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FISCAL IMPACT REPORT

ORIGINAL DATE 2/05/08

SPONSOR King LAST UPDATED _____ HB 576

SHORT TITLE Santa Fe Schools Restorative Justice Program SB _____

ANALYST Hanika-Ortiz

APPROPRIATION (dollars in thousands)

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

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY08	FY09	FY10	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total		\$2.4			Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Relates to HB 516 and HB 568

SOURCES OF INFORMATION

LFC Files

Responses Received From

Public Education Department (PED)

SUMMARY

Synopsis of Bill

House Bill 576 appropriates \$100 thousand from the General Fund to PED to provide continued support for the Santa Fe Public Schools Restorative Justice Program.

FISCAL IMPLICATIONS

The appropriation of \$100 thousand contained in this bill is a recurring expense to the General Fund. Any unexpended or unencumbered balance remaining at the end of FY09 shall revert to the General Fund.

PED may be required to designate existing staff to monitor the distribution and expenditures of funds. Estimated staff time for an Education Administrator 0 is 80 hrs x \$22.74/hr x 30% benefits= \$2.4/year.

The Santa Fe Schools Restorative Justice Program may enhance school attendance, graduation rates and student performance, and may have an impact on abuse, neglect, juvenile delinquency substance abuse and other related matters.

SIGNIFICANT ISSUES

Restorative Justice is a process whereby a student (generally at the middle or high school level) who is long-term suspended from school can appeal to those whom he has hurt/harmed by his behavior for a chance to make up for his offense(s) and to be given a second chance to attend school under certain conditions.

PERFORMANCE IMPLICATIONS

PED notes that HB 576 could positively impact measures that relate to the Governor's Truancy and Dropout Prevention initiative.

ADMINISTRATIVE IMPLICATIONS

PED will administer the funds.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

House Bill 516 appropriates \$300.0 from the General Fund for FY 09 through FY 11 to the PED for the Santa Fe Public Schools to develop and implement a restorative justice program as an alternative method to deal with school-based offenses.

House Bill 568 would appropriate \$270.0 from the General Fund for FY 09 to the Sixth Judicial District to provide juvenile and adult offender restorative justice services.

SUBSTANTIVE ISSUES

PED provides the following background:

Restorative justice is a theory of justice that is based on the common values and principles of accountability, reparation, reintegration, inclusion and effective communication. Restorative justice focuses on crime as an act against another individual or community rather than the state. The victim plays a major role in the process and may receive some type of restitution from the offender. Currently, restorative justice is a broad term which encompasses a growing social movement to institutionalize peaceful approaches to harm, problem-solving and violations of legal and human rights. This ranges from international peacemaking tribunals such as the South Africa Truth and Reconciliation Commission to innovation within the criminal justice system, schools, social services and communities. Rather than privileging the law, professionals and the state, restorative resolutions engage those who are harmed, wrongdoers and their affected communities in search of solutions that promote repair, reconciliation and the rebuilding of relationships. Restorative justice seeks to build partnerships to reestablish mutual responsibility for constructive responses to wrongdoing within our communities. Restorative approaches seek

a balanced approach to the need of the victim, wrongdoer and community through processes that preserve the safety and dignity of all (Restorative Justice, ND).

Crime increases fear, reduces quality of life and causes injury to victims, survivors and communities, and while the criminal justice system prosecutes and punishes offenders, the emotional and physical damage to people and communities may often go unresolved. Restorative justice programs seek to repair the harm caused by crime through a comprehensive and cooperative process that enables the victim, the offender and affected members of the community to be directly involved in responding to the crime. These programs promote healing for the victim by allowing the victim to voluntarily meet the offender, to express the impacts of the crime and to encourage the offender to take responsibility for the resulting harm.

Restorative justice rehabilitates offenders and reintegrates them into the community by providing an opportunity for the victim, the offender and community members to develop a plan to address the harm together. The shared responsibility in finding constructive resolutions to crime gives communities a meaningful voice in the cause and effect of crime in their communities. The community-centered approach of restorative justice programs can contribute to reductions in recidivism, increased compliance with restitution agreements and victim satisfaction.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Continuation and expansion of the restorative justice program in the Santa Fe Public Schools may not take place.

AHO/mt