



Legislative
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SB 20-137

FINAL FISCAL NOTE

Drafting Number: LLS 20-0929
Prime Sponsors: Sen. Gardner
Rep. Buentello

Date: April 28, 2020
Bill Status: Postponed Indefinitely
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Bill Topic: **FERPA WAIVER FOR BEHAVIORAL HEALTH SERVICES**

Summary of Fiscal Impact:

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

This bill would have provided for the distribution of a waiver form that allows school personnel to communicate with behavioral health care providers about a student's health records. The bill would have increased state workload in FY 2020-21 only and school district workload on an ongoing basis.

Appropriation Summary: No appropriation would have been required.

Fiscal Note Status: This fiscal note reflects the introduced bill. The bill was not enacted into law; therefore, the impacts identified in this fiscal note do not take effect.

Summary of Legislation

The bill requires the Colorado Department of Education (CDE) to make available a waiver form that parents may use to waive provisions of the federal Family Educational Rights and Privacy Act (FERPA) as necessary to allow school personnel to communicate with behavioral health care providers about a student's health records. The form must be available on CDE's website by July 1, 2021, and must include an explanation that signing the waiver is optional.

The bill also requires that school districts, boards of cooperative educational services, and charter schools (local education providers) include a waiver form in their registration materials, and collect signed waivers at the beginning of each school year. Local education providers may develop their own waiver or use the one provided by CDE.

State Expenditures

In FY 2020-21 only, the bill increases the workload for CDE to create and provide the FERPA waiver form to local education providers, as well as conduct rulemaking. The workload increase is expected to be minimal and does not require a change in appropriations.

School District

The bill increases workload for local education providers to provide the FERPA waiver to parents, and for school personnel to communicate with behavioral health providers, as approved by parents via the waiver. The workload is expected to be minimal.

Effective Date

The bill was postponed indefinitely by the Senate Health and Human Services Committee on February 12, 2020.

State and Local Government Contacts

Education Law School Districts