

Summary of Legislation

Under current law, school districts, charter schools, and Boards of Cooperative Educational Services are required to have a written policy and procedure by which a student's parent may excuse the student from participating in statewide assessments. Local education providers (LEPs) are prohibited from imposing negative consequences on a student who's parents request an opt out.

This bill clarifies that the LEP must determine if the opt out process requires a student's parent to submit a written request, and that students excused from statewide assessments may not be prohibited from participating in any activity or receiving any reward that is provided to students who do participate in the tests.

If an LEP imposes negative consequences on a student who has been excused from testing, The Colorado Department of Education (CDE) is required to make a record on the LEP's annual performance report, and if applicable, on the report for the specific school within the LEP that fails to comply with the law. If an LEP or school fails to comply with the law three or more times in a school year, the State Board of Education must impose a significant penalty in calculating the LEPs and school's accreditation rating, which the board must describe in rule.

State Expenditures

For FY 2018-19, the bill increases state expenditures by \$48,880 and 0.4 FTE. Increased cost in FY 2019-20 are \$59,124 and 0.5 FTE. New expenditures are displayed in Table 2 and described below. First year costs and FTE are prorated to adjust for the bill's August 8 effective date. New expenditures are not anticipated in out years, under the assumption that LEPs will come into full compliance with the law within the next two fiscal years.

**Table 2
Expenditures Under SB 18-011**

	FY 2018-19	FY 2019-20
Colorado Department of Education		
Personal Services	\$37,665	\$50,221
Operating Expenses and Capital Outlay Costs	\$4,703	\$475
Centrally Appropriated Costs*	\$6,512	\$8,428
FTE – Personal Services	0.4	0.5
Total Cost	\$48,880	\$59,124
Total FTE	0.4 FTE	0.5 FTE

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

Personal Services. Under current law, the CDE has no investigative procedures for accusations that a school or district has imposed negative consequences on a student who has been excused from state testing. This bill requires that the department investigate and verify complaints concerning potential violations. Based on recent numbers of parent opt out and the total number of statewide assessments across grade levels, it is anticipated the department will

investigate up to 25 separate accusations that an LEP or school is not in compliance with the bill's provisions. Assuming investigation of each incident, including verifying and recording multiple issues and adjusting performance values for accreditation, requires 40 hours of staff time, total FTE costs increase by 0.4 FTE beginning with FY 2018-19. This fiscal note assumes that schools and districts will come into compliance with the law within the next two fiscal years, and that these expenses will increase for these two fiscal years only.

The department will have increased workload to assist the SBE to adopt new rules. In addition, the office of Accountability and Data Analysis and the office of Information Management will need to modify and update information and reporting systems, as well as guidance and training documents. These efforts do not require new appropriations.

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 \$6,512 in FY 2018-19 and \$8,428 in FY 2019-20.

Effective Date

The bill takes effect August 8, 2018, if the General Assembly adjourns on May 9, 2018, as scheduled, and no referendum petition is filed.

State Appropriations

For FY 2018-19, the bill requires a General Fund appropriation of \$42,368 to the Colorado Department of Education and 0.4 FTE.

State and Local Government Contacts

Education School Districts