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## FISCAL IMPACT REPORT

ORIGINAL DATE 2/21/07

SPONSOR Miera LAST UPDATED \_\_\_\_\_ HB 1260

SHORT TITLE Juvenile Justice Cyber Academy SB \_\_\_\_\_

ANALYST Lucero

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY07	FY08		
	\$1,080.1	Recurring	General Fund
\$813.2		Non-Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

Relates to HB 201, HB 435, SB 209, SB 352  
 Relates to Appropriation in the General Appropriation Act

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

	FY07	FY08	FY09	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
<b>Total</b>						

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Children, Youth and Families Department (CYFD)  
 Public Education Department (PED)  
 Office of the Chief Information Officer (CIO)

### SUMMARY

#### Synopsis of Bill

House Bill 1260 appropriates \$1,893,300 from the general fund to Children, Youth and Families Department to establish a juvenile justice cyber academy. All children placed in the custody of the department through the juvenile justice system shall be enrolled. This academy shall:

- Provide tools and curriculum necessary for these students to continue their education in multiple settings;

- Have student data readily available to teachers and administrators throughout the juvenile justice system to minimize loss of educational time when a student transfers between juvenile detention facilities;
- Provide the coursework to meet individual learning goals of students.
- Meet Public Education Department content standards and performance measures. These courses shall provide both a basic education and opportunities for advanced and dual credit courses.

This Bill appropriates one million and eighty thousand dollars (\$1,080,000) from the general fund to the Children, Youth and Families Department for expenditure in fiscal year 2008 to establish the juvenile justice cyber academy at all juvenile justice facilities of the department for teachers, a statewide symposium, administration, software licenses, internet connectivity and computer maintenance. This bill also appropriates eight hundred thirteen thousand two hundred dollars (\$813,200) from the general fund to the Children, Youth and Families Department for expenditure in fiscal years 2007 and 2008 to purchase and install a master server and database, computers, furniture, and supplies and other cyber academy start-up costs.

### **FISCAL IMPLICATIONS**

The appropriation of \$1,893,300 contained is for expenditure in 2007 and 2008 and is both a recurring and non-recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of fiscal year 2008 shall revert to the general fund.

The appropriation is not part of Children Youth and Families Department's request and is not included in the Executive recommendation of Children Youth and Families Department.

Sustainability of the investment, both in terms of high staff turnover at the facilities and other maintenance and resource costs, is not addressed in the legislation.

Funding is appropriated to CYFD. However, the juvenile justice cyber academy courses shall meet Public Education Department (PED) content standards and performance measures and provide both a basic education and opportunities for advanced and dual credit courses. CYFD and facility staff will need to review available software programs that are aligned to the content standards and that, ideally, provide some diagnostic information as well to ensure that students are being placed appropriately and that their needs are being matched, especially in the area of English Language Learners. Courses offered will need to support the intent of a high school course.

### **SIGNIFICANT ISSUES**

CYFD Juvenile Justice Services (JJS) operates multiple facilities with similar, although not identical, educational programs at each facility. When a client-student transfers between facilities as part of his/her preparation for reintegrating with the community, he or she may not have exactly the same educational programming offered at the new facility. This can disrupt the client-student's ongoing education and potentially requires alteration of the education plan at the new facility. The Cyber Academy would improve outcomes for the juveniles affected by allowing for educational continuity when a client moves from one facility to another.

CYFD Juvenile Justice Services has been working for 2 ½ years to provide educational connectivity to all JJS facilities statewide. Significant challenges have arisen concerning the availability of connectivity in all CYFD facility locations. This bill could allow CYFD to consider better connectivity solutions, new computers, furniture and a database to support the collection and use of education. JJS has used available federal Title 1, Special Education, and Vocational Education funds to support the activities described, and the bill would allow CYFD to continue and enhance these efforts.

The intent of the program is to provide the tools and curriculum necessary for these students to continue their education in multiple settings focused on individual learning goals. Student data will be readily available to teachers and administrators to minimize the loss of educational time when a student transfers between facilities.

Educational opportunities are expanded through the online curriculum. Mobility issues will become non-existent. The alignment of curriculum to the New Mexico Content Standards and Benchmarks and student support from a certified teacher allow for a quality online learning experience. Professional development would also increase effective and efficient program implementation. This type of educational program can also support student advancement or course recovery.

On-line Internet safety and supervision (CIPA – Child’s Internet Safety Act) with protected web services and security measures should be in place prior to the start of this endeavor. In addition, close monitoring of Internet use is essential by staff at the facility.

There are currently six state-supported schools which house juveniles for various reasons from emotional disorders to criminal offenses. These sites are limited in their course offerings.

### **PERFORMANCE IMPLICATIONS**

The bill would fund resources to develop and track data on client-students that will enhance CYFD’s ability to measure individual and group educational performance, and upon which to plan program improvement priorities and initiatives.

There are no specific PED performance measures; however, the bill supports the PED goal of increasing access and applying application of technology for student learning. The federal *No Child Left Behind Act of 2001* (NCLB) expects delivery of virtual on-line curricula with a highly qualified teacher.

### **ADMINISTRATIVE IMPLICATIONS**

On going maintenance and support of the programming is not addressed in the bill.

### **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

Related to HB 201, HB 435, SB 209, and SB 352.

## TECHNICAL ISSUES

The equipment and software needs for this project would need to be evaluated by CYFD Bureau of Information Technology for network compatibility. A firewall and secure network are necessary to protect hardware and impede viruses, including protecting the academy from malicious intent.

## OTHER SUBSTANTIVE ISSUES

The funding appropriation for the student will remain with CYFD. If the student/youth being served in the juvenile detention center transitions back to the local school to complete the educational online program it is unclear how the funding would flow to continue the online services.

The Governor's IDEAL-NM (*Innovative, Digital, Education and Learning, New Mexico*) initiative, which is supported HB 201cs/SB 209cs, will establish a statewide eLearning support system for all learners served by PreK-12, higher education and state agencies through an advanced technology infrastructure. It will reduce geographic, scheduling and administrative barriers to educational opportunities for New Mexico learners while increasing their technological literacy and enhancing their ability to participate in a digital information economy. It will establish a common system of sharing, collaboration and cooperation. IDEAL-NM goals are as follows:

- Create a statewide Cyber Academy (mid/high school) with initial focus on supporting rural schools and teacher professional development (within five years all New Mexico students will take eLearning courses before high school graduation)
- Utilize the New Mexico Learning Network (NMLN) to coordinate IDEAL-NM and provide a statewide eLearning Portal that utilizes the capacity of existing schools, colleges and universities
- Implement a shared eLearning technology infrastructure using consistent, state-of-the-art enterprise solutions
- Sharing of other educational resources including subject matter expertise, instructional content and support services
- Coordinate with other statewide technology initiatives.

The committee substitutes for HB 201/SB 209 state that qualified students must meet the definition of Section 22-8-2 NMSA 1978, which is as follows:

- has not graduated from high school;
- is regularly enrolled in one-half or more of the minimum course requirements approved by the PED for public school students; and
- is at least five years of age prior to 12:01 a.m. on September 1 of the school year; or
- is at least three years of age at any time during the school year and is receiving special education services pursuant to rules of the department; or
- has not reached the student's 22nd birthday on the first day of the school year and is receiving special education services pursuant to rules of the PED.

A home school student may participate in the Statewide Cyber Academy by enrolling for one-half or more of the minimum course requirements approved by the PED for public school students in the school district in which the student resides.

A student enrolled in a nonpublic school may participate in the statewide cyber academy if the school in which the student is enrolled enters into a contract with the school district in which the nonpublic school is located.

A student who is detained in or committed to a juvenile detention facility or a facility for the long-term care and rehabilitation of delinquent children may participate in the Statewide Cyber Academy if the facility in which the student is enrolled enters into a contract with the school district in which the facility is located.

### **ALTERNATIVES**

Students being served by CYFD can enroll in the IDEAL-NM project as a New Mexico student then transition back to a local school to continue the online program, thereby not losing the progress made in the coursework. The student will not face course recovery for graduation credit. A student could obtain course completion rather than opting to drop out of school. In many cases, online courses, encouraged by the “next step” plan, identify a career pathway that supports future goals.

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

Without this appropriation or access to IDEAL-NM, these facilities will continue to struggle in delivering a transitional educational program for students in the juvenile justice system.

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