

**LEGISLATIVE EDUCATION STUDY COMMITTEE  
BILL ANALYSIS**

**Bill Number:** CS/SB 206

**51st Legislature, 2nd Session, 2014**

**Tracking Number:** .196535.1

**Short Title:** Foster Care System Student Tuition Waiver

**Sponsor(s):** Senator George K. Munoz

**Analyst:** James Ball

**Date:** February 18, 2014

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**SENATE EDUCATION COMMITTEE SUBSTITUTE FOR  
SENATE BILL 206**

**Bill Summary:**

CS/SB 206 adds a new section in state law relating to state and private educational institutions to provide for waiver of tuition and fees at public postsecondary educational institutions for students who have been in the state foster care system or in the legal custody of an Indian nation, tribe or pueblo, or Bureau of Indian Affairs (BIA).

Among its provisions, CS/SB 206 requires that state higher education institutions, including technical and vocational institutes, waive tuition and fees for a student for whom:

- the Children, Youth and Families Department (CYFD) provides certification that the student was in the legal custody of CYFD pursuant to the *Children's Code*; or
- a New Mexico Indian nation, tribe or pueblo or the US Department of the Interior (USDI), BIA, Division of Human Services (DHS) provides certification that the student was in the legal custody of a New Mexico Indian nation, tribe or pueblo or USDI, BIA, or DHS:
  - on the day preceding the student's 18<sup>th</sup> birthday; or
  - on or after the day of the student's 14<sup>th</sup> birthday and the student's parents' rights were relinquished or terminated at that time; or
  - on the day the student graduated from a high school in the state or received a high school equivalency certificate in the state; and
  - who enrolls in one of the state-supported higher education institutions or their branches, community colleges, or technical and vocational institutes no later than the day of the student's 25<sup>th</sup> birthday.

CS/SB 206 also requires that the Higher Education Department (HED) collaborate with CYFD to ensure that middle school and high school students who are or have been in the legal custody of CYFD learn about these provisions.

**Fiscal Impact:**

CS/SB 206 does not carry an appropriation.

### **Substantive Issues:**

According to CYFD, between 2010 and 2013, there were 316 youth who reached the age of majority while in foster care. High school graduation rates are significantly lower for this population, averaging only 32 percent, or roughly half the rate for all New Mexico secondary students. This ratio means that approximately 25 youth would be eligible for the tuition and fee waiver each year, costing the colleges and universities approximately \$56,900.

CYFD further reports that between 2010 and 2013, there were 118 youth between the ages of 14 and 18 who were adopted from the foster care system. Assuming a 65 percent graduation rate, which is the average four-year New Mexico graduation rate for the years 2008 to 2012, and assuming a yearly average of 20 eligible youth, the cost to the colleges and universities would be approximately \$45,520 each year for this eligibility category.

Finally, CYFD states there are no data readily available on the number of foster care youth who complete their GED or high school diploma prior to their 18<sup>th</sup> birthday.

### **Background:**

According to CYFD, 21 other states currently have tuition waivers for foster care youth. While these states vary widely in their eligibility requirements and restrictions, most have similar populations to those identified in CS/SB 206.

CYFD also notes that the most recent large, multi-state study of former foster care youth found that:

- 44 percent who drop out of postsecondary education reported it was because they could not afford the tuition and fees; and
- 59 percent reported that the biggest barrier to continuing their education is that they cannot pay for school.

CYFD states that youth who emancipate from foster care on their 18<sup>th</sup> birthday or who were adopted after their 16<sup>th</sup> birthday are also eligible for Educational and Training Vouchers through the federal *John H. Chafee Foster Care Independence Act*. Of the 101 youth eligible for these funds in New Mexico from 2010 to 2013, 93 youth (92 percent) accessed them. These young people are eligible for up to \$5,000 annually, though this amount is generally not enough to cover costs of education or training.

Most former foster youth who attend postsecondary education are also eligible for federal Pell Grants. In academic year 2011-2012 these grants provided approximately \$5,550 per student, but this amount was also insufficient to pay for most New Mexico colleges or universities.

### **Committee Referrals:**

SCC/SEC/SJC/HEC

### **Related Bills:**

None as of February 18, 2014.