

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill Number: SB 331

52nd Legislature, 1st Session, 2015

Tracking Number: .198909.1

Short Title: Las Cruces School Juvenile Probation & Parole

Sponsor(s): Senators Joseph Cervantes, Mary Kay Papen, and William P. Soules

Analyst: James Ball

Date: February 5, 2015

Bill Summary:

SB 331 makes an appropriation for the Public Education Department (PED) to establish a juvenile probation and parole officer position in the Las Cruces Public Schools (LCPS) truancy prevention office.

Fiscal Impact:

\$100,000 is appropriated from the General Fund to PED for expenditure in FY 16. Unexpended or unencumbered funds revert to the General Fund.

Fiscal Issues:

Separate appropriations to specific schools or school districts for operational expenditures circumvent the public school funding formula, which provides operational funds for all school districts; and they may compromise the equity of the formula.

Substantive Issues:

According to the Children, Youth and Families Department (CYFD), PED has no statutory responsibility or authority over the state juvenile probation and parole program. Rather, that authority and responsibility are vested in CYFD in the provisions of the *Delinquency Act*, Section 32A-2-5(A) NMSA, which the CYFD analysis cites.

CYFD also states that existing juvenile probation officers already address truancy referrals, making the proposed position duplicative. CYFD further notes that, were this position somehow to be established, there will likely be confusion about which cases the PED probation officer is handling versus the CYFD probation officer.

Background:

According to the LCPS website, the Attendance and Student Services Program (ASSP) was created in the district in August 2012 in cooperation with the:

- Third Judicial District Attorney's Office and District Court;
- Doña Ana County Juvenile Probation and Parole Office; and
- CYFD Child Protective Division.

The LCPS website further indicates that the ASSP works to ensure that children, families, and schools are in compliance with the *Compulsory School Attendance Law*. ASSP partners with schools and families to assess the circumstances that are preventing students' consistent and timely attendance at school. The team designs interventions in an attempt to alleviate the obstacles that prevent the students from attending school. A student's overall well-being is always at the forefront of consideration when interventions are discussed, designed, and agreed upon.

ASSP staff members also serve as advisors to the individual schools by providing information, training, and guidance regarding compulsory school attendance.

Committee Referrals:

SEC/SFC

Related Bills:

SB 37 *Social Workers in Certain Schools*

SB 85 *No Driving for Certain Students*

HB 117 *No Driving for Certain Students*

HB 271 *CYFD & PED Information Sharing*