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FISCAL IMPACT REPORT

ORIGINAL DATE 1/29/19

SPONSOR Ruiloba LAST UPDATED _____ HB 152

SHORT TITLE Education for Children in Foster Care SB _____

ANALYST Eckberg

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY19	FY20	FY21	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		See Fiscal Implications				

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Children, Youth and Families Department (CYFD)

Public Education Department (PED)

Regional Education Cooperatives (REC)

SUMMARY

Synopsis of Bill

House Bill 152 (HB152) amends Section 22-13-33 NMSA 1978 of the Public School Code, adding two definitions, “educational stability”, and “school of origin”, requires CYFD designate a point of contact for each county and provide a list of points of contact to all applicable educational agencies, establishes requirements for points of contact, and requires CYFD provide training to all points of contact.

FISCAL IMPLICATIONS

The bill does not include an appropriation. The bill would require PED and CYFD provide training to points of contacts, caseworkers, school staff, foster parents, treatment foster care agencies and residential treatment centers on ensuring the educational stability of students in foster care. Training is to be consistent with state and federal laws. PED notes it is unclear how often this training is required or how new employees or foster parents are to be trained; therefore the cost of the training is indeterminate at this time. CYFD notes they currently spend approximately \$395 thousand on transportation, paid out to transportation agencies and as reimbursement to foster parents. CYFD further notes the bill would place substantial additional administration responsibilities on CYFD the department cannot absorb with existing resources.

SIGNIFICANT ISSUES

Every Student Succeeds Act (ESSA), dictates students in foster care are to be provided educational stability and held to the same high standards as students who are not in foster care and are considered a subgroup population and proficiency rates and graduation rates are to be measured and monitored at the state and local level. The high mobility rates of any students can have a significant impact on students' progress in school, school completion, attendance and socialization. Previous LFC evaluations have found high levels of mobility negatively impacts student achievement and the impact of their school's interventions. Therefore, decisions including school placement and transportation, regarding students in foster care are important. HB152 defines "educational stability" to assure students in foster care remain in the student's school of origin, including preschool, unless it is not in the best interests of the student. This, along with other provisions of the bill could reduce mobility rates, or the number of times a student moves schools. "School of origin" is also defined as the school in which the student is enrolled at the time of foster placement and if the placement changes, the school the student is enrolled in at the time of placement change which allows for a determination that removing the student from their school of origin was in the best interest of the student.

The bill would require CYFD to consider school of origin as one of the top priorities when placing school-aged children in foster care and would make discharging a student from care due to issues around school of origin grounds for license revocation.

HB 152 requires CYFD designate points of contact for each county in New Mexico, although counties can share a single point of contact. A point of contact would be responsible for being the liaison between CYFD foster care caseworkers and school districts or charter schools, amongst other duties. Under the bill, CYFD must also provide training to all points of contact, school districts, charter schools, foster care caseworkers, foster parents, treatment foster care agencies, and residential treatment centers on ensuring educational stability and federal and state law compliance, and specialized training on the best interest of a student determination process.

PED notes HB 152 requires CYFD and PED Cabinet Secretaries along with the district superintendent or charter school director to review information on the students in foster care within 48 hours, or two weekdays, and make a final determination when disputes arise regarding students in foster care over the school of origin or the cost of transportation, and the disputes cannot be resolved at a lower level. PED and CYFD have concerns about this provision and the quick turnaround for resolution could be problematic for the Cabinet Secretaries due to the high demands of their jobs and schedules, since a designee is prohibited.

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