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SENATE BILL 39

52ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2016

INTRODUCED BY

Howie C. Morales

FOR THE LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE

AN ACT

RELATING TO CHILDREN; DIRECTING THE CHILDREN, YOUTH AND
FAMILIES DEPARTMENT TO ESTABLISH AND ADMINISTER A YEAR-LONG
DEMONSTRATION PROJECT TO PROVIDE SERVICES TO CHILDREN AND YOUTH
WITH DISABILITIES AIMED AT IMPROVING EDUCATIONAL OUTCOMES AND
AVOIDING INVOLVEMENT IN THE JUVENILE JUSTICE SYSTEM; PROVIDING
FOR REPORTING; MAKING AN APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

**SECTION 1. TEMPORARY PROVISION--IMPROVING EDUCATIONAL
OUTCOMES--AVOIDING JUVENILE JUSTICE SYSTEM INVOLVEMENT--
CHILDREN AND YOUTH WITH DISABILITIES--DEMONSTRATION PROJECT.--**

A. By January 1, 2017, the secretary of children,
youth and families shall implement in at least two counties a
research and demonstration project aimed at:

- (1) improving access to appropriate special

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1 education and related services for youth;

2 (2) increasing school-based supports for
3 children and youth with disabilities so that they are not
4 unnecessarily pushed into the juvenile justice system;

5 (3) collaborating with schools to increase the
6 use of evidence-based disciplinary practices, including
7 positive behavior supports;

8 (4) creating a culture shift in the education
9 and juvenile justice systems to bridge gaps so that juvenile
10 justice is better able to partner with schools in providing
11 services to youth; and

12 (5) helping the entire court system
13 appropriately respond to students with disabilities.

14 B. The demonstration project shall identify and
15 offer services to students under twenty-two years of age, while
16 prioritizing for allocation of services those children under
17 fourteen years of age, who:

18 (1) are living with a disability;

19 (2) are eligible for or enrolled in special
20 education services pursuant to the federal Individuals with
21 Disabilities Education Act; and

22 (3) have had at least one incident resulting
23 in involvement in the juvenile justice system.

24 C. The children, youth and families department
25 shall contract with a nonprofit legal services provider that

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1 demonstrates to the department that it has:

2 (1) the capacity to address individual and
3 systemic barriers to education;

4 (2) the requisite expertise to advocate
5 successfully for meeting the educational needs of students with
6 disabilities, suspected disabilities or enhanced needs;

7 (3) the capacity to work in rural areas of the
8 state and meet the needs of diverse rural students and
9 families; and

10 (4) demonstrated experience in working with
11 the children, youth and families department, the administrative
12 office of the courts and the public defender department.

13 D. The children, youth and families department
14 shall establish services pursuant to the demonstration project
15 in two counties that the department has identified as having a
16 high degree of need for the demonstration project's services.

17 One site of the demonstration project shall take place in a
18 class A county with at least six hundred thousand inhabitants.

19 One site of the demonstration project shall take place in a
20 county with fewer than one hundred thousand inhabitants.

21 E. By September 1, 2018, the children, youth and
22 families department shall report its findings and
23 recommendations pursuant to the demonstration project to the
24 legislative health and human services committee and the
25 legislative finance committee.

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