



## Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

# Revised Fiscal Note

(replaces fiscal note dated March 5, 2021)

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| <b>Drafting Number:</b> | LLS 21-0257                                     | <b>Date:</b>           | April 30, 2021  |
| <b>Prime Sponsors:</b>  | Sen. Hisey; Zenzinger<br>Rep. Larson; Bradfield | <b>Bill Status:</b>    | House Second Reading  |
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**Bill Topic:** **SEXUAL CONTACT BY AN EDUCATOR**

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**Summary of Fiscal Impact:**

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| <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 adds new requirements for charter schools and school districts related to allegations of a sexual act involving an employee and a student who is 18 years or older. Starting in FY 2021-22, the bill minimally increases state and local government workload on an ongoing basis.

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**Appropriation Summary:** No appropriation is required.

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**Fiscal Note Status:** This revised fiscal note reflects the reengrossed bill, as amended by the House Judiciary committee.

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## Summary of Legislation

This bill adds new requirements for charter schools, school districts, and the State Board of Education related to allegations of a sexual act involving an employee and a student enrolled at the same school who is 18 years or older, regardless of consent.

**Background checks on prospective employees.** When conducting background checks on applicants, the bill adds an additional requirement that charter schools and school districts determine whether an applicant has been previously dismissed by or resigned from a school district or charter school as a result of an allegation of sexual acts involving a student 18 years of age or older at that school.

**Notifications.** The bill requires that the governing board of a charter school or school district notify and share information with the Department of Education when one of their employees resigns or is dismissed as a result of an allegation of sexual acts involving a student 18 years of age or older at that school. The employee must be notified that this information is being sent to the department.

**Settlements.** The charter school or school district may not enter into any settlement agreement that would restrict the school from sharing relevant information regarding an allegation with the department, another school district, or another charter school.

**State Board of Education.** The bill requires that the State Board of Education promulgate rules defining the standards of unethical behavior and professional incompetency in order to determine when to deny, annul, suspend, or revoke any license, certificate, endorsement, or authorization. The definition of unethical behavior must include the misconduct described above.

## **State Expenditures**

In FY 2021-22, this bill will minimally increase workload in the Department of Education to promulgate rules and define standards of unethical behavior and professional incompetency. This workload is expected to be absorbable and no change in appropriation is required.

## **School Districts**

Beginning in FY 2021-22, this bill may minimally increase workload for local school districts to investigate allegations of unethical behavior and report to the Department of Education.

## **Effective Date**

The bill takes effect September 15, 2021, if no referendum petition is filed, and applies to offenses committed on or after the effective date.

## **State and Local Government Contacts**

Education

School Districts