

**STATE and LOCAL  
FISCAL IMPACT**

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<b>Drafting Number:</b> LLS 15-0170	<b>Date:</b> January 20, 2015
<b>Prime Sponsor(s):</b> Sen. Todd Rep. Priola	<b>Bill Status:</b> Senate Education
	<b>Fiscal Analyst:</b> Josh Abram (303-866-3561)

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**BILL TOPIC:** INELIGIBLE STUDENTS APPEAL PROCESS INJUNCTIONS

<b>Fiscal Impact Summary*</b>	<b>FY 2015-2016</b>	<b>FY 2016-2017</b>
<b>State Revenue</b>		
<b>State Expenditures</b>	Minimal workload increase.	
<b>FTE Position Change</b>		
<b>Appropriation Required:</b> None.		

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

**Summary of Legislation**

Under current law, a student who is sanctioned or found to be ineligible to participate in an extracurricular activity may appeal that decision. Once the appeal is completed, the student may also file a petition or complaint with a group of sitting or retired judges or other neutral arbitrators. Any cost associated with the additional arbitration is charged equally to the student and the school district, or the activities agency in which the school district is a member.

This bill removes the ability of a student to file a complaint with an outside group of arbitrators, and instead permits him or her to seek a preliminary injunction or restraining order from a court of competent jurisdiction.

**Background**

The provision allowing a student to assemble arbitrators after exhausting other appeal processes has been used only rarely. Since the law was passed in 2000, approximately 6 cases have been brought to arbitration. When a student chooses to proceed with this authority, the cost is split between the student and the school district, or the activities agency in which the school is a member. In Colorado, many schools are members of the Colorado High School Activities Association (CHSAA).

**State Expenditures**

**Judicial Branch.** The bill may result in a minimal workload increase in the Judicial Branch; however any new workload can be met within existing resources and no new appropriations are required.

The bill allows a student who has exhausted other available appeals to seek legal remedy in the courts, instead of assembling a collection of neutral arbitrators. In each instance, this will save the school district, or CHSAA, from paying for one-half of the arbitration cost. Instead, a student can request the court to issue a ruling, slightly increasing workload for the Judicial branch.

According to the weighted caseload averages used by the Judicial branch, a judge presiding over juvenile matters can hear 2,196 cases annually. To realize a 0.5 judicial officer FTE expenditure, the courts would need to hear approximately 1,000 activities appeal cases per year; however, the actual case increase is anticipated to be nominal.

### **School District Impact**

Although this provision has been used rarely, the potential exists under current law that a school or district can be required to pay one-half the cost of arbitration when a student chooses to exercise this legal authority. By removing this authority, the bill potentially saves this cost for schools and districts.

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

Judicial