

JOINT EDUCATION TASK FORCE (JETF)



REPORT AND RECOMMENDATIONS

<http://www.nmcourts.gov/CourtImprovement/files/JETFfinal.pdf>

Joint Education Task Force Report and Recommendations

Executive Summary

New Mexico's child welfare community has long recognized the importance of improving educational outcomes for children and youth in foster care. We know that educational success increases the likelihood that our youth will be successful adults. We also know, however, that children in both the foster care and juvenile justice systems face significant challenges to achieving educational success. Addressing these challenges requires the collaborative effort of the judiciary, child welfare, and education communities. To that end, in December 2012, the New Mexico Supreme Court issued an order establishing the Joint Education Task Force (the Task Force). The Task Force, co-chaired by Chief Justice Petra Jimenez Maes and Governor Susana Martinez, was charged with providing the Court with collaborative advice, recommendations, and proposed strategies for addressing the educational needs of high risk children and youth particularly children and youth in the state's custody.

Specifically, the order required that the Task Force submit a report summarizing its activities, findings, and recommendations on the following matters:

- Development of a sustainable collaborative model for ongoing systemic improvement of educational outcomes;
- The challenges and barriers to educational success;
- Development of a shared data system between child welfare, the judiciary, and education in order to make informed decisions concerning policy and individual student success;
- Specific educational outcomes that, if improved, will ensure individual student success;
- Implementation of practices, on a pilot basis, to improve the targeted educational outcomes and ensure accountability by all parties; and
- A plan for cross-training and professional development for judiciary, child welfare, and education employees to improve educational outcomes.

Creating a Sustainable Collaborative Model

Under the guidance of Chief Justice Maes, and with the full commitment and support of CYFD Secretary Yolanda Deines and PED Secretary-Designate Hanna Skandera, the Task Force has engaged stakeholders across New Mexico to address the educational needs of children and youth in the state’s care. This report reflects eleven months of collaborative work by representatives from the judiciary, education, child welfare, and juvenile justice systems, as well as members of New Mexico’s legislature, legal advocates, and policy analysts from the University of New Mexico. During eight full Task Force meetings and numerous working group meetings, the Task Force explored the challenges and barriers to educational success for the children and youth in the state’s care, identified goals to address those challenges and barriers, and began to implement practices to meet those goals. Working together, the judiciary, child welfare, and education communities have created a sustainable model for ongoing systemic improvement of educational outcomes for these children.

Challenges and Barriers to Educational Success

The Task Force identified three categories of challenges and barriers to educational success: communication and data sharing, school changes and transfers, and school disciplinary and suspension policies. They then set four goals to address these challenges:

- (1) Improve cross-system communication;
- (2) Create a shared data agenda and implement cross-system data sharing;
- (3) Ensure seamless transitions for children and youth who change school; and
- (4) Identify effective youth supports to prevent school dropout, truancy and disciplinary actions.

In setting these goals the Task Force also clarified the definition of “at risk” youth referred to in the Supreme Court’s order. “At risk” children and youth can include a wide range of children including children with learning differences and disabilities, children from lower socioeconomic backgrounds, children who live in high-crime areas, and homeless children. While all of these children and youth need our

attention, the Task Force agreed to focus its efforts on the educational needs of children and youth in the child welfare and juvenile justice systems.

Three workgroups were formed to address these goals: the Shared Data Agenda workgroup; the Seamless Transitions workgroup; and the Youth Supports workgroup. Each workgroup met outside the regular Task Force meetings and reported back to the full Task Force.

Developing a Shared Data System:

The Shared Data Workgroup

Shared Data. This workgroup determined that one of the most important ways to improve the educational and life outcomes for children in the state’s care is to develop an ongoing shared data agenda. The agenda should establish a routine process for sharing data among key agencies. Additionally, the shared data agenda should ensure that data is analyzed in ways that protect the privacy of individuals and enable state agency leaders to make better data-informed policy, programmatic, and resource decisions. And finally, the agenda should include a process for child specific information sharing between agencies.

While the Supreme Court’s order directed the Task Force to identify “specific educational outcomes that, if improved, will ensure individual student success,” it is critical to know first who these children are and how they currently perform in school. Thus, the workgroup initially focused its attention on gathering descriptive information regarding the educational outcomes for children and youth in the state’s care or custody. The workgroup began by preparing a Memorandum of Understanding (MOU) outlining the parameters and uses of the shared data. The MOU was signed in August and an initial data exchange was completed in October. Information from this exchange is still being analyzed and will help formulate core data and research questions and the best way to pull cohorts to address those questions.

Implementation of Practices to Improve Educational Outcomes and Ensure Accountability: The Seamless Transitions and Youth Supports Workgroups

Seamless Transitions: School changes have a direct and negative impact on children’s educational progress. In light of this, both state and federal law include a

preference that foster children remain in their school of origin. While the preference is for youth to remain in their school of origin, this is not always possible nor in the youth's best interests. This workgroup was asked to identify specific steps that the courts, CYFD, and the schools could take to ensure that: students in the state's custody are maintained in their school of origin when possible; move seamlessly between schools and school districts when school changes occur; do not lose credit for work done; and have no gaps in learning as a result of school changes. In addressing these issues the workgroup focused their attention on agency and court practices and explored the use of educational liaisons for improving educational outcomes for children and youth in the state's care. They drafted an education bench card for judges, proposed an education report form for court hearings, and worked on a process to expedite the exchange of school records when a student must change schools.

Youth Supports: Academic failure, truancy, and school disciplinary actions like suspension and expulsion increase the odds that a student will drop out or become involved in the juvenile justice system. Additionally, national data indicates that children in state custody often exhibit behavior problems in the school setting and are frequently subjected to disciplinary exclusion from school. Children and youth in the child welfare and juvenile justice systems need additional supports to overcome barriers to encourage school attendance and engagement. This group researched successful school and court communication processes, positive behavioral intervention supports and other comparable models, successful mentoring programs and progressive age-appropriate discipline matrices. They also drafted a white paper consisting of best practices, resources, applicable New Mexico Administrative Codes (NMAC) and state statutes.

Cross Training and Professional Development

Cross-disciplinary training is important to provide educators with information regarding the unique challenges of this population, child welfare and juvenile justice workers with critical information about school policies and procedures, and attorneys and judges with new insights as to the importance of education as a well-being factor. Planning and scheduling such training, however, requires significant advance planning to accommodate the time constraints of school and court calendars. The Task Force did not specifically address cross-training this year but plans to explore this issue next year.

Recommendations

Each workgroup submitted recommendations for consideration to the Task Force. The Task Force reviewed and considered each workgroup's proposed recommendations and reached consensus on the following recommendations. These recommendations, if approved by the Court, will guide the Task Force's work in 2014.

A. School Stability and Transitions

Educational stability is critical to improving educational outcomes. Children and youth in care should remain in their schools of origin, when feasible. If school changes must occur, the transition should be seamless.

A.1. Collaborate with the FosterEd Initiative to pilot the use of educational liaisons in New Mexico and develop a plan for statewide implementation.

A.2. Review and revise, as necessary, current policies and procedures regarding school placement to ensure that there is a focus on maintaining school stability except in limited circumstances where school stability is not in the child's best interest.

A.3. Support timely enrollment when children initially enroll or change school placements by streamlining the exchange of educational records.

A.4. Propose policy or statutory changes to address the issue of lost credits and improve credit transfer and recovery.

A.5. Improve communication between CYFD, PED, and the Courts on a local level by working with Juvenile Justice Continuum Boards.

B. Judicial Practices

What happens in Court often drives practice. Court oversight and leadership can help raise awareness regarding the educational needs of young people in the child welfare and juvenile justice systems.

B.1. Finalize the education bench card for judges and an education report form for practitioners.

B.2. Amend the current notice of change of placement form.

C. Youth Supports

Children and youth in the child welfare and juvenile justice systems need additional supports to overcome barriers to encourage school attendance and engagement.

C.1 Collaborate with the FosterEd Initiative to pilot the use of educational liaisons in New Mexico and develop a plan for statewide implementation.

C.2. Support the larger effort aimed at improving the ability of schools and school districts to provide at-risk students new or enhanced educational programs and supports including: the more widespread implementation of positive behavioral supports; increased availability of education transition specialists; increased availability of truancy liaisons and truancy prevention programs; additional school counselors; and high quality afterschool programs.

C.3 Hold a summit on October 23, 2014 to address barriers to children in care succeeding in school and to generate solutions for overcoming these barriers. The goals of the summit are to address the areas of truancy, credit recovery and discipline.

D. Data and Information Sharing

Data and information sharing on both the aggregate and individual levels is essential to ensure the educational success of children in the state's care. Without such an exchange the child welfare, education, and judicial systems run the risk of operating at cross purposes.

D.1. Build on the success of the MOU between the Administrative Office of the Courts, the Children, Youth and Families Department, and the Public Education Department by developing a governance document that discusses how analyses will be performed, how findings will be interpreted, how and when data will be stored and how confidentiality will be maintained.

D.2. Develop a process for child specific information sharing between agencies to ensure that social workers, attorneys, judges, teachers, and others have the information they need to address the education needs of these children and youth

while maintaining the child's right to privacy.

E. Multi-Disciplinary Training

Cross-disciplinary training is important to provide educators with information regarding the unique challenges of this population, child welfare and juvenile justice workers with critical information about school policies and procedures, and attorneys and judges with new insights as to the importance of education as a well-being factor.

E.1. Establish a Task Force workgroup to develop a plan for cross disciplinary training regarding the educational needs of children and youth in the state's care.

The Task Force respectfully requests that the Court approve its recommendations and authorize it to continue its work for another year.

CONTACT FOR MORE INFORMATION:

Senior Justice Maes – 505-827-4883

Angela Peinado, Statewide Program Manager – 505-827-4729

State of New Mexico
CHILDREN, YOUTH and FAMILIES DEPARTMENT

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CABINET SECRETARY

JENNIFER PADGETT
DEPUTY CABINET SECRETARY

SAMPLE

ATTN: Robert Adams, Principal, Moriarty Middle School

FROM: Terry Fisher, NMCYFD, Protective Services

PHONE: (505) 384-2745

FAX#: (505) 384-2891

EMAIL: Terry.Fisher@state.nm.us

I am a case worker with the State of New Mexico Children Youth and Families Department, Protective Services Division Placement, and I am working with Austyn Berry, a student at your school. Austyn Berry is currently in the custody of the Department and has been placed in foster care. I am attaching the court order stating that above mentioned child is currently in the Department's custody. The enclosed documents are confidential; you must not release these documents to anyone other than the school staff necessary to address this child's educational needs. §32A-4-33 of the New Mexico Children's Code.

The Department is providing you the following contact information. For day-to-day contact regarding the student's needs, such as requesting signatures for the student to attend field trips or calling should the student be ill at school, please contact the foster parents:

_____ (FOSTER PARENT(S))

_____ (ADDRESS)

_____ (ADDRESS)

_____ (PHONE NUMBER)

The Department requests that you provide the following records to enable the Department and the child's attorney to understand the student's educational needs:

1. student identification number (ID) utilized in STARS;
2. student transcript;
3. any progress reports not included on transcript;
4. student attendance records in the last year;
5. student discipline records if applicable;
6. most current year standardized test results if applicable;
7. current student Individualized Education Program (IEP) if applicable;
8. Student English Language Learner (ELL) status if applicable;
9. Student Next Step Plan if applicable;
10. Student health records maintained by the school, if applicable (e.g. nurse's logs);
11. Student Assistance Team; and
12. Health & Wellness Team Referrals (APS only)

All individuals who will have access to the provided educational records are bound by confidentiality under §32A-4-33 of the New Mexico Children's Code and the Family Education Rights and Privacy Act and will not re-release the records to others unless permitted to do so by law.

At the present time, Terry Fisher is authorized to make educational decisions for Austyn Berry. It is important that Terry Fisher be invited to meetings regarding Austyn Berry while he/ she is in foster care. In addition, please give notice to the Department of school meetings regarding Austyn Berry by contacting Terry Fisher at (505) 384-2745. The Department will inform you in the event that the person authorized to make educational decisions (EDM) for the child or the Department contact person changes. So that you can easily notify Austyn Berry Terry Fisher (EDM) about meetings, the education decision maker's information is:

Terry Fisher
(EDM)

PO Box 348
(ADDRESS)

Estancia, NM 87016
(ADDRESS)

(505) 384-2745 x1110
(PHONE NUMBER)

Shannon Proctor
(EDM2 if 2nd PARENT)

PO Box 624
(ADDRESS)

Moriarty, NM 87035
(ADDRESS)

(505) 620-0072
(PHONE NUMBER)

Authorized Signature/Date

cc: GaL/YA, Respondent Attorney

Joint Education Task Force Roster

Co-Chairs:

Petra Jimenez Maes, Chief Justice
Susana Martinez, Governor

Members:

Children, Youth and Families Department:

Yolanda Deines, Secretary, CYFD

Danielle Johnston, Education Superintendent, CYFD/JJS

Annamarie Luna, Deputy Director, CYFD/PS

Craig Sparks, Director, Bernalillo County Juvenile Detention Center

Judiciary:

Judge Louis McDonald, Thirteenth Judicial District Court

Judge Karen Parsons, Twelfth Judicial District Court

Tara Ford, Co-Director, Pegasus Legal Services for Children

Kristine M. Meurer, Ph.D, Executive Director Student, Family, and Community Supports, Albuquerque Public Schools

Public Education Department:

Hanna Skandera, Secretary-Designate, PED

Tonna Burgos, Executive Director of Student Services, Rio Rancho Public Schools.

Will Hawkins, Assistant Superintendent for Secondary Instruction, Hobbs Municipal Schools

Alanna Giusto, LMSW

Jack Ortega, Community School Facilitator, Espanola

Legislative:

Gay Kernan, Senator

Linda Lopez, Senator

Donald Tripp, Representative

Jim Trujillo, Representative

Youth Member:

Monte Chavez, Youth Representative

Joint Education Task Force Supporting Parties

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Traci Neff, San Juan County

Deborah Dungan, Supreme Court

Dominica Montano, Thirteenth Judicial District Court