



## Legislative Council Staff

*Nonpartisan Services for Colorado's Legislature*

# Final Fiscal Note

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<b>Drafting Number:</b>	LLS 21-0264	<b>Date:</b>	June 28, 2021
<b>Prime Sponsors:</b>	Rep. Geitner; Bradfield Sen. Lundeen	<b>Bill Status:</b>	Signed into Law
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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 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 enacted 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, unless a parent continues to disrupt the class after being asked to stop disruptive behavior ; and
- requiring that a student use a camera to provide a live image during online instruction if the student's technology does not allow for use of a camera.

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, except that a student may be suspended in accordance with current school discipline laws. If a student participating in online instruction was suspended or expelled on or after March 23, 2020 due to the student's physical environment or behavior during online instruction, 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**

Depending on a school district's current online policies, the bill increases workload for school districts to adjust online instruction procedures, including staff training and monitoring by support staff. Any increase is expected to be minimal.

## **Effective Date**

The bill was signed into law by the Governor and took effect on May 28, 2021.

## **State and Local Government Contacts**

Education                      School Districts