

# Foster Lu. New Mexico Legislative Health and Human Services Committee July 26, 2016



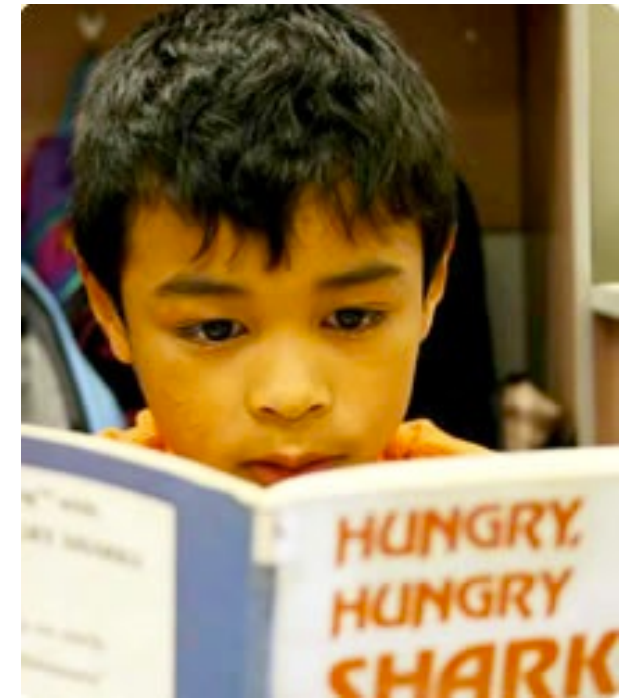
*Improving the educational outcomes for students in the foster care and probation systems.*

# What is FosterEd?

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- FosterEd is an initiative of the National Center for Youth Law, a nonprofit organization that works to ensure that low-income children have the resources, support, and opportunities they need for healthy and productive lives.
- FosterEd's goal is to develop and implement strategies to improve the educational outcomes of youth in foster care and those youth that are involved in the juvenile justice system.
- FosterEd currently works in Indiana, California, Arizona, and New Mexico.
- New Mexico is the first state to incorporate youth involved in the juvenile justice system into this project.



# FosterEd Program Model



# Key Milestones: April 2014 – Present



**April 2014:**  
Joint Education  
Task Force  
recommended  
partnership with  
FosterEd

**October 2014:**  
First convening  
of state-level  
partners

**October 2015:**  
Chief  
Education  
Liaison hired

**February  
2016:**  
Director  
hired

**September  
2014:**  
Pilot site  
investigation  
process began

**May 2015:**  
Lea County  
selected as  
the pilot  
site

**November 2015 –  
February 2016:**  
Processes and  
infrastructure  
developed

**March 2016:**  
Case referrals  
and case  
management  
begin

# FosterEd: New Mexico State and County Partners

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## State-Level Partners

- Children, Youth, and Families Department (CYFD)
- Administrative Office of the Courts (AOC)
- New Mexico Supreme Court
- Public Education Department (PED)
- Pegasus Legal Services for Children
- New Mexico Child Advocacy Networks

## County-Level Partners

- CYFD – Lea County
- Fifth Judicial District Court
- Hobbs Municipal Schools
- Lovington Municipal Schools

# Lea County Demonstration Project

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- FosterEd currently serves:
  - students in foster care who are placed in Lea County and who have child welfare cases originating in Lea County
  - Students on court-ordered probation who are living in Lea County and whose delinquency cases originate in Lea County
- FosterEd Eligible Youth in Lea County (Point-in-time data as of July 1, 2016):
  - School-age children in foster care currently placed in Lea County: 37
  - Court-ordered probation and supervised release in Lea County: 32

# Lea County Demonstration Project

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- Currently serving 42 students
- All 42 students have education goals which are updated regularly and teams consisting of school personnel, family support, and service providers.
- Plan to serve all students in Lea County who are in foster care or on court ordered probation by December 2016

# Total Students Eligible Statewide

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- Protective Services Custody: 2156 children in 2014 (New Mexico Children Youth and Families Department Protective Service Division, 360 Yearly State Fiscal Year 2015, 2016, p.13, available at [https://cyfd.org/docs/360ANNUAL\\_FY15\\_FINAL.pdf](https://cyfd.org/docs/360ANNUAL_FY15_FINAL.pdf)) (note that not all of these children are school-age but many are eligible for early intervention services through the schools)
- Court-Ordered Probation: 557 children in 2014 (New Mexico Children Youth and Families Department, Juvenile Justice Services Annual Report, 2016, p. 26, available at [https://cyfd.org/docs/JJS\\_FY15\\_PRINTMASTER\\_AnnualReport\\_June\\_2\\_2\\_2016.pdf](https://cyfd.org/docs/JJS_FY15_PRINTMASTER_AnnualReport_June_2_2_2016.pdf))



# Every Student Succeeds Act

# About the Every Student Succeeds Act (ESSA)

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- Enacted December 10, 2015
- Reauthorized the *Elementary and Secondary Education Act* (ESEA), originally enacted in 1965 and last reauthorized in 2002, as the *No Child Left Behind Act*.
- For the first time, contains key protections for students in foster care to promote school stability and success, and requires collaboration with child welfare partners.
- ESSA, paired with the 2008 *Fostering Connections to Success and Increasing Adoptions Act*, envisions **dual-agency responsibility** for supporting educational success for foster youth.
- ESSA is an important step forward, but **state and local action is essential** to ensure adequate protections are put in place.

## Why These Protections Are Needed

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- Foster youth are some of the country's most educationally disadvantaged students. Compared to their peers, students in foster care have the highest dropout rates, poorest attendance rates, highest school mobility rates, poorest academic performance of any other group of students. This is true in New Mexico as well.
- Closing the achievement gap for these young people requires a multi-agency approach, involving partnership between state and local education, child welfare, judicial, and community-based agencies.

# Overview of Foster Youth Provisions

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- **Supporting school stability for foster youth.** State education agencies must ensure foster youth remain in their school of origin unless it is not in their best interest.
- **Plans to ensure travel is provided for the student to school.** Local education agencies must adopt and implement clear written procedures as to how foster youth will be transported to their school or origin.
- **Ensuring no delays in enrollment.** When a foster youth is transferred, the new school must immediately enroll the student.
- **Records transfer on time, with the student.** When a foster youth is transferred, the enrolling school must immediately obtain their education records.
- **An administrative champion within state and local education agencies.** State education agencies must designate a foster youth education coordinator; school districts must designate a coordinator if the local child welfare agency has done so.
- **Tracking educational success for students in foster care through data.** States must make public disaggregated achievement data and graduation rates for foster youth.

## Other Important Provisions

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- **Data and Reporting:** State Education Agencies (SEAs) must annually include information on graduation and academic achievement disaggregated for foster youth in their state report cards.
- **Charter Schools:** States receiving charter school grants under Title IV, Part C of ESSA must work with charter schools on recruitment and enrollment practices to promote inclusion of all students, including by eliminating any barriers to enrollment for foster youth and unaccompanied homeless youth.
- **Juvenile Justice Provisions.** ESSA also requires states to ensure certain new protections for students in, and returning to the community from, the juvenile justice system. These include improved access to education inside correctional facilities and support for positive re-entry into the community.



# The Urgency of Implementing Foster and Juvenile Justice Provisions

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Some of the new assurances and protections for students in foster care in Title I **must be in effect by December 2016**, within one year after enactment of ESSA. At that time, a key protection for children in foster care previously available in some states under the definition of “awaiting foster care placement” in McKinney-Vento will disappear for most states.

Because **this is the first time that provisions related to students in foster care are included in federal education law**, and because of the need for the SEA and Local Education Agencies (LEAs) to collaborate with state and local child welfare agencies in a timely manner, it will be critically important to begin state level planning on foster care provisions in 2016.

## Where Additional Clarity is Needed

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- **Aligned Definitions.** Both education and child welfare agencies at the state and local levels must collaborate to ensure educational success of foster youth. We will need shared definitions between both agencies of “School of Origin” and “Child in Foster Care”.
- **Clarity on Data Disaggregation Timeline and Processes.** Because of the need to work across state and local child welfare and education systems to identify students in foster care for purposes of disaggregation, regulations should be clear about consistency of timelines and methods for identifying students in foster care and the scope of academic achievement reporting required.
- **Guidance on Data Definitions and Requirements.** When developing regulations and guidance related to the report cards it is important to remember that data definitions and requirements are critical. For example, requiring the collection of data for children who have spent any time in foster care during a particular timeframe should be considered, given the temporary nature of foster care.



# Statewide Initiatives



# Statewide Initiatives

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- FosterEd: New Mexico works closely with CYFD leadership, the AOC, and the Children's Court Improvement Commission to coordinate initiatives that are developing to improve education outcomes for young people in foster care and in the juvenile justice system.

# Statewide Initiatives: Data Share MOU

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- In 2014, CYFD, PED, and the AOC entered into an MOU to share data about young people in foster care and in the juvenile justice system to track education outcomes.
- In 2016, the results of the initial data share were analyzed and compiled (see *Children's Court Improvement Commission Data Governance Committee Results of Data Exchange*)
- In June 2016, CYFD and PED renewed the MOU to continue ensuring we have good information about education outcomes for young people.

# Statewide Initiatives: Localized Response

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- Meetings convened in each county by district court judges to include school districts, CYFD protective service workers, juvenile probation officers, and service providers.
- Discuss ways to coordinate to ensure school stability, ease of school transfers if necessary, and barriers that each community has identified.
- Meetings have occurred in Bernalillo, Otero, Chaves, and San Miguel Counties.
- Ongoing planning in other counties with the AOC to provide support.

# Statewide Initiatives: Public Funding for Liaisons

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- Need for an education point person to work with young people in foster care and juvenile justice.
- Creative strategies for funding—other states have used a combination of education, child welfare, and public/private partnerships.
- Ongoing discussions with CYFD and PED about funding.

# FosterEd: New Mexico Contacts

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