

**STATE and LOCAL  
FISCAL IMPACT**

**Drafting Number:** LLS 10-0171  
**Prime Sponsor(s):** Sen. Hudak  
 Rep. Levy

**Date:** January 25, 2010  
**Bill Status:** Senate Judiciary  
**Fiscal Analyst:** Jessika Shipley (303-866-3528)

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

<b>Fiscal Impact Summary</b>	<b>FY 2010-2011</b>	<b>FY 2011-2012</b>
<b>State Revenue</b>		
<b>State Expenditures</b>		
General Fund	\$113,378	\$113,378
<b>FTE Position Change</b>	0.1 FTE	0.1 FTE
<b>Effective Date:</b> Upon signature of the Governor, or upon becoming law without his signature.		
<b>Appropriation Summary for FY 2010-2011:</b> See State Appropriations section		
<b>Local Government Impact:</b> See Local Government Impact section		

\* Although this fiscal note indicates that the school finance costs are paid with General Fund dollars, it could be paid from the General Fund, the School Education Fund, or both.

**Summary of Legislation**

This bill requires school districts to provide educational services during the regular school year to juveniles who are charged as adults in criminal matters and are being held pending trial in county jails or other facilities that detain adult offenders. The school districts are required to comply with the federal Individuals with Disabilities Education Act when the juvenile has a disability. The districts are not required to provide educational services to juveniles who have graduated from high school, received a GED, or refused such services. Juveniles who refuse services must be offered a weekly chance to accept services.

Educational services do not need to be provided in the absence of an appropriate and safe environment for the provision of such services. Proper notice must be given to the juvenile, his or her parent or legal guardian, the juvenile's defense attorney, and the court if no appropriate and safe environment is available.

Each school district in which a jail or other facility for the detention of adult offenders is located is required to designate a contact person, who may be the child welfare education liaison. When applicable, the designated contact person is responsible for contacting the juvenile detention facility in which the juvenile was previously held to request any educational or other necessary information. The contact person will also be responsible for ensuring that the juvenile receives educational services while he or she is detained in the jail.

The school district providing educational services may include a juvenile in its pupil enrollment if the school district provides services on or before October 1 or may seek reimbursement from another school district or charter school if the juvenile was included in the other district's or charter school's pupil enrollment for the applicable budget year. If the juvenile was not included in the state's pupil enrollment, the school district may seek reimbursement from the Colorado Department of Education (CDE). The school district that provides special education services is also authorized to seek excess costs tuition for a juvenile with an individualized education program (IEP) from the juvenile's school district of residence.

The official in charge of a jail or other facility where a juvenile charged as an adult is detained pending trial is required to request educational services. He or she must provide an appropriate and safe environment for the provision of such services. Such officials are also required to annually collect specified nonidentifying data and submit the information to the Division of Criminal Justice (DCJ) in the Department of Public Safety. The DCJ is required to make such information available to a member of the public upon request.

## **State Expenditures**

***Department of Education. Providing educational services to juveniles charged as adults who are being held in county jails pending trial will result in increased state expenditures by \$113,378 and 0.1 FTE in FY 2010-11 and each year thereafter.*** In calendar year 2009, 179 criminal cases were filed against defendants who were under 18 years old at the time of the offense. At least half of the juveniles are not housed in a jail or other adult facility because they post bond. A majority of those charged plead to a lesser charge. Some juveniles already have a high school diploma or a GED when they are charged. The Adams County Jail provides GED services to those juveniles who meet the GED age requirements.

The number of juveniles housed in adult jails varies widely from year to year and even within a given year, but the fiscal note assumes that approximately 15 juveniles each school year will require educational services under the provisions of this bill who were not already receiving services from a school district or charter school in Colorado. As such, the CDE will incur increased expenditures of \$108,870 each year (This amount is based on the FY 2010-11 state average per pupil funding amount of \$7,258). Additionally, the department will require 0.1 FTE at the General Professional II level in order to coordinate with school district contact persons regarding pupil counts and reimbursement, at a cost of \$4,508 in FY 2010-11 and each year thereafter. The bill specifies that costs will be paid from district overpayments recovered by the CDE. These funds are used to pay school finance costs otherwise paid from the General Fund or the State Education Fund.

***Department of Public Safety.*** The bill requires the officials in charge of jails and other facility that house juveniles charged as adults to submit specific information to the DCJ. It requires the DCJ to make such information available to members of the public upon request. *If the DCJ is required to perform outreach to each jail in order to obtain the data or to ensure the consistency and accuracy of the data,* the department will require an additional 0.2 FTE at the General Professional II level, at a cost of \$10,139 per year. The fiscal note assumes that no outreach is required and the increased responsibilities to the DCJ can be absorbed within existing resources.

**Expenditures Not Included**

Pursuant to a Joint Budget Committee policy, certain costs associated with this bill are addressed through the annual budget process and centrally appropriated in the Long Bill or supplemental appropriations bills, rather than in this bill. The centrally appropriated costs subject to this policy are summarized in Table 1.

<b>Table 1. Expenditures Not Included Under SB 10-054*</b>		
<b>Cost Components</b>	<b>FY 2010-11</b>	<b>FY 2011-12</b>
Employee Insurance (Health, Life, Dental, and Short-term Disability)	\$710	\$710
Supplemental Employee Retirement Payments	168	204
<b>TOTAL</b>	<b>\$878</b>	<b>\$914</b>

*\*More information is available at: <http://www.colorado.gov/cs/Satellite/CGA-LegislativeCouncil/CLC/1200536133924>*

**Local Government Impact**

Officials in charge of jails are required to do a number of new things. They must offer educational services in an appropriate and safe environment to juveniles charged as adults. If denied, they must make a weekly offer of services to the juvenile. If accepted, the officials must notify the designated contact person at the school district. Finally, the officials must collect certain data and submit it to the DCJ . These new duties will increase the costs to county jails.

Additionally, each school district is required to designate a contact person for the jails who must ensure that juveniles receive educational services. The contact person is also required to determine where the juvenile was attending school during the October 1 pupil count, if applicable, and request the transfer of any educational or other information if the juvenile was held in a juvenile detention facility. It is also the responsibility of the school district to:

- seek pupil funding reimbursement from another school district or charter school where the juvenile was attending school during the October 1 pupil count or from the state if the juvenile was not included in the pupil enrollment of the state;
- for students with an IEP, seek excess costs tuition from the juvenile's school district of residence;
- check local district pupil count to determine if the juvenile was included in the district October 1 pupil count;
- contact the CDE about students who were not included in the district October 1 pupil count to determine if and where the juvenile was counted;
- assist the official in charge of the jail with collection of specified nonidentifying data; and
- provide educational services.

These new responsibilities will increase costs for the school districts.

**State Appropriations**

This bill requires a General Fund appropriation to the CDE for FY 2010-11 of \$113,378 and 0.1 FTE.

**Departments Contacted**

Education

Human Services

Judicial

Public Safety