

Appropriations Committee Fiscal Summary
505 (Perata)

Hearing Date: 5/14/01

Amended: 4/24/01

Consultant: Bob Franzoia

Policy Vote: Ed 4-0

BILL SUMMARY: SB 505, an urgency measure, would require the State Department of Education (SDE) and the Center for the Study of Correctional Education, located on the California State University, San Bernardino campus to conduct a five-year pilot program regarding special education in the Department of the Youth Authority (CYA). The bill provides that the pilot program will be funded with federal funds and will report annually to the CYA and SDE. A final report shall be submitted to the Legislature not later than 11/1/06 regarding the effectiveness of the program.

		Fiscal Impact (in thousands)	
<u>Major Provisions</u>		<u>2001-02</u>	<u>2002-03</u>
<u>2003-04</u>	<u>Fund</u>		
Pilot program		\$250 to \$500, potentially more depending on funding and mission of program	General

STAFF COMMENTS: This bill meets the criteria to be placed on the Suspense File.

In *Nick O .v. Terhune*, the Youth Law Center brought a federal class action challenging the failure of the CYA to provide appropriate special education and related services to youth confined in CYA institutions. Judgment was entered on 5/7/90, in which the CYA agreed to ensure that wards would be provided with a free appropriate public education including special education and related services, in the least restrictive environment consistent with their unique needs in compliance with federal and state law.

The CYA subsequently hired approximately 100 new teachers and educational administrators, and greatly improved screening procedures for incoming wards. Because of ongoing concerns about compliance with the terms of the settlement, particularly the provision of special education services to youth in lockdown units, the Youth Law Center continued to monitor the terms of the settlement with respect to certain institutions. That monitoring period expired in January 2001.

Regarding this issue, Senate Subcommittee #1 took the

following action:

Approve \$250,000 (federal funds) pending enactment of legislation in accordance with the provisions of SB 505. Should the legislation fail to be enacted, the \$250,000 is be used for the purposes of the SDE/CYA Interagency

Agreement. In addition, the SDE/CYA Interagency Agreement is to be revised to require full reviews once every two years and require that the on-site full reviews include observation of service delivery, and interviews with wards, teachers, parents/surrogate parents and institutional staff.

The Department of Education had been requesting \$320,000 and two positions to do the compliance monitoring. Should the Center provide just monitoring, an estimated \$100,000 will be needed on an annual basis. Should the Center provide technical assistance as well, the cost would increase to \$200,000 annually.