



## Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

# Revised Fiscal Note

(replaces fiscal note dated February 21, 2023)

**Drafting Number:** LLS 23-0759  
**Prime Sponsors:** Rep. Sharbini

**Date:** March 6, 2023  
**Bill Status:** House Appropriations  
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**Bill Topic:** **LEGAL REPRESENTATION & STUDENTS WITH DISABILITIES**

**Summary of Fiscal Impact:**

- State Revenue
- State Expenditure
- State Transfer
- TABOR Refund
- Local Government
- 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:** This revised fiscal note reflects the introduced bill, as amended by the House Education Committee.

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

		Budget Year FY 2023-24	Out Year FY 2024-25
<b>Revenue</b>		-	-
<b>Expenditures</b>	General Fund	\$33,260	\$20,000
<b>Transfers</b>		-	-
<b>Other Budget Impacts</b>	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 The bill is repealed July 1, 2029.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
<b>Colorado Department of Education</b>		
Translation Services	\$13,260	-
Contract with Nonprofit Organization	\$20,000	\$20,000
<b>Total Cost</b>	<b>\$33,260</b>	<b>\$20,000</b>

**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 takes effect upon signature of the Governor, or upon becoming law without his signature.

## State Appropriations

For FY 2023-24, the bill requires an appropriation of \$33,260 to the Department of Education, paid from the General Fund.

## State and Local Government Contacts

Education  
Law

Information Technology  
Treasury

Judicial