



Legislative  
Council Staff

*Nonpartisan Services for Colorado's Legislature*

**HB 18-1269**

**REVISED  
FISCAL NOTE**

(replaces fiscal note dated March 19, 2018)

<b>Drafting Number:</b>	LLS 18-0378	<b>Date:</b>	April 24, 2018
<b>Prime Sponsors:</b>	Rep. Lundeen; Pettersen Sen. Hill; Fields	<b>Bill Status:</b>	Senate Judiciary
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**Bill Topic:** PARENT NOTICE FOR STUDENT SAFETY AND PROTECTION

**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 requires local education providers to notify parents of certain criminal charges against an employee. The bill increases state, local government, and school district workload on an ongoing basis.

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

**Fiscal Note Status:** This fiscal note reflects the reengrossed bill.

**Summary of Legislation**

The bill sets procedures for local education providers (LEPs) to notify parents of charges brought against current or former employees who had contact with students.

**Notification requirement.** Under current law, LEPs receive routine reports from the Colorado Bureau of Investigation (CBI) relating to employees who have previously been subject to a background check. When an LEP receives a report from the CBI that an employee has been arrested for specified offenses, the LEP is required to monitor the criminal proceedings and notify parents if an employee has been charged.

**Timing.** The notification must occur within two school days after a preliminary hearing is held or waived by the employee, or if the offense is not eligible for a preliminary hearing, within two days after the employee is charged. The LEP must also notify parents within two school days of confirming the disposition of the charges. Notifications may be delayed if requested by law enforcement.

**Charges.** The LEP must notify parents if an employee is charged with the following offenses:

- felony child abuse;
- a crime of violence, not including second degree assault unless the victim is a child;
- a felony involving unlawful sexual behavior;

- a felony in which it is alleged that the factual basis for the crime includes an act of domestic violence;
- felony indecent exposure; or
- a level one or level two drug felony.

**Notification procedures.** The bill specifies the contents of the notification, including a statement that the employee is presumed innocent until proven guilty. The notification may not disclose the identity of alleged victims and must be in the same form that the LEP typically uses to send important information to parents. The LEP must provide notice to parents of students enrolled in the school in which the employee works or worked, or with whom the employee may have had contact, and must incorporate notification procedures into their safe school plan.

**Waivers.** The bill prohibits the State Board of Education (SBE) from issuing a waiver from the notification requirements to charter schools, the charter school institute, or school districts.

### **State Expenditures**

The bill increases the workload for CDE to conduct rulemaking related to notification procedures, as well as to provide technical assistance to districts. The workload increase can be accomplished within existing appropriations.

### **School District Impact**

The bill increases workload for all LEPs to make the required notifications to parents and incorporate notification policies into school safety plans. The workload increase will vary among districts.

### **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 and Local Government Contacts**

Counties

Judicial

School Districts

District Attorneys

Municipalities

Education

Public Safety