



**Colorado
Legislative
Council
Staff**

HB17-1276

**FINAL
FISCAL NOTE**

FISCAL IMPACT: State Local Statutory Public Entity Conditional No Fiscal Impact

Drafting Number: LLS 17-0358 **Date:** July 20, 2017
Prime Sponsor(s): Rep. Lontine **Bill Status:** Signed into Law
 Sen. Fields; Gardner **Fiscal Analyst:** Kerry White (303-866-3469)

BILL TOPIC: RESTRICT RESTRAINTS ON PUBLIC SCHOOL STUDENTS

Fiscal Impact Summary	FY 2017-2018	FY 2018-2019
State Revenue		
State Expenditures	<u>\$20,095</u>	<u>\$21,922</u>
General Fund	18,414	20,088
Centrally Appropriated Costs	1,681	1,834
FTE Position Change	0.3 FTE	0.3 FTE
Appropriation Required: \$18,414 - Department of Education (FY 2017-18).		
Future Year Impacts: Ongoing expenditure increase.		

Summary of Legislation

This bill prohibits the use of a chemical, mechanical, or prone (face-down) restraint on a public school student. Exceptions are allowed for the use of a mechanical or prone restraints when the student is openly displaying a deadly weapon or the person applying the restraint is an armed security officer or certified peace officer who has received specified training and has made a referral to a law enforcement agency. The prohibition does not apply to schools operated in state-owned facilities within the Division of Youth Corrections.

Incidents involving the use of a student restraint. On and after the bill's effective date, each school district and institute charter school must require any school employee or volunteer who uses any type of restraint on a student to submit a written incident report to the school administration within one school day. The school is then required to send the written incident report to the student's parent or legal guardian within five days and place the report, including certain details concerning the event, in the student's confidential file. Each district or institute charter school is required to establish a review process, to be conducted annually at a minimum, and document the results of each review process in writing. The bill specifies criteria for the review process.

Complaint process. On or before November 1, 2017, the State Board of Education is required to promulgate rules establishing a process to receive formal complaints about the use of restraint or seclusion by any employee or volunteer of a school, charter school, or institute charter school. To the extent possible, the process must reflect the procedure outlined under the federal

"Individuals with Disabilities Education Act." Each school district and the state charter school institute is required to include, in its conduct and discipline code, information concerning the district or institute's policies for the use of and process for filing a complaint concerning the restraint or seclusion of students.

Background

Under current law, school conduct and discipline reporting is made by each individual school to its local Board of Education (BOE) annually. The BOE or institute is required to compile information into the format specified by the State Education Board. Reports are to include data on a number of factors, including the number of conduct and discipline violations, each of which is to be reported only in the most serious category applicable. Specific information identifying the number of and action taken with respect to certain types of violations is required, such as the possession or use of dangerous weapons; the use, possession or sale of illicit substances; sexual violence; disobedience; behavior that would constitute certain types of criminal conduct if performed by an adult; and destruction of school property, among others.

In addition, current law requires that each district attorney report to the Division of Criminal Justice (DCJ) in the Department of Public Safety the name of any student who was granted prefile diversion or adult diversion for a ticket, summons, or offense that occurred at a public elementary, middle or junior high, or high school; in a school vehicle; or at a school activity or sanctioned event. In addition to the full name of the student, the district attorney is required to report the student's date of birth, race, ethnicity, and gender and the arrest or incident number, as recorded by a law enforcement agency.

State Expenditures

Beginning in FY 2017-18, this bill increases state General Fund expenditures in the CDE by an estimated \$20,095 and 0.3 FTE in FY 2017-18 and \$21,922 and 0.3 FTE in FY 2018-19 and future years. Table 1 and the discussion that follows present the costs of the bill.

Table 1. Expenditures Under House Bill 17-1276		
Cost Components	FY 2017-18	FY 2018-19
Personal Services	\$18,414	\$20,088
FTE	0.3 FTE	0.3 FTE
Centrally Appropriated Costs*	1,681	1,834
TOTAL	\$20,095	\$21,922

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

Assumptions. According to the CDE, there are approximately 1,300 school-based incident complaints each year. Assuming that 1 percent of incidents result in complaints, about 13 incidents will require investigation each year. About half of these are assumed to involve students with disabilities, which can be investigated using current resources. The fiscal note assumes that about seven incidents will be investigated per year, each requiring about 80 hours of effort of a compliance investigator. This results in about 0.3 FTE per year.

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. The centrally appropriated costs subject to this policy are estimated in the fiscal note for informational purposes and summarized in Table 2.

Table 2. Centrally Appropriated Costs Under HB17-1276		
Cost Components	FY 2017-18	FY 2018-19
Employee Insurance (Health, Life, Dental, and Short-term Disability)	\$31	\$34
Supplemental Employee Retirement Payments	1,650	1,800
TOTAL	\$1,681	\$1,834

School District Impact

The bill results in increased workload for schools, charter schools, and institute charter schools to promulgate policies, collect and provide parental notification of restraint-related incidents, and to conduct the required review process.

Effective Date

The bill was signed into law by the Governor on May 31, 2017, and takes effect August 9, 2017, assuming no referendum petition is filed.

State Appropriations

For FY 2017-18, the bill requires and includes an appropriation of \$18,414 General Fund and an allocation of 0.3 FTE to the Department of Education.

State and Local Government Contacts

Corrections
Information Technology

Education
School Districts

Human Services