



Legislative
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HB 18-1269

FISCAL NOTE

Drafting Number:	LLS 18-0378	Date:	March 19, 2018
Prime Sponsors:	Rep. Lundeen; Pettersen Sen. Hill	Bill Status:	House Judiciary
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Bill Topic: PARENT NOTICE FOR STUDENT SAFETY AND PROTECTION

Summary of Fiscal Impact:

<input type="checkbox"/> State Revenue	<input type="checkbox"/> TABOR Refund
<input checked="" type="checkbox"/> State Expenditure (<i>minimal</i>)	<input checked="" type="checkbox"/> Local Government and School District
<input type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

The bill requires local education providers to notify parents of certain criminal charges against an employee. The bill increases state, local government, 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 sets procedures for local education providers (LEPs) to notify parents of charges brought against current or former employees who had contact with students.

Notification requirements. The bill requires that LEPs notify parents of certain charges, including felony child abuse, domestic violence, unlawful sexual behavior, and crimes of violence, indecent exposure, drug offenses, or related offenses in another state. LEPs may choose to notify parents of misdemeanor offenses, including misdemeanor sexual assault, unlawful sexual contact, child abuse, domestic violence, sexual exploitation of a child, and contributing to the delinquency of a minor. LEPs must also notify parents of the disposition of the charges within two days of the disposition.

Notifications must not include any information identifying the alleged victim and need to occur only if the charge is included in the public record of an official action. LEPs must incorporate notification procedures into their safe school plan and are not liable for damages that may arise from failing to comply with the notification requirements.

Timing. The required notifications must be provided within two business days of becoming aware or being notified of the charges, whichever occurs first. The charging criminal justice agency may request a delay in notification, in which case the notification must occur no later than two days after the charging agency gives the LEP permission to release the notification.

Coordination with judicial districts. LEPs and the judicial districts in which the LEP is located must enter into an agreement concerning the notification of charges against an LEP employee. The agreement may cover multiple LEPs and judicial districts, and associations representing LEPs and district attorneys may develop a statewide agreement in place of individual agreements. No later than December 15, 2018, each judicial district must submit to the education committees of the General Assembly a list of LEPs who have entered into agreements and a description of the contents of the agreements.

Waivers. The bill prohibits the State Board of Education (SBE) from issuing a waiver from the notification requirements to charter schools, the charter school institute, or school districts.

State Expenditures

The bill increases the workload for the Colorado Department of Education (CDE) and the Judicial Department, as discussed below. No change in appropriations is required.

Colorado Department of Education. The bill increases the workload for CDE to conduct rulemaking related to notification procedures, as well as to provide some assistance to districts with implementing the bill's requirements. The workload increase can be accomplished within existing appropriations.

Judicial Department. The bill increases the workload for the State Court Administrator's Office to develop memoranda of understanding with school districts and to coordinate with school districts related to the notification of charges and the disposition of the charges. The workload increase can be accomplished within current appropriations. Should additional resources be required, they will be requested through the annual budget process.

Local Government and School District Impact

The bill increases workload for all LEPs to work with judicial districts or other charging agencies to develop and implement a data and information sharing agreement, or to enter into a statewide agreement; make the required notifications to parents; and incorporate notification policies into the LEP's school safety plan. In addition, district attorneys and the Denver County Courts will experience increases in workload to enter into agreements with area LEPs.

Effective Date

The bill takes effect August 8, 2018, if the General Assembly adjourns on May 9, 2018, as scheduled, and no referendum petition is filed.

State and Local Government Contacts

Counties
Judicial
School Districts

District Attorneys
Municipalities

Education
Public Safety