



House Memorial 75  
Foster Care Student Educational Stability  
Task Force Findings and Recommendations

## **Background**

There are approximately 2,000 New Mexico students in foster care. Federal law places the responsibility of ensuring those students are in the appropriate education setting at the state and local level. House Memorial 75 passed during the 2019 legislative session asked the Children, Youth, and Families Department (CYFD) and the Public Education Department (PED) to convene a task force to examine whether state agencies and local education agencies (LEAs) have appropriate processes and procedures in place to ensure the educational stability of students in foster care.

More specifically, concerns include whether state agencies and local school officials have federally required procedures in place, if those procedures are appropriately followed, and whether state and local service providers have the appropriate resources and training to fulfill legal requirements.

The task force met twice and reviewed the requirements of the Fostering Connections to Success and Increasing Adoptions Act of 2008 and the Every Student Succeeds Act pertaining to ensuring educational stability for children in foster care, reviewed CYFD procedure, PED Guidance, and portions of federal law. The group also discussed the practical implementation of those procedures in various New Mexico counties and school districts.

## **Preliminary Findings and Recommendations**

In summary the Public Education Department and the Children, Youth, and Families Department have guidance and procedure in alignment with federal Law. Both agencies provide opportunities for dispute resolution process for other parties. PED and CYFD, in collaboration with the state's largest school district, developed a dispute resolution process for disagreements between state agencies and/or local education agency.

**Foster Points of Contact.** CYFD assigns a foster point of contact to each county in New Mexico. Each point of contact is responsible for making decisions about foster student placement and coordinating with LEA foster student liaisons. A list of CYFD points of contact and LEA foster student liaisons is available on the PED website.

Despite existing policies for placing foster students in appropriate educational settings, procedures are not uniformly applied, and it is unclear whether CYFD and LEA personnel are receiving adequate training to fulfill respective responsibilities.

In order to improve implementation of current policies, CYFD and PED should review training protocols for county points of contact and LEA foster student liaisons. Both agencies should also develop formal deadlines by which CYFD points of contact provide lists of foster children to their respective LEA foster student liaisons. CYFD and PED also should ensure lists of points of contact and foster student liaisons are appropriately updated.

**Foster Student Transportation.** It is the responsibility of LEAs to provide transportation for students in foster care, including in the case that a student is placed in a home outside of walking or busing distance of his or her school of origin. Despite clear federal regulations to this point, it is unclear whether all LEAs are adhering to legal requirements. CYFD and PED should ensure LEA transportation officials are aware of federal requirements.