



Legislative
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HB 19-1194

**REVISED
FISCAL NOTE**

(replaces fiscal note dated March 11, 2019)

Drafting Number: LLS 19-0684
Prime Sponsors: Rep. Lontine; Larson
Sen. Priola; Fields

Date: March 27, 2019
Bill Status: Senate Education
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Bill Topic: SCHOOL DISCIPLINE FOR PRESCHOOL THROUGH 2ND GRADE

Summary of Fiscal Impact:

<input type="checkbox"/> State Revenue	<input type="checkbox"/> TABOR Refund
<input checked="" type="checkbox"/> State Expenditure (<i>minimal</i>)	<input checked="" type="checkbox"/> School District
<input type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

The bill limits the circumstances in which a student in preschool through second grade can be suspended from school. The bill increases state expenditures in FY 2020-21 only, and state and school district workload on an ongoing basis.

Appropriation Summary: No appropriation is required.

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

Summary of Legislation

Under the bill, a school district, charter school, or state funded preschool may only suspend or expel a student in preschool through second grade if the school determines that the following conditions are met:

- the student engages in conduct that involves possession of a deadly weapon; the use, possession, or sale of a controlled substance; or endangers the health and safety of others;
- failure to remove the student would create a safety threat; and
- the school has considered certain factors before suspending the student and documents appropriate alternative behavioral and disciplinary interventions that were utilized prior to the suspension.

If these conditions are met and a school imposes a suspension, the suspension may not exceed three school days, unless a school executive, or their designee, determines that a longer suspension is necessary to resolve the safety threat, pursuant to procedures in current law. The bill specifies that a school may remove a student from for reasons unrelated to discipline, and that a school requesting that a parent remove a child from the school for disciplinary reasons constitutes a suspension.

The bill requires the State Board of Education (SBE) to annually review data concerning the number of students who are suspended and, if available, the reasons for the suspension. The SBE may not waive the bill's requirements for school districts or charter schools, and the bill's provisions must be included in school district and charter school disciplinary codes and charter school applications. School districts must provide copies of the disciplinary code to preschool students; elementary students receive copies under current law.

State Expenditures

Beginning in FY 2020-21, the bill increases the workload for CDE and the Department of Human Services, as discussed below.

Department of Education. The bill increases the workload for CDE to annually review data on suspensions, and for the Schools of Choice Unit to answer questions and provide support to school districts and charter schools. This increase is expected to be minimal and does not require a change in appropriations.

Data on the reason for suspensions of students in preschool through second grade is not currently available; as a result, the fiscal note assumes that the SBE will only review that data should it become available in future years. For informational purposes, and as stated in the initial fiscal note, it will cost \$59,500 to modify CDE's current data system to identify the reasons for suspensions of preschool through second grade students.

Department of Human Services. The bill increase workload for the Office of Early Childhood in the Department of Human Services, which licenses child care facilities. The office must update policies and materials to reflect the bill's changes. No change in appropriations is required.

School District Impact

Beginning in FY 2020-21, the bill increases workload for school districts to modify their disciplinary policies and comply with the bill's requirements. Copies of the school disciplinary codes must be provided to all students, including preschoolers. The workload will vary by school district and is expected to be minimal.

Effective Date

The bill takes effect July 1, 2020, if no referendum petition is filed.

State and Local Government Contacts

Education Human Services Information Technology School Districts