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FISCAL IMPACT REPORT

ORIGINAL DATE 1/24/08

SPONSOR Lujan, A. LAST UPDATED _____ HB 259

SHORT TITLE Dona Ana Youth Detention Programs SB _____

ANALYST Lucero

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY08	FY09		
	\$100.0	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Relates to Appropriation in the General Appropriation Act

SOURCES OF INFORMATION

LFC Files

Responses Received From

Children, Youth and Families Department (CYFD)
 Higher Education Department (HED)
 Public Education Department (PED)

SUMMARY

Synopsis of Bill

House Bill 259 appropriates one hundred thousand (\$100,000) from the general fund to Children, Youth and Families Department (CYFD) for expenditure in FY09 to provide learning enrichment, academic support, and counseling in science, technology, engineering, and mathematics for youth leaving detention facilities with communication disorders, learning disabilities, dyslexia, or speech and language difficulties to help the youth's transition back into public or vocational school or college.

FISCAL IMPLICATIONS

The appropriation of one hundred thousand (\$100,000) contained in this bill is a recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of 2009 shall revert to the general fund.

The appropriation is not included in the CYFD request or the Executive recommendation

SIGNIFICANT ISSUES

This bill is unclear regarding the intended population that will be served. The use of the terms “detention facility” combined with the limitation in title and summary to Dona Ana County could be interpreted to mean facilities operated by county government and or CYFD. There exists in Dona Ana County an adult and a juvenile detention facility operated by the local county government and another separate facility for youth operated by CYFD. Because more comprehensive educational services are currently provided to youth at the Dona Ana County Detention Center by the local school district, while at the J. Paul Taylor Center there are limited educational services, it seems as if the sponsor of the bill is intending, by appropriating to CYFD, that the funds be used for CYFD’s J. Paul Taylor Center.

In CYFD operated facilities, in FY04, 82 percent of males were two or more grades below their expected grade level, while 70 percent of females were two or more grades below their expected grade level. Educational improvements over time have helped improve scores of male youths; however, in FY07 the outcomes were less than desirable with 67% of males were two or more grades below their expected grade level while 74% of females were two or more grades below their expected grade level.

In addition, the primary DSM-IV (Diagnostic and Statistical Manual of Mental Disorders, Fourth edition) diagnosis categories by gender between FY03 and FY07 of youth committed to CYFD facilities, showed in FY03, 64% males and 80% females were diagnosed with attention-deficit and other disruptive behavior disorders. By FY07, 41% of females and 60% of males committed were diagnosed with attention-deficit and other disruptive behavior disorders.

The Public Education Department (PED) notes that the Individuals with Disabilities Education Act (IDEA) at 34 CFR § 300.8 defines 13 disability categories. Only two of these categories are described in House Bill 259 (specific learning disability, and speech language impairment). Students with disabilities who are placed in a juvenile correctional facility are entitled to a Free and Appropriate Education (FAPE), which includes appropriate post-secondary transition planning leading to post-secondary education, vocational education, employment, community participation or independent living.

PED states that according to last year’s December 1 special education count, 64 students with individual education plans (IEP) were placed in the juvenile justice system.

PERFORMANCE IMPLICATIONS

CYFD maintains performance measures focusing on education credits received by youth in secure juvenile justice facilities.

House Bill 259 if enacted, it may support the Governor’s “Making Schools Work Initiative” because every child deserves a good education, and every child regardless of race or background deserves an equal opportunity to learn.

ADMINISTRATIVE IMPLICATIONS

Administering this bill requires CYFD to use existing resources to implement the intent of this bill as intended.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None identified

TECHNICAL ISSUES

This bill is unclear regarding the intended population that will be served. HB259 appropriates \$100,000 to CYFD for youth leaving “detention facilities”; however, there are two facilities where youth are detained. There is the Dona Ana County Juvenile Detention Center run by the county and there is the J. Paul Taylor Center run by CYFD. The two facilities each hold different types of youth. County detention is used for short-term holding of youth prior to being adjudicated. Youth confined to CYFD, typically have longer-term commitments, sometimes have difficulty transitioning back to public and vocational schools or college.

Clarify language defining “detention center.”

On line 23 of the bill, the term,”vocational” should be replaced with “career technical education.”

OTHER SUBSTANTIVE ISSUES

CYFD reports youth discharged by the John Paul Taylor Center (JPTC) by age:

Clients Discharged from FY05-07 by Age - JPTC Discharge Group			
Age at Discharge	FY05	FY06	FY07
15	1	1	1
16	4	2	7
17	3	5	8
18	9	4	13
19	1	5	6
20	5	4	1
Total	23	21	36

ALTERNATIVES

CYFD or the county detention center could partner with the Adult Basic Education program at Dona Ana Community College to provide their youth with academic instruction to receive a GED and transition to higher education or vocational training.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

DL/nt