

Colorado Legislative Council Staff Fiscal Note

**STATE and LOCAL
REVISED FISCAL IMPACT**

(replaces fiscal note dated February 4, 2015)

Drafting Number: LLS 15-0264	Date: February 26, 2015
Prime Sponsor(s): Sen. Neville T. Rep. Neville P.	Bill Status: House Public Health Care and Human Services
	Fiscal Analyst: Bill Zepernick (303-866-4777)

BILL TOPIC: PARENT'S BILL OF RIGHTS

Fiscal Impact Summary*	FY 2015-2016	FY 2016-2017
State Revenue		
State Expenditures	Potential workload increase. See State Expenditures section.	
FTE Position Change		
Appropriation Required: None.		

* This summary shows changes from current law under the bill for each fiscal year.

Summary of Legislation

The **reengrossed bill** creates a "Parent's Bill of Rights" that sets forth specific rights of parents in regard to the education and physical and mental health care of their children. Specifically, the bill prohibits the state or any other government entity in Colorado from infringing upon the fundamental rights of a parent to direct the upbringing, education, and physical and mental health care of his or her child without first demonstrating that there is a compelling governmental interest and no less restrictive manner of doing so. Among other things, the bill specifies that parents have a right to:

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

The bill also requires school districts to develop and adopt policies to promote the involvement of parents of children enrolled in the district and to inform parents about procedures by which a parent can:

- learn about the course of study for their child, including learning materials and their sources;
- withdraw their child from class activities involving objectionable learning materials and activities;
- receive information about opting a child out of human sexuality education at least 15 days before the start of instruction;
- learn about the nature and purpose of clubs and activities that are part of the school curriculum or are an approved extracurricular activity;
- learn about parent rights and responsibilities under state law to:
 - review text books;
 - opt out of sexual education;
 - opt out of assignments;
 - opt out of data collection instruments at the district level;
 - have a child excused for religious purposes;
 - claim an exemption to immunization laws;
 - obtain information about open enrollment rights; and
 - have a child participate in gifted and talented programs, among other things.

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. In addition, the bill restricts the ability of state employees and health care providers to provide physical or mental health care services without first obtaining the permission of the parent, except under limited emergency situations.

State Expenditures

The bill increases workload in the Colorado Department of Education (CDE) by a minimal amount to provide policy guidance and support to school districts concerning the requirements of the bill. No specific appropriation is required at this time for this workload increase. However, some provisions of the bill may also increase state costs or lead to disciplinary actions by the federal Department of Education, depending on how they are interpreted and implemented.

The fiscal note assumes that allowing a parent to learn about his or her rights to do certain things, such as opting out of data collection, does not implicitly confer such a right. However, if the bill is interpreted to allow students to opt out of data collection required under current law, the CDE will have costs to modify its current student assessment protocols and methods. In addition, allowing a parent to direct the education of their child and opt out of certain courses and activities could interfere with the implementation of state and national educational standards and the ability to assess student performance. This could potentially lead to disciplinary actions by the federal Department of Education if it is determined to violate the state's obligations under federal law.

School District Impact

The bill increases costs for school districts in several ways. First, schools will have additional workload to respond to parent's information requests within two business days. In addition, allowing parents to opt children out of certain activities and courses will increase administrative and staffing costs for school districts to manage requests and find alternative placements and activities for children outside of the scheduled activity from which they are being excused.

Pursuant to Section 22-32-143, C.R.S., school districts and Boards of Cooperative Educational Services (BOCES) may submit estimates of fiscal impacts within seven days of a bill's introduction. As of the date of this fiscal note, no summaries of fiscal impacts were submitted by districts or BOCES for this bill. If summaries of fiscal impacts are submitted by districts or BOCES in the future, they will be noted in subsequent revisions to the fiscal note and posted at this address: <http://www.colorado.gov/lcs>

Effective Date

The bill takes effect August 5, 2015, if the General Assembly adjourns on May 6, 2015, as scheduled, and no referendum petition is filed.

State and Local Government Contacts

Education
Human Services
Regulatory Agencies
Counties

Health Care Policy and Financing
Public Health and Environment
Public Safety
School Districts