



Legislative Council Staff
Nonpartisan Services for Colorado's Legislature

Final Fiscal Note

Drafting Number:	LLS 23-0759	Date:	July 7, 2023
Prime Sponsors:	Rep. Sharbini; Joseph Sen. Winter F.	Bill Status:	Signed into Law
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Bill Topic: LEGAL REPRESENTATION & STUDENTS WITH DISABILITIES

Summary of Fiscal Impact:	<input type="checkbox"/> State Revenue	<input type="checkbox"/> TABOR Refund
	<input checked="" type="checkbox"/> State Expenditure	<input type="checkbox"/> Local Government
	<input checked="" type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

The bill requires the Colorado Department of Education to contract with a nonprofit organization to develop a list of attorneys qualified to represent parents in special education disputes with public schools. The bill increase state expenditures annually from FY 2023-24 through FY 2028-29.

Appropriation Summary: For FY 2023-24, the bill requires an appropriation of \$33,260 to the Colorado Department of Education.

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

**Table 1
State Fiscal Impacts Under HB 23-1168**

		Budget Year FY 2023-24	Out Year FY 2024-25
Revenue		-	-
Expenditures	General Fund	\$33,260	\$20,000
Transfers		-	-
Other Budget Impacts	General Fund Reserve	\$4,989	\$3,962

Summary of Legislation

The bill requires the Colorado Department of Education (CDE) to enter a five-year contract with a nonprofit organization to create and maintain a list of attorneys qualified to represent the parents of children with disabilities in due process hearings brought under the federal Individuals with Disabilities in Education Act (IDEA). If a local education provider or other special education provider initiates a due process concerning issues disputed in a state complaint in which the parent prevailed, and the parent requests an attorney from the nonprofit, the organization may appoint an attorney to represent the parent. The CDE must provide \$20,000 annually to the organization to pay attorneys. CDE must update materials distributed to parents describing the availability of these attorneys and include this information on the department's website. The bill is repealed July 1, 2029.

State Expenditures

The bill increases state expenditures in the CDE by \$33,260 in FY 2023-24, and by \$20,000 in FY 2024-25, paid from the General Fund. Expenditures are shown in Table 2 and detailed below.

Table 2
Expenditures Under HB 23-1168

	FY 2023-24	FY 2024-25
Colorado Department of Education		
Translation Services	\$13,260	-
Contract with Nonprofit Organization	\$20,000	\$20,000
Total Cost	\$33,260	\$20,000

Translation services. Due process materials distributed to parents concerning special education is currently translated into 13 languages other than English. Updating this material will require \$13,000 in translation services. This assumes 34 pages and a translation cost of \$34 per page.

Contract with nonprofit organization. The bill requires \$20,000 to be provided by CDE to the selected nonprofit organization annually, over a period of five years. After five years, unspent money for attorney fees and other expenses will be remitted to the General Fund.

Other Budget Impacts

General Fund reserve. Under current law, an amount equal to 15 percent of General Fund appropriations must be set aside in the General Fund statutory reserve. Based on this fiscal note, the bill is expected to increase the amount of General Fund held in reserve by the amounts shown in Table 1, decreasing the amount of General Fund available for other purposes.

Effective Date

The bill was signed into law by the Lieutenant Governor and took effect on May 25, 2023.

State Appropriations

For FY 2023-24, the bill requires and includes a General Fund appropriation of \$33,260 to the Department of Education.

State and Local Government Contacts

Education
Law

Information Technology
Treasury

Judicial