



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

HB 20-1144

FISCAL NOTE

Drafting Number: LLS 20-0789
Prime Sponsors: Rep. Pelton

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Bill Status: House SVMA
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Bill Topic: PARENT'S BILL OF RIGHTS

- Summary of Fiscal Impact: State Revenue, State Expenditure, State Transfer, TABOR Refund, School District, Statutory Public Entity

The bill establishes a Parent's Bill of Rights related to the education and health care of their children. The bill increases state and school district workloads on an ongoing basis.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: This fiscal note reflects the introduced bill.

Summary of Legislation

The bill creates a Parent's Bill of Rights that prohibits the state or any other government entity from infringing upon the fundamental rights of a parent to direct the upbringing, education, and health care of his or her child without first demonstrating that there is a compelling government interest and no less restrictive manner of doing so. Specifically, parents have a right to:

- direct the education, moral or religious training, and health care of their child;
access and review all school and medical records of their child;
make health care decisions for their child;
consent in writing before a biometric scan of their child occurs or is shared, or before any record of their child's blood or DNA is made, shared, or stored, unless otherwise required by law or by the courts;
consent in writing before the state or any of its subdivisions makes a video or voice recording of their child, with certain exceptions; and
be notified if an employee of the state or any governmental institutions suspects that a criminal offense has been committed against their child by someone other than a parent, except if it is a minor school discipline matter.

The bill requires local education providers to adopt a policy to promote the involvement of parents of the enrolled child, and specifies what must be included in the policy including procedures for parents to learn about school courses of study, school clubs and activities; parental rights and responsibilities related to education; and procedures related to withdrawing a child from an activity,

program, or class, including comprehensive human sexuality education. School districts may adopt policies to provide required information to parents electronically, and must provide a response within two business days of receiving an information request from a parent.

Unless otherwise provided by law, no individual or entity may procure, perform, or arrange for the performance of a physical examination of a child or prescribe any prescription drugs to a child without first obtaining consent from the parent. This does not apply in a medical emergency, or when a parent cannot be located after reasonably diligent efforts. Any violation is an unclassified misdemeanor, subject to a fine of up to \$1,000, imprisonment of up to a year, or both.

## **Comparable Crime Analysis**

This bill creates the new unclassified misdemeanor offense of conducting or allowing a physical examination of or surgical procedure on a child without notifying the parent, except in limited emergency situations. To form an estimate on the prevalence of this new crime, the fiscal note analyzed the class 2 misdemeanor of unauthorized practice of medicine as a comparable crime. From FY 2016-17 to FY 2018-19, zero offenders have been sentenced and convicted for this existing offense; therefore, the fiscal note assumes that there will be minimal or no additional case filings or convictions for the new offense under the bill. Because the bill is not expected to have a tangible impact on criminal justice-related expenditures or revenue at the state or local levels, these potential impacts are not discussed further in this fiscal note.

## **State Expenditures**

Beginning in the current FY 2019-20, the bill will increase workload in the Colorado Department of Education (CDE) and may impact expenditures in other state agencies, as discussed below.

**Department of Education.** The bill increases workload in the CDE to provide technical assistance to school districts, as requested. In addition, to the extent that the bill allows parents to opt students out of required data collection, educational standards, and assessments of student performance, the bill may result in additional expenditures for the department. The fiscal note assumes that no change in appropriations is required.

**Other state agencies.** The bill may increase workload for the Department of Law to handle any cases brought against the state related to violation of the Parent's Bill of Rights. Expenditures may be impacted in the Department of Health Care Policy and Financing if the bill modifies how minors access services as a result of the bill. Finally, the Department of Human Services may have a change in expenditures depending on how the bill impacts child welfare investigations.

## **Local Government**

School districts will incur administrative and staffing costs to manage requests to opt-out children from certain activities or courses and find alternative activities for children. School district workload will increase to respond to parents' information requests within two business days.

Similar to the state, the bill may impact costs for local governments to the extent that the bill impacts services, programs, or protocols.

## Effective Date

The bill takes effect August 5, 2020, if the General Assembly adjourns on May 6, 2020, as scheduled, and no referendum petition is filed.

## State and Local Government Contacts

Education  
Judicial

Health Care Policy and Financing  
Public Safety

Human Services  
School Districts