

<b>LFC Requester:</b>	<b>Kelly Klundt</b>
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**AGENCY BILL ANALYSIS  
2017 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:**

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*{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}*

**SECTION I: GENERAL INFORMATION**

*{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}*

Check all that apply: Date 2-20-17  
**Original**     **Amendment**        **Bill No:** HB411  
**Correction**     **Substitute**   

**Sponsor:** Rep. Doreen Y. Gallegos    **Agency Code:** 924  
 Sen. Gay G. Kernan  
**Short Title:** POINTS OF CONTACT FOR CERTAIN STUDENTS    **Person Writing:** Aguilar/Pahl/Ornelas  
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**SECTION II: FISCAL IMPACT**

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	<b>FY17</b>	<b>FY18</b>	<b>FY19</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>	NFI	See fiscal implications	See fiscal implications	See fiscal implications	Recurring	General

(Parenthesis ( ) Indicate Expenditure Decreases)

Relates to: SB213 and HB301

**SECTION III: NARRATIVE**

**BILL SUMMARY**

**Synopsis:** House Bill 411 (HB411) enacts a new section of public school code (Chapter 22, Article 13 NMSA 1978) to require a point of contact (POC) in each school district for students in foster care and students involved in the juvenile justice system. Also enacted is a new section of the Abuse and Neglect Act (Chapter 32A-4-2 NMSA 1978) requiring the appointment of an educational decision maker for students in foster care.

The bill also provides for the speedy transfer of student records from one school district to another.

## **FISCAL IMPLICATIONS**

HB411 requires the Public Education Department (PED) and the Children, Youth, and Families Department (CYFD) to work together to provide guidance and technical assistance to school districts and state chartered charter schools regarding students in foster care and students in the juvenile justice system. In order to ensure that the requirements of HB411 are implemented, the agencies would need to establish a system of monitoring. Depending on the system that is developed, it is not known if this can be done with existing resources.

The responsibilities outlined for the POC in each district could become such that districts may need to add dedicated staff. The number of students addressed in HB411 in each district would affect this decision and the amount of funding necessary cannot be determined at this time.

## **SIGNIFICANT ISSUES**

HB411 adds new language to public school code requiring school districts to establish a POC for students in foster care and for students involved in the juvenile justice system. Section 1112 (c)(5)(B) of the federal Every Student Succeeds Act (ESSA) requires that school districts and state charter schools receiving Title I Part A funding establish a POC that would facilitate educational services for students in foster care. This responsibility would be duplicative of federal law. ESSA does not provide for a POC for students in juvenile justice settings.

HB411 lists POC responsibilities as facilitating immediate enrollment regardless of whether records normally required for enrollment are available; prompt transfer of records; timely transfer of credits; and through collaboration with the education program staff in a juvenile justice setting and the educational decision maker appointed by the children's court, the development and implementation of a transition plan. POC responsibilities in US Department of Education ESSA guidance documents list similar POC responsibilities.

For students in foster care, HB411 requires that the POC be responsible for developing district policies for best interest determinations about whether students will remain in their school of origin; transportation policies around best interest determination placements; and dispute resolution. ESSA requires that these responsibilities be conducted in collaboration with the state's child welfare agency (CYFD). The responsibility is duplicative of federal law.

For students in foster care and those in the juvenile justice system, HB411 requires that the POC ensure that students have equal opportunity to participate in extracurricular activities and career and technical programs; receive timely assistance from counseling staff; and receive all special education services and accommodations required by law. POC's must also ensure that school district staff and teachers have access to training and resources about system-involved youth and the impact of trauma on learning.

HB411 requires that CYFD notify a school when a student currently enrolled in that school enters foster care or a student in foster care enrolls in that school. It would also allow for a student or a student's educational decision maker to notify a school that the student is involved in the juvenile justice system to obtain support and services from the POC. Note that SB213 as amended states that students who are delinquent would only be identified if the parent chooses to disclose the adjudication of delinquency.

Under the federal Individuals with Disabilities Act (IDEA), at 34 CFR Sec. 300.519, the role and authority of surrogate parents is provided for students with disabilities that are wards of the state. Under this section, public agencies must ensure that the rights of students with disabilities are protected and that the surrogate parent may represent the child in all matters relating to educational placement and the provision of a free and appropriate public education (FAPE) for the child. HB 411 would be duplicative of what is already required under federal law.

According to the school year 2015-16 Consolidated State Performance Report, 1,764 students were involved in juvenile justice educational programs in locally operated facilities and 464 students were provided educational services in state operated facilities. These programs are in part served through ESSA Title I Part D and IDEA funding. Each of these programs requires that services be provided to facilitate the transition of students into further schooling or employment.

The New Mexico Children Youth and Families Department (CYFD) reports that there are currently 2,663 children and youth in the foster care system. According to *Research Highlights of Education and Foster Care*:

- Students in foster care at the age of 17 are less likely to graduate from high school than their peers;
- 56%-75% of foster youth change schools when first entering care; and
- 34% of 17-18 year olds in care have experienced 5+ school changes.

*Fostering Success in Education: National Factsheet on the Educational Outcomes of Children in Foster Care January 2014*

[http://www.fostercareandeducation.org/DesktopModules/Bring2mind/DMX/Download.aspx?EntryId=1279&Command=Core\\_Download&method=inline&PortalId=0&TabId=124](http://www.fostercareandeducation.org/DesktopModules/Bring2mind/DMX/Download.aspx?EntryId=1279&Command=Core_Download&method=inline&PortalId=0&TabId=124)

## **PERFORMANCE IMPLICATIONS**

HB411 supports the PED's strategic plan and the state's ESSA state plan through ensuring all children are ready for success and through removing potential barriers to graduation.

## **ADMINISTRATIVE IMPLICATIONS**

HB411 would require PED and CYFD to work together to provide guidance and technical assistance to school districts and state charter schools regarding students in foster care and students in the juvenile justice system. In order to ensure that the requirements of HB411 are implemented, the agencies would need to establish a system of monitoring. Depending on the system that is developed, it is not known if this can be done with existing resources.

The students in foster care POC is required under ESSA; however the POC for students in juvenile justice facilities is not required under the ESSA but is considered a best practice.

## **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

HB411 relates to SB213 and HB301.

## **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

The ESSA and IDEA provisions for students in foster care and juvenile justice facilities would

continue to be implemented in New Mexico as required under federal law.