

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill No: HB 259

48th Legislature, 2nd Session, 2008

Short Title: Doña Ana Youth Detention Programs

Sponsor(s): Representative Antonio Lujan and Others

Analyst: James Ball

Date: January 25, 2008

Bill Summary:

HB 259 makes an appropriation to provide learning enrichment, academic support and counseling in science, technology, engineering and mathematics for youth leaving detention facilities for youth leaving detention facilities with communication disorders, learning disabilities, dyslexia, or speech and language difficulties to support their transition to public or vocational school or college.

Fiscal Impact:

\$100,000 is appropriated from the General Fund to the Children, Youth and Families Department (CYFD) for FY 09. The bill contains a reversion clause. According to CYFD, the appropriation is not included in the CYFD budget request for FY 09.

Issues:

According to CYFD, the grade level distributions of youths committed to facilities operated by the department between FY 04 and FY 07 were low. In FY 04, 82 percent of males were two or more grades below expected grade level, while 70 percent of females were two or more grades below expected grade level. In FY 07, 67 percent of males were two or more grades below expected grade level while 74 percent of females were two or more grades below expected grade level.

According to the Public Education Department, the *Individuals with Disabilities Education Act* provides that students with disabilities who are placed in juvenile correctional facilities are entitled to a free and appropriate public education, which includes appropriate postsecondary transition planning that leads to postsecondary education, vocational education, employment, community participation, or independent living.

CYFD also says that HB 259 may be somewhat unclear regarding the intended population to be served because the appropriation to CYFD is for youth leaving “detention facilities”. Technically the “detention center” in Doña Ana County is the Juvenile Detention Center operated by the county while the J. Paul Taylor Center in Las Cruces is a secure facility for CYFD youth in custody.

Technical Issues:

Although detention facilities “in Doña Ana County” are referenced in the title of the act, there is no mention of Doña Ana County in the text of the appropriation. In order to clarify that the appropriation is intended for services for youth exiting detention facilities in that county, the phrase “in Doña Ana County” might be added after “facilities” on line 20.

Related Bills:

None to date.