



## Legislative Council Staff

*Nonpartisan Services for Colorado's Legislature*

# Fiscal Note

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<b>Drafting Number:</b>	LLS 21-0264	<b>Date:</b>	February 16, 2021
<b>Prime Sponsors:</b>	Rep. Geitner; Bradfield Sen. Lundeen	<b>Bill Status:</b>	House Education
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**Bill Topic:** ONLINE STUDENT PROTECTIONS

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**Summary of Fiscal Impact:**

<input type="checkbox"/> State Revenue	<input type="checkbox"/> TABOR Refund
<input type="checkbox"/> State Expenditure	<input type="checkbox"/> Local Government
<input type="checkbox"/> State Transfer	<input checked="" type="checkbox"/> School District

This bill establishes limitations on and student protections for online instruction by school districts and charter schools. The bill increases workload and costs for school districts on an ongoing basis.

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**Appropriation Summary:** No appropriation is required.

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**Fiscal Note Status:** This fiscal note reflects the introduced bill.

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## Summary of Legislation

The bill prohibits a school district or charter school from:

- restricting the presence of a parent during online instruction;
- electronically recording a student without written parent consent;
- imposing requirements on the student's physical environment unless the requirement is intended to reduce distractions; and
- requiring that a student use a camera to provide a live image during online instruction.

Public schools may not suspend or expel a student based on any item the school sees in the student's environment, or due to the student's behavior during online instruction. A student may be suspended for repeated interference with the ability to provide instruction to other students. If a student participating in online instruction was suspended or expelled on or after March 23, 2020 on any other grounds, the district or school must revoke and expunge the suspension or expulsion from the student's records.

Finally, the bill clarifies in the criminal code that the physical premises of an educational institution does not include the private residence of a student participating in online instruction.

## **Comparable Crime Analysis**

Legislative Council Staff is required to include certain information in the fiscal note for any bill that creates a new crime, changes the classification of an existing crime, or changes an element of an existing crime. This bill clarifies the definition of premises, facilities, and buildings of an educational institution for the crime of interference with an educational institution, which is either a class 1 or 3 misdemeanor. From FY 2017-18 to FY 2019-20, 11 offenders have been sentenced and convicted for this offense. Of the persons convicted, 8 were male and 3 were female. Additionally, 9 were White, 1 was African American, and 1 was Hispanic. It is assumed that a minimal number, if any, occurred at a private residence of an online student; therefore, the fiscal note assumes that there will be minimal or no change in case filings or convictions as a result of the bill. Because the bill is not expected to have a tangible impact on revenue or expenditures at the state or local levels, these impacts are not discussed further in this fiscal note.

## **School District**

The bill increases costs and workload for school districts to adjust online instruction procedures. Increased workload and costs include monitoring and engagement by support staff, seeking consent forms from parents, adjusting software and content systems, and editing video recordings prior to posting them online.

## **Effective Date**

The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

## **State and Local Government Contacts**

Education            School Districts