</b>	<b>FY 2018-19</b>
Employee Insurance (Health, Life, Dental, and Short-term Disability)	\$28	\$28
Supplemental Employee Retirement Payments	1,450	1,450
<b>TOTAL</b>	<b>\$1,478</b>	<b>\$1,478</b>

**School District Impact**

The bill results in increased workload for schools, charter schools, and institute charter schools to promulgate policies, collect data, and report it each year to the CDE. In addition, workload and costs may increase to respond to inquiries from CDE concerning complaints. These efforts can be accomplished within existing workloads.

**Effective Date**

The bill takes effect August 9, 2017, if the General Assembly adjourns on May 10, 2017, as scheduled, and no referendum petition is filed.

**State Appropriations**

For FY 2017-18, the bill requires an appropriation of \$16,183 General Fund and an allocation of 0.3 FTE to the Department of Education.

**Departmental Difference**

The Department of Education identified costs of \$86,510 and 0.3 FTE in FY 2017-18 and \$32,049 and 0.4 FTE in FY 2018-19 and future years. CDE included capital outlay and operating costs for FTE, which are excluded from this analysis because common policies require a minimum of 0.5 FTE for operating and capital expenditure appropriations. The department also identified one-time costs of about \$60,000 to build IT infrastructure to minimize school district reporting impacts and ongoing 0.1 FTE to manage data submitted as a result of the new reporting requirements contained in the bill. The fiscal note does not include these costs because the bill only requires the department to retain data and publish reports it receives on the department's website. Reporting this information to CDE is tasked to the school districts and the CDE can specify the format in which it receives that information to maximize its ability to retain the data. The school districts have not identified costs for this purpose and are already preparing and submitting similar reports each year to the CDE.

**State and Local Government Contacts**

Corrections  
Information Technology

Education  
School Districts

Human Services