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## FISCAL IMPACT REPORT

**SPONSOR** Morales **ORIGINAL DATE** 1/25/16  
**LAST UPDATED** \_\_\_\_\_ **HB** \_\_\_\_\_

**SHORT TITLE** Improve Educational Outcomes Project **SB** 39

**ANALYST** Chilton

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY16	FY17		
	\$150.0	Nonrecurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY16	FY17	FY18	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>	Unknown	Unknown	Unknown	Unknown		

(Parenthesis ( ) Indicate Expenditure Decreases)

Relates to SM 25.

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Administrative Office of the Courts (AOC)

Children Youth and Families Department (CYFD)

#### Response Not Received From

Developmental Disabilities Planning Council (DDPC)

Public Education Department (PED)

## **SUMMARY**

### Synopsis of Bill

Senate Bill 39 would establish two demonstration projects, one in the state's Class A County, the other in a county with fewer than 100,000 inhabitants, for the purpose of diverting children and young adults with disabilities who have had at least one previous encounter with the juvenile justice system and are therefore at risk of further encounters or incarceration.

## **FISCAL IMPACT**

Improve Educational Outcomes Project appropriates \$150 thousand from the General Fund to CYFD for the purpose of contracting with a legal services provider versed in the needs of individuals with disabilities, to provide services that would divert these children and young adults from further encounters with the juvenile or adult legal systems.

## **FISCAL IMPLICATIONS**

The appropriation of \$150 thousand contained in this bill is a non-recurring expense to the General Fund. Any unexpended or unencumbered balance remaining at the end of Fiscal Year 2018 shall revert to the General Fund. AOC reports that "Any fiscal impact on the judiciary would be proportional to the amount of time or resources needed by the two district courts to participate in the research and demonstration project. The first year's results may identify any additional resources needed by the courts to respond to students with disabilities."

If the pilot project in two counties proved successful, further funding would be needed to allow the state's other 31 counties to cause similar programs to exist.

## **SIGNIFICANT ISSUES**

A number of studies have shown that populations of incarcerated individuals contain a higher proportion with learning disabilities, attention-deficit-hyperactivity disorder (ADHD), and perhaps other disabilities than is present in the general population (see attachments). For example, estimates of the prevalence of learning disability among prison populations range from 33 to 78%. Experts have proposed that this may result from a pervasive feeling among such individuals of failure and rejection, with lack of success in school and in other aspects of their lives.

SB 39 would include students less than 22 years old (prioritizing those less than 14 years of age), living with disabilities, who have been already involved with the juvenile justice system. The New York State Commissioner of the Office of Children and Family Services estimates that 80% of juveniles encountering the juvenile justice system will have another such encounter or be incarcerated within 3 years. This bill would attempt to intervene to reduce this high rate of recidivism through demonstration projects in two counties, one large and the other with fewer than 100,000 inhabitants.

The bill specifies that each person served by the provided intervention would either be enrolled in or eligible for special education based on the standards of the federal Individuals with Disabilities Act. This would include children and young adults with physical, sensory, and

mental disabilities, learning disorders, and ADHD. CYFD would enter into a contact with a proven non-profit legal services provider able to work with CYFD and AOC as well as the Public Defender Department in providing these services.

The length of the pilot project is effectively 18 months (January 2017 thru August 2018). The time period may be insufficient to evaluate behavioral changes in the participants and to assess whether “a cultural shift” can occur between juvenile justice and the school system.

**RELATIONSHIP** with SM 25, School-to-Work for Students with Disabilities, which provides for study of means of improving the transition of individuals with disabilities from school into the workforce.

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

No demonstration project would be funded to help avoid recidivism among individuals with disabilities.

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