



## Legislative Council Staff

*Nonpartisan Services for Colorado's Legislature*

# Final Fiscal Note

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|-------------------------|----------------|------------------------|---|
| <b>Drafting Number:</b> | LLS 22-0046    | <b>Date:</b>           | May 23, 2022  |
| <b>Prime Sponsors:</b>  | Rep. Van Beber | <b>Bill Status:</b>    | Postponed Indefinitely                              |
|                         |                | <b>Fiscal Analyst:</b> | Will Clark   303-866-4720<br>Will.Clark@state.co.us |

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**Bill Topic:** PARENT'S BILL OF RIGHTS

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**Summary of Fiscal Impact:**

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| <input type="checkbox"/> State Revenue                | <input type="checkbox"/> TABOR Refund                |
| <input checked="" type="checkbox"/> State Expenditure | <input checked="" type="checkbox"/> Local Government |
| <input type="checkbox"/> State Transfer               | <input type="checkbox"/> Statutory Public Entity     |

The bill would have established the Parent's Bill of Rights related to the health, education and general upbringing of children. The bill would have increased state and local expenditures on an ongoing basis.

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**Appropriation Summary:** No appropriation would have been required.

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**Fiscal Note Status:** The fiscal note reflects the introduced bill. This bill was not enacted into law; therefore, the impacts identified in this analysis do not take effect.

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## Summary of Legislation

The bill creates the Parent's Bill of Rights, which 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 their 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 or 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 takes a photo or makes a video or voice recording of their child, with certain exceptions; and
- be notified if an employee of a public school suspects that a criminal offense has been committed against their child, except if it is a minor school discipline matter.

The bill requires local education providers to adopt a policy that promotes the involvement of parents of enrolled children, including procedures for parents to learn about parental rights and responsibilities related to education, and for opting a child out of an assignment that parents object to

on moral or religious grounds. Local education providers 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 surgical procedure upon a child without first obtaining consent from the parent. This does not apply when a child is in custody of the Department of Human Services or a county department of human or social services.

## State Expenditures

Beginning in FY 2022-23, the bill increases expenditures in the Judicial Department and the Department of Education (CDE) on an ongoing basis, as discussed below.

**Judicial Department.** Trial courts may see additional civil cases if local education providers do not comply with various aspects of the bill, and the Judicial Department will provide education to staff and contractors about the new rights established in the bill. The fiscal note assumes that most local education providers will comply with the law, and any workload increase related to education and additional cases filings can be accomplished within existing appropriations.

**Department of Education.** The bill increases workload in the CDE to provide technical assistance to school districts with development of new policies and procedures, as requested. This workload is achievable within existing appropriations.

## School District

Workload will increase for local education providers to update policies and procedures, and to respond to parents' information requests within two business days. This workload will vary by school and school district depending on parental requests received, existing staff resources, and other factors.

## Effective Date

This bill was postponed indefinitely by the House Health and Insurance Committee on March 23, 2022.

## State and Local Government Contacts

|                |           |                                  |
|----------------|-----------|----------------------------------|
| Counties       | Education | Health Care Policy and Financing |
| Human Services | Judicial  | School Districts                 |