



Legislative Council Staff

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Fiscal Note

Drafting Number: LLS 23-0627
Prime Sponsors: Rep. Bradley

Date: April 25, 2023
Bill Status: House State Affairs
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Bill Topic: **FUNDAMENTAL RIGHTS FOR PARENTS**

Summary of Fiscal Impact:

- | | |
|---|--|
| <input type="checkbox"/> State Revenue | <input type="checkbox"/> TABOR Refund |
| <input checked="" type="checkbox"/> State Expenditure | <input checked="" type="checkbox"/> Local Government |
| <input type="checkbox"/> State Transfer | <input type="checkbox"/> Statutory Public Entity |

Conditional on voter approval, the resolution creates the Parent's Bill of Rights related to the health, education, and general upbringing of children. If approved by voters, the bill will increase state and local workload on an ongoing basis beginning in FY 2024-25.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: The fiscal note reflects the introduced bill.

Summary of Legislation

This concurrent resolution refers a question to voters at the 2024 general election to establish the Parent's Bill of Rights, which prohibits the state or any other governmental entity from infringing upon the fundamental rights of a parent to direct the upbringing, education, and health care of their child without demonstrating that there is a compelling government interest and no less restrictive manner of doing so. Specifically, parents have the right to:

- direct the education, moral or religious training, and health care of their child;
- access and review all school and medical records of their child;
- make health care decisions for their child;
- consent in writing before a biometric scan of their child occurs or is shared, or before any record of their child's blood or DNA is made, shared, or stored, unless otherwise required by law or by the courts;
- consent in writing before the state or any of its subdivisions makes a video or voice recording of their child, with certain exceptions; and
- be notified if an employee of the state or any governmental institutions suspects that a criminal offense has been committed against their child by someone other than a parent, except if it is a minor school discipline matter.

The bill also requires school districts to adopt a policy that promotes the involvement of parents of enrolled children, including procedures for parents to learn about parental rights and responsibilities related to education, and for opting a child out of an assignment that parents object to on moral or religious grounds. Local education providers may adopt policies to provide required information to parents electronically, and must provide a response within two business days of receiving an information request from a parent.

Unless otherwise provided by law, no individual or entity may procure, perform, or arrange for the performance of a surgical procedure upon a child without first obtaining consent from the parent. This does not apply when a child is in custody of the Department of Human Services or a county department of human or social services.

State Expenditures

If passed, the bill will increase workload in the Judicial Department, Department of Law, Department of Education (CDE), and the Department of Early Childhood (CDEC) on an ongoing basis, as discussed below.

Judicial Department. Trial courts may see additional civil cases if local entities do not comply with various aspects of the bill. The fiscal note assumes that most local entities will comply with the law and workload can be accomplished within existing appropriations.

Department of Law. The bill will increase workload for the Department of Law to provide general counsel and rulemaking support to departments on their policies, including the Department of Human Services (CDHS), the CDE, and the CDEC. It may also increase to handle any cases brought against the state related to violations of the Parent's Bill of Rights. This workload can be accomplished within existing appropriations.

Department of Education. The bill increases workload in the CDE to provide technical assistance to school districts with development of new policies and procedures, as requested. This workload can be accomplished within existing appropriations.

Colorado Department of Early Childhood. Workload will increase to develop and update policies and perform outreach for child care providers. This workload can be accomplished within existing appropriations.

Election expenditure impact – existing appropriations. This resolution includes a referred measure that will appear before voters at the November 2024 general election. While no additional appropriation is required, certain election costs are incurred by the state when ballot measures are referred. These include reimbursing counties for certain election costs; publishing the text and title of the measure in newspapers across the state; and preparing and mailing the Blue Book.

School District

School districts will incur administrative and staffing costs to manage requests to opt-out children from certain activities or courses and find alternative activities for children. School district workload will also increase to respond to parents' information requests within two business days. Similar to the state, the bill may impact costs for local governments to the extent that the bill impacts services, programs, or protocols.

Effective Date

If approved by voters at the 2024 general election, this measure takes effect upon proclamation of the Governor, no later than 30 days after the official canvass of the vote is completed.

State and Local Government Contacts

Behavioral Health Administration
Education
Judicial
Public Safety
Secretary of State

Counties
Health Care Policy and Financing
Law
Regulatory Agencies

Early Childhood
Human Services
Local Affairs
School Districts