



**Colorado  
Legislative  
Council  
Staff**

**Bill 8**

**FISCAL NOTE**

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

**Drafting Number:** LLS 16-0402  
**Prime Sponsor(s):**

**Date:** October 23, 2015  
**Bill Status:** School Safety and Youth in Crisis  
Interim Committee Bill Request  
**Fiscal Analyst:** Kerry White (303-866-3469)

**BILL TOPIC:** SCHOOL SAFETY AND GOVERNMENTAL IMMUNITY

Fiscal Impact Summary	FY 2016-2017	FY 2017-2018
State Revenue		
State Expenditures	<b>Potential increase — see State Expenditures section.</b>	
FTE Position Change		
<b>Appropriation Required:</b> None.		
<b>Future Year Impacts:</b> Potential expenditure increase.		

**Summary of Legislation**

This bill, *requested by the School Safety and Youth in Crisis Interim Committee*, expands the duty to exercise reasonable care to protect students, faculty, and staff from harm within school facilities or while participating in school-sponsored activities to include all public entities and employees. Under the bill, existing governmental immunity is waived if a public entity or public employee breaches this duty of care. Any determination of the reasonableness of the acts or omissions must include consideration of the public entity or public employee's available resources, and a public employee retains immunity unless his or her actions are willful and wanton.

**Background**

Under current law, school districts and charter schools and their employees are required to exercise reasonable care to protect students, faculty, and staff from harm within school facilities or while participating in school-sponsored activities. Governmental immunity is waived if a school or its personnel breaches this duty of care.

**State Expenditures**

This bill affects state agencies in two ways. First, to the extent that a state agency is involved in incidents at school facilities or at other locations where school-sponsored activities are held, it is possible that the agency or its employees may be liable for a breach of the duty of care standard. To the extent that this occurs, risk management costs, workload and costs for the Department of Law (which represents state agencies), and court workload will increase. This

analysis assumes that state agencies and state employees will comply with the requirements of this bill and that any impacts will be minimal. For informational purposes, should one case require litigation, the impact to the Department of Law is anticipated to be at least 2,700 hours of legal services, or approximately \$250,000 and 1.5 FTE. This analysis assumes that should this occur, the Department of Law will request additional appropriations through the budget process.

Second, it is expected that state agencies that have contact with students, faculty, and staff will be required to provide additional training to employees to ensure compliance with the bill's provisions. This workload increase is anticipated to be minimal and will not require an increase in appropriations for any state agency.

### **Local Government and Statutory Public Entity Impact**

Similar to the state, local governments and statutory public entities will experience an increase in workload to update training materials and may incur costs if acts or omissions of the agency or its employees are found to have breached the duty of care requirement. This analysis assumes that public agencies and employees will comply with the bill's provisions and that such increases will be minimal.

### **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**

All Departments