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FINAL FISCAL NOTE

Drafting Number: LLS 20-0710 Date: September 17, 2020
Prime Sponsors: Sen. Winter; Gonzales Bill Status: Postponed Indefinitely
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Bill Topic: DYSLEXIA EDUCATION IN CRIMINAL & JUVENILE JUSTICE SYSTEM

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

This bill would have required the Department of Corrections and the Department of Human Services to implement dyslexia screening programs and provide reading instruction as needed to individuals identified with dyslexia.

Appropriation Summary: For FY 2020-21, the bill would have required an appropriation of \$20.0 million to multiple state agencies. See State Appropriations section.

Fiscal Note Status: The fiscal note reflects the introduced bill. This bill was not enacted into law; therefore, the impacts identified in this analysis do not take effect.

Table 1 State Fiscal Impacts Under SB 20-180

Table with 4 columns: Category, Sub-category, FY 2020-21, FY 2021-22. Rows include Revenue, Expenditures (General Fund, Centrally Appropriated, Total), Total FTE, Transfers, and TABOR Refund.

Summary of Legislation

This bill requires the Department of Corrections (DOC) and the Department of Human Services (DHS) to implement dyslexia screening programs and to provide scientifically based or evidence-based reading instruction to adults and juveniles in the criminal justice system who may have dyslexia. The departments must enter into an agreement with a literacy consultant to assist in the implementation of a dyslexia screening and educational program.

Dyslexia screening timelines. By January 1, 2021, the DOC and the DHS must screen all persons committed to custody or held in juvenile detention for indicators of dyslexia upon their arrival at a facility. By January 31, 2023, the DOC and the DHS must screen each person in custody who was not screened upon their arrival in order of offender release date, beginning with the earliest release date and proceeding in reverse chronological order.

Resources. The State Library in the Colorado Department of Education (CDE) must provide audio books and human-read audio books with highlighted text services to the DOC and the DHS. The DOC and the DHS are required to provide devices to support the audio books and other tools recommended for use by persons who have dyslexia.

Reporting. The DOC and DHS must submit an annual report on their dyslexia programs by December 1, 2021, and each year thereafter, to the Judiciary Committees of the General Assembly.

State Expenditures

The bill will increase state General Fund expenditures by \$20.1 million and 58.2 FTE in FY 2020-21, and \$10.4 million and 77.3 FTE in FY 2021-22. Expenditures are shown in Table 2 and discussed below.

**Table 2
Expenditures Under SB 20-180**

Cost Components	FY 2020-21	FY 2021-22
Department of Corrections		
Personal Services	\$3,890,310	\$5,187,078
Standard Capital Outlay and Operating Expenses	\$483,315	\$89,100
Modular Classrooms and Associated Utilities and Maintenance	\$12,022,727	\$2,022,727
Literacy Consultant	\$48,000	-
Curriculum	\$600,000	\$80,000
Dyslexia Assessment	\$147,300	\$392,200
Information Technology	\$297,440	-
Assistive Devices	\$24,000	\$9,600
Employee Insurance and Supplemental Retirement Payments	\$853,028	\$1,134,682
FTE – Personal Services	49.7 FTE	66.0 FTE
DOC (Subtotal)	\$18,366,120	\$8,915,387
Department of Human Services		
Personal Services	\$539,649	\$719,530
Standard Capital Outlay and Operating Expenses	\$80,890	\$15,255
Network Infrastructure	\$300,000	\$60,000
Literacy Consultant	\$12,000	-
Curriculum and Training	\$150,000	\$20,000
Dyslexia Assessment	\$33,080	\$80,500
Information Technology	\$85,500	-
Assistive Devices	\$3,000	\$1,200
Centrally Appropriated Costs*	\$131,450	\$174,942
FTE – Personal Services	8.5 FTE	11.3 FTE
DHS (Subtotal)	\$1,335,569	\$1,071,427
Department of Education		
Audio Book Subscriptions	\$443,070	\$443,070
CDE (Subtotal)	\$443,070	\$443,070
Total	\$20,144,759	\$10,429,884
Total FTE	58.2 FTE	77.3 FTE

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

Department of Corrections. Costs will increase in the DOC by at least \$18.4 million and 49.7 FTE in FY 2020-21 and at least \$8.9 million and 66.0 FTE in FY 2021-22.

- *Data.* According to the Division of Criminal Justice's Monthly Population and Capacity Report dated March 31, 2020, there are currently 14,223 offenders in the state system, 3,189 offenders in private prisons, and 1,945 offenders in a non-prison arrangement, for a total of 19,357 total offenders. On average, the DOC intakes 27 offenders per day, or 9,855 per year.
- *Staff.* The DOC requires at least 66.0 FTE to implement the bill. First-year costs are prorated for the General Fund paydate shift and the effective date, and reflect the salary midpoint for staff retention. Standard capital outlay and operating expenses are included. Staff includes:
 - " 60.0 FTE State Teacher I, or 3.0 FTE per facility, to administer dyslexia assessments for approximately 27 individuals system-wide at intake per day; administer dyslexia assessments to approximately 19,500 existing offenders at state, private, and non-prison locations; and provide dyslexia instruction, reading interventions, and literary training;
 - " 1.0 FTE State Teacher IV as literacy consultant and program manager;
 - " 3.0 FTE State Teacher III to supervise additional teaching staff;
 - " 1.0 FTE Administrative Assistant for staff support; and
 - " 1.0 FTE Statistical Analyst II to meet reporting requirements.

The DOC may also require up to 20.0 FTE additional correctional officer staff to facilitate movement to and from instruction. This staffing cost will be addressed through the annual budget process once dyslexia assessments determine the number of offenders affected by the bill and their custody levels. Beginning in FY 2023-24, teacher staff will be reduced by up to 20.0 FTE when assessments for the entire DOC offender population have been completed.

- *Modular classrooms and associated utilities and maintenance.* DOC will require at least one modular testing and classroom space at each of its 20 locations at \$500,000 per unit. Utilities and maintenance costs are estimated at approximately \$101,135 per location. If additional modular classrooms are required for instruction space, these will be addressed through the annual budget process once the average number of offenders that require dyslexia education is better known.
- *Literacy consultant.* The bill requires the department to enter into a contract with a literacy consultant. Costs are estimated at \$75 per hour for approximately 640 hours, or full-time for four months. Actual costs will be determined contractually.
- *Curriculum and training.* Curriculum, teacher training, and associated software costs are estimated at \$600,000 in FY 2020-21 and \$80,000 in FY 2021-22 and each year thereafter. These costs are estimates only and are dependent on the results of the literacy consultation.
- *Dyslexia assessment.* Assessment costs assume trained professionals employed by the DOC will administer assessments developed in consultation with the literacy consultant using curriculum on which the staff has received training. Costs assume at least \$20 in materials per assessment. As discussed in the data section above, the DOC intakes 9,855 offenders per year and has approximately 19,500 existing offenders who will require assessment between January 2021 and January 2023. First-year costs reflect a half-year intake impact and assume 4,875 existing offender screenings. FY 2021-22 costs reflect a full-year intake impact and assume 9,750 existing offender screenings.

- *Information technology.* One-time information technology costs are estimated at \$297,440 for 1,885 hours of contract work at various rates from \$114 to \$175. Costs include development of an intake instrument for diagnostic testing, a documents database, and a reporting tool. These costs are reappropriated to the Office of Information Technology (OIT).
- *Assistive devices.* To utilize the educational curriculum and audio books provided by the CDE, the department will purchase 20 headphone and audio players sets for 20 facilities at a cost of \$60 per set.
- *Dyslexia education outside of the state prison system.* Costs will increase to provide dyslexia education to offenders in private prisons and non-prison locations. These costs have not been estimated in this fiscal note.

Department of Human Services. Costs will increase in the DHS by \$1.3 million and 8.5 FTE in FY 2020-21 and \$1.1 million and 11.3 FTE in FY 2021-22.

- *Data.* According to the DHS, there are currently 717 juvenile offenders in the Division of Youth Services. Additionally, the department averages 3,015 new placements each year, and 293 new commitments.
- *Staff.* DHS will require 11.3 FTE, including 1.0 FTE State Teacher II as a literacy consultant; 10.0 FTE State Teacher I at each of the 10 DYS facilities; and 0.3 FTE Analyst IV to meet reporting requirements. First-year costs are prorated for the General Fund paydate shift and the bill's effective date. Standard capital outlay and operating expenses are included.
- *Network infrastructure.* The DHS does not currently have network infrastructure for youth use. Costs are estimated at \$30,000 per each of the department's five facilities and include equipment, firewall, services, and support in the first year, and ongoing maintenance, update, and replacement costs in the second year.
- *Literacy consultant.* The bill requires the department to enter into a contract with a literacy consultant. Costs are estimated at \$75 per hour for approximately 140 hours, or full-time for one month. Actual costs will be determined contractually.
- *Curriculum and training.* Curriculum, teacher training, and associated software costs are estimated at \$150,000 in FY 2020-21 and \$20,000 in FY 2021-22 and each year thereafter. These costs are estimates only and are dependent on the results of the literacy consultation.
- *Dyslexia assessment.* Assessment costs assume trained professionals employed by the DHS will administer assessments developed in consultation with the literacy consultant using curriculum on which the staff has received training. Costs assume at least \$20 in materials per assessment. As discussed in the data section above, on average the DHS places 3,015 juveniles per year and commits 293. It has approximately 717 existing offenders who will require assessment between January 2021 and January 2023. First-year costs reflect a half-year intake impact and assume no existing offender screenings. FY 2021-22 costs reflect a full-year intake impact and assume 717 existing offender screenings.
- *Assistive devices.* To utilize the educational curriculum and audio books provided by the CDE, the department will purchase 5 headphone and audio players sets for 10 facilities at a cost of \$60 per set.

- *Information technology.* One-time information technology costs are estimated at \$48,750 for 750 hours of contract work at a rate of \$114 per hour. Updates to the Trails system will incorporate and store data from dyslexia questionnaire, testing, and assessment, and facilitate reporting. These costs are reappropriated to the Office of Information Technology (OIT).

Department of Education. Costs will increase in the CDE by \$443,070 per year beginning in FY 2020-21. Costs are to provide access to human-read audiobooks with highlighted text to adults and juveniles in the criminal justice system. Costs are based on the use of an online service at \$135 annually per individual, and assume approximately 3,282 individuals will require a subscription per year, or 15 percent of the average annual populations of the DOC and the DHS combined. Funding will be adjusted through the annual budget process as more about the dyslexia population in the criminal justice system is known.

Employee insurance and supplemental retirement payments. Pursuant to fiscal note and Joint Budget Committee policy, centrally appropriated costs for bills involving more than 20 FTE are appropriated in the bill, rather than through the annual budget process. These costs, which include employee insurance and supplemental employee retirement payments for the DOC, are estimated to be \$853,028 in FY 2020-21 and \$1,134,682 in FY 2021-22.

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 estimated to be \$131,450 in FY 2020-21 and \$174,942 in FY 2021-22.

Effective Date

The bill was postponed indefinitely by the Senate Judiciary Committee on May 26, 2020.

State Appropriations

For FY 2020-21, the bill requires the following General Fund appropriations:

- \$18,366,120 and 49.7 FTE to the DOC, of which \$297,440 is reappropriated to OIT;
- \$1,204,119 and 8.5 FTE to the DHS, of which \$85,500 is reappropriated to OIT; and
- \$443,070 to the CDE.

State and Local Government Contacts

Corrections

Human Services

Information Technology