

Colorado Legislative Council Staff Fiscal Note
STATE and LOCAL
REVISED FISCAL IMPACT

(replaces fiscal note dated February 14, 2012)

Note: This fiscal note is provided pursuant under Joint Rule 22 (b) (2) and reflects strike-below Amendment C.001.

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| Drafting Number: LLS 12-0200 | Date: April 20, 2012 |
| Prime Sponsor(s): Sen. Newell; Hudak Rep. Nikkel; Levy | Bill Status: Senate Appropriations |
| | Fiscal Analyst: Jonathan Senft (303-866-3523) |

TITLE: CONCERNING DISCIPLINARY MEASURES IN PUBLIC SCHOOLS.

| Fiscal Impact Summary | FY 2012-2013 | FY 2013-2014 |
|--|--------------|--------------|
| State Revenue | | |
| Cash Funds - POST Board Cash Fund | | \$2,500 |
| State Expenditures | | |
| General Fund | \$192,174 | \$207,320 |
| Cash Funds - POST Board Cash Fund | 192,174 | 204,820 |
| | | 2,500 |
| FTE Position Change | 2.5 FTE | 2.5 FTE |
| Effective Date: August 8, 2012, if the General Assembly adjourns on May 9, 2012, as scheduled, and no referendum petition is filed. | | |
| Appropriation Summary for FY 2012-2013: See State Appropriations section. | | |
| School District Impact: See School District Impact section. | | |

Summary of Legislation

This bill, *as amended by the Senate Education Committee*, allows public school officials discretion in suspensions and expulsions, where punishment is mandatory under current law. It also establishes the mechanism for data sharing between public schools, law enforcement and state agencies. The bill was recommended by the Task Force on School Discipline interim committee. Among many provisions, this bill:

- requires School Resource Officers (SROs) and law enforcement agencies to report data on student arrests and other disciplinary actions to the Division of Criminal Justice (DCJ) in the Department of Public Safety (DPS);
- requires the DCJ to compile and report information to the Colorado Commission on Criminal and Juvenile Justice;
- Requires the district attorney of each judicial district to annually report the number of offenses on school grounds;
- creates a training program for SROs; and
- modifies the safe school reporting requirements.

State Revenue

In FY 2013-14, and each year thereafter, this bill is expected to increase revenue approximately \$2,500. This bill requires DPS to conduct fee-based courses to train SROs. The fees are paid by the officers in the program, and are funded through the Peace Officers Safety and Training (P.O.S.T) Board cash fund. Because this program is optional, this analysis assumes approximately 20 of the state's 200 SROs will take the course each year. It is estimated that the training program will cost approximately \$2,500 to administer each year.

Fee Impact on Individuals, Families or Business

Section 2-2-322, C.R.S., requires legislative service agency review of measures which create or increase any fee collected by a state agency. Table 1 below identifies the fee impact of this bill.

| Table 1. Fee Impact on Individuals, Families or Business | | | | | |
|---|--------------------|---------------------|-------------------|------------------------|-------------------------|
| Type of Fee | Current Fee | Proposed Fee | Fee Change | Number Affected | Total Fee Impact |
| SRO Training Program | N/A | \$125 | N/A | 20 | \$2,500 |

State Expenditures

In FY 2012-13, this bill has costs of \$192,174 and 2.5 FTE, in 2013-14, the costs are \$207,320 and 2.5 FTE. These new expenditures are within the DPS and the Department of Law, and are described below in Table 2.

| Table 2. Expenditures Under SB12-046 | | |
|---|-------------------|-------------------|
| Cost Components | FY 2012-13 | FY 2013-14 |
| Personal Services (DPS) | \$152,174 | 137,320 |
| FTE | 2.5 | 2.5 |
| Legal Services (Law) | 40,000 | 70,000 |
| TOTAL | \$192,174 | \$207,320 |

Department of Public Safety (DPS). No later than August 1, 2013, SROs and other law enforcement officers must report data on student behavior on school grounds to the DCJ. The reported information consists of SRO and law enforcement activity in schools, including offenses investigated. This requires the creation, population and maintenance of a new storage database, and collating disciplinary information from the state's 178 school districts, some of which do not have SROs. The DCJ will be responsible for receiving and organizing this data, making the data public, and forwarding the information to the Colorado Commission on Criminal and Juvenile Justice.

This bill also requires the Peace Officers Standards and Training (P.O.S.T.) Board in the Department of Law (DOL) to create new a curriculum for SROs, in which officers will have the option to participate. DPS will cooperate with DOL in shaping the curriculum, and will administer SRO training, which is offset by fees paid by each participating peace officer. These tasks, combined with the data sharing tasks mentioned above, will require 2.5 FTE in DPS for FY 2012-13 and 2013-14, as shown in Table 2. Workload is expected to decline thereafter after systems are normalized.

Department of Law. The department is responsible for the inspection and regulation of all basic and reserve peace officers. The SRO training curriculum may be developed with the assistance of national or state organizations, however the DOL will need to provide legal counsel and support in the development of this curriculum. This workload is expected to cost approximately \$40,000 in FY 2012-13 and \$70,000 in 2013-14, and will appropriated directly to the DOL.

Expenditures Not Included

Pursuant to a Joint Budget Committee policy, certain costs associated with this bill are addressed through the annual budget process and centrally appropriated in the Long Bill or supplemental appropriations bills, rather than in this bill. The centrally appropriated costs subject to this policy are summarized in Table 3.

| Table 3. Expenditures Not Included Under SB12-046* | | |
|--|-------------------|-------------------|
| Cost Components | FY 2012-13 | FY 2013-14 |
| Employee Insurance (Health, Life, Dental, and Short-term Disability) | \$17,750 | \$17,750 |
| Supplemental Employee Retirement Payments | 6,106 | 7,195 |
| TOTAL | \$23,856 | \$24,945 |

**More information is available at: <http://colorado.gov/fiscalnotes>*

School District Impact

This bill requires school districts to alter policies in a number of ways. It requires additional data collection as part of any school safety plan, and the use of new methods of discipline, including restorative justice. The bill further requires principals to notify parents when an SRO has notified him or her of a student's arrest or summons. New costs are contingent on the quality of data collections and communications currently occurring in school districts. Further, to the extent SROs are compensated by schools, which is not always the case, districts could see a rise in costs associated with SRO training.

Pursuant to Section 22-32-143, C.R.S., as specified by House Bill 11-1277, 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>

State Appropriations

In FY 2012-13, this bill requires an appropriation of \$152,174, General Fund, and 2.5 FTE to the Department of Public Safety, and \$40,000, General Fund, to the Department of Law.

Departments Contacted

Education
Judicial
Local Affairs
Public Safety

Human Services
Law
Governor's Office of Information Technology