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FISCAL IMPACT REPORT

SPONSOR Cervantes **ORIGINAL DATE** _____
LAST UPDATED 2/5/15 **HB** _____

SHORT TITLE Las Cruces School Juvenile Probation & Parole **SB** 331

ANALYST Chavez

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY15	FY16		
	\$100.0	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Relates to Appropriation in the General Appropriation Act

SOURCES OF INFORMATION

LFC Files

Responses Received From

New Mexico Corrections Department (NMCD)

Children, Youth and Families Department (CYFD)

Response Not Received From

Public Education Department (PED)

SUMMARY

Synopsis of Bill

Senate Bill 313 appropriates \$100 thousand from the general fund to the Public Education Department (PED) for the purpose of establishing a juvenile probation and parole officer position in the Las Cruces Public Schools (LCPS) truancy prevention office.

FISCAL IMPLICATIONS

This bill appropriates \$100 thousand from the general fund to PED for expenditure in FY16 to establish a juvenile probation and parole officer position in the LCPS truancy prevention office. Any remaining funding shall revert to the general fund.

The LFC recommendation for public school support includes \$6 million in state equalization guarantee (SEG) funding for truancy and dropout prevention. If included in the final enacted SEG

appropriation, LCPS would receive approximately \$420 thousand, based on the district's share of formula funding, for dropout and truancy prevention.

The executive recommendation for public school support includes \$12.5 million for interventions and support for students, struggling schools and parents. PED indicates that \$4.7 million of that allocation would be used to support school district efforts designed to decrease habitual truancy and dropout rates in middle and secondary schools. PED testimony to HAFC indicated school districts would have to apply for funds and awards would be made by competitive grant proposals.

SIGNIFICANT ISSUES

CYFD notes CYFD, rather than PED, has statutory responsibility and authority over the state's juvenile probation program. CYFD adds this bill does not reference any statutory authority that would allow PED, rather than CYFD, to house a probation officer or describe how the position created in this bill would be distinguished from the existing juvenile probation officers in Las Cruces.

However, it appears that the intent of the bill may be to address truancy issues prior to court referral for habitual truancy. If this is the case, the Legislature may wish to change the term "juvenile probation and parole officer" to a term such as "a position to address truancy" to avoid an appearance of conflict with the provisions of the Children's Code.

If the intent of the bill is to create a juvenile probation and parole officer pursuant to the Children's Code, the Legislature may wish changing the appropriation for CYFD rather than PED. Otherwise, as CYFD notes, this would be a duplicate position as CYFD's juvenile probation offices already address truancy referrals. Additionally, if the position were created from within PED, CYFD would need to supervise any referrals to the juvenile probation and parole officer.

CYFD indicates if this position is implemented, there may be confusion surrounding the existence of probation officers from two different agencies (eg. CYFD and PED).

ADMINISTRATIVE IMPLICATIONS

CYFD notes that under the Children's Code, they are statutorily required to provide juvenile probation and parole services. Consequently, it is likely that agency resources would be needed to support a juvenile probation and parole officer position established under the bill. CYFD estimates that if the juvenile probation and parole officer position were established, it could result in a cost of up to \$25 thousand for CYFD.

KC/je