

**JBC STAFF FISCAL ANALYSIS
SENATE APPROPRIATIONS COMMITTEE**

CONCERNING THE PROVISION OF EDUCATIONAL SERVICES FOR JUVENILES AGAINST WHOM CHARGES
HAVE BEEN FILED IN DISTRICT COURT.

Prime Sponsors: Senator Hudak
Representative Levy

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**Summary of Amendments Made to the Bill After the 03/26/10 Legislative Council Staff
Revised Fiscal Note Was Prepared**

None.

JBC Staff Concurrence with Legislative Council Staff Fiscal Note

Concurs **Does Not Concur** **Updated Analysis**

Amendments/Appropriation Status

The bill requires but does not contain an appropriation clause. Staff has prepared amendment **J.001** (attached) to add a provision appropriating \$33,540 General Fund and 0.1 FTE to the Department of Education for FY 2010-11.

Bill Sponsor Amendments

Sponsor amendment **J.004** (attached):

- Clarifies that school districts do not have to provide educational services for more than four hours per week (except for students with an individual education plan);
- In addition to any reimbursement received from a school district or the Department of Education or any excess costs tuition received from an administrative unit of residence, allows each school district that provides educational services to receive the daily rate calculated for facility schools for the period during which the district provides services (excluding weekends and periods during the school year when students enrolled in the school district are not required to attend school);
- Authorizes the use of moneys in the Read-to-Achieve Cash Fund for reimbursements to school districts for educational services provided to juveniles held in jails or other facilities for the detention of adult offenders;
- Directs local judicial districts, district attorneys, and defense counsel to consider a juvenile's educational needs and access to appropriate educational services in determining whether jail is the appropriate place of confinement; and

- Appropriates \$209,287 cash funds from the Read-to-Achieve Cash Fund and 0.2 FTE to the Department of Education for FY 2010-11, and reduces the FY 2010-11 Long Bill appropriation to the Department from the Fund for the Read-to-Achieve Grant Program by \$209,287 (from \$6,500,000 to \$6,290,713).

The above amendment changes the source of funding for district reimbursements from the General Fund to the Read-to-Achieve Cash Fund. In addition, the amendment allows districts to receive the daily rate calculated for facility schools for the period during which the district provides services to a juvenile. Based on an average of 22 juveniles each school year requiring educational services pursuant to the bill (including 18 who were receiving educational services from a school district and four who were not), a daily facility school rate of \$41.20, and 176 days of services per year (consistent with a typical school calendar), it is estimated that the Department will require \$159,526 pursuant to this provision.

In addition, the Department will need to establish and administer systems to: (a) collect data from jails and other adult facilities concerning juveniles who received educational services in the prior month; and (2) make monthly payments to school districts based on the number of juveniles and the number of days services were provided. The Department will require an appropriation totaling \$20,729 and 0.2 FTE to perform the administrative duties required by both the bill and J.004.¹

Thus, **if J.004 is adopted, the Department would require an appropriation of \$209,287 cash funds and 0.2 FTE.** This amount includes \$159,526 to pay a daily rate of \$41.20 for each juvenile for each day of educational services, \$29,032 to pay per pupil revenues for juveniles who were not included in a school district's enrollment, and \$20,729 and 0.2 FTE for Department administrative functions.

Amendment J.004 includes the correct appropriation of \$209,287 and 0.2 FTE, and it reduces spending authority in the FY 2010-11 Long Bill from the Read-to-Achieve Cash Fund for the Read-to-Achieve Grant Program by \$209,287. **If the Committee adopts J.004, it should not adopt J.001.**

Points to Consider

The Joint Budget Committee has introduced a balanced budget package for FY 2010-11 based on the March 2010 Legislative Council Staff forecast. This bill requires a General Fund appropriation of \$33,540 General Fund for FY 2010-11, thereby decreasing the fiscal year-end General Fund reserve by \$33,540. *[If amendment J.004 is adopted, the General Fund reserve will not be impacted by the bill.]*

¹ This amount is based on the following: the salary for a Principal Consultant; a State contribution for PERA of 7.65 percent, and a Medicare contribution of 1.45 percent.