



**Colorado  
Legislative  
Council  
Staff**

**Bill 3**

**FISCAL NOTE**

**FISCAL IMPACT:**  State  Local  Statutory Public Entity  Conditional  No Fiscal Impact

**Drafting Number:** LLS 16-0319

**Date:** October 23, 2015

**Prime Sponsor(s):**

**Bill Status:** School Safety and Youth in Crisis  
Interim Committee Bill Request

**Fiscal Analyst:** Kerry White (303-866-3469)

**BILL TOPIC:** PRESERVING SCHOOL DISTRICT GOVERNMENTAL IMMUNITY

Fiscal Impact Summary	FY 2016-2017	FY 2017-2018
State Revenue		
State Expenditures	Minimal workload increase or reduction.	
FTE Position Change		
Appropriation Required: None.		
Future Year Impacts: Minimal workload increase or reduction.		

**Summary of Legislation**

This bill, *requested by the School Safety and Youth in Crisis Interim Committee*, clarifies that governmental immunity is not waived if a school district or charter school can demonstrate to a court that it is in full compliance with state law concerning safe school plans and related requirements. It also specifies that failure to demonstrate this compliance does not establish a basis for claiming negligence per se.

**Background**

Under current law, each school district board of education (BOE) is required to have a safe school plan. At a minimum, the plan must include a conduct and discipline code, safe school reporting requirements, an internet safety plan, agreements with state agencies (law enforcement officials, the juvenile justice system, and social services), and a school response framework that conforms with the National Incident Management System (NIMS) developed by the Federal Emergency Management Agency.

**State Expenditures**

By creating a process to limit waiver of governmental liability by school districts or charter schools, the bill may either encourage filings and increase court workload or reduce the length of litigation, thereby reducing court workload. Any such impacts are assumed to be minimal and will not require adjustments in appropriations for the Judicial Department.

**School District Impact**

This bill may reduce workload and costs for school districts and charter schools by reducing litigation time and costs by providing a process to limit waiver of governmental liability when certain conditions have been met. The amount of reduced workload and costs has not been estimated. Conversely, to the extent that this bill creates new filings in order to determine whether a case has merit, workload and costs will increase. Any such increases have not been estimated.

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 10, 2016, if the General Assembly adjourns on May 11, 2016, as scheduled, and no referendum petition is filed.

**State and Local Government Contacts**

Education

Judicial

Law

Public Safety