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LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS
54th Legislature, 1st Session, 2019

Bill Number HM75 **Sponsor** Ruiloba/Dow
Tracking Number .213591.2 **Committee Referrals** HEC
Short Title Foster Care Student Educational Stability
Analyst Stiles **Original Date** 3/6/19
Last Updated _____

BILL SUMMARY

Synopsis of Memorial

House Memorial 75 (HM75) requests for the secretary of Children, Youth, and Families Department (CYFD) and the secretary of Public Education Department (PED) to convene a task force to study the educational stability of students in foster care and make recommendations to CYFD, PED, school districts, charter schools, the LESC, and the Legislative House Health and Human Services Committee (HHHC).

FISCAL IMPACT

Memorials do not contain appropriations, although memorials requesting state agencies to form task forces to conduct studies are likely to have a fiscal impact in terms of staff time, travel, office supplies, and other items.

SUBSTANTIVE ISSUES

HM75 would request for the secretary of CYFD and the secretary of PED to convene a task force including: an employee of PED with a special education background; the foster care point of contact for CYFD; a children's court judge or designee; an urban school district representative and a rural school district representative who is a foster care point of contact; a foster parent or designee; a representative from the New Mexico coalition for state charter schools; and a representative of law enforcement within the school community. The taskforce would study the educational stability of students in foster care by reviewing the requirements of the Fostering Connections to Success and Increasing Adoptions Act of 2008, and Every Student Succeeds Act (ESSA) pertaining to ensuring educational stability for children in foster care.

HM75 would request the task force make recommendations for consideration concerning responsibilities for foster care points of contact for CYFD, PED, school districts, and charter schools; dispute resolution if CYFD and the school district or charter school do not agree on a best-interest determination decision or transportation plan; the establishment of a mechanism through which relevant parties, such as the student, the student's family, the student's immediate

caregivers, whether a foster family or kinship placement, can meaningfully participate in the best interest determination; and transparency around educational stability for students in foster care and training needs for traditional foster care, treatment foster care, residential treatment centers, school districts, foster care case workers, and others.

HM75 requests the findings and recommendations of the task force be presented to the LESC and the HHHC by December 1, 2019. Copies of the memorial would be transmitted to the governor; the chair of the LESC; the chair of the HHHC; the secretary of CYFD; the secretary of PED; and the chair of the Education Committee of the Children’s Court Improvement Commission.

ADMINISTRATIVE IMPLICATIONS

HM75 requests the secretaries of CYFD, and the secretary of PED to create a taskforce which includes representatives from seven agencies.

OTHER SIGNIFICANT ISSUES

According to the U.S. Department of Education (ED), national research shows children in foster care are at high-risk of dropping out of school and are unlikely to attend or graduate from college. The ED notes educational stability for students who are in foster care has been shown to improve educational outcomes. The ED recommends a coordinated effort by education agencies and child welfare agencies to the educational stability requirements of the Fostering Connections Act to improve the educational outcomes for students in foster care.

RELATED BILLS

HB152, Education for Children in Foster Care, would amend sections of the public school code to establish foster care points of contact in every county, distribute a list of points of contact, and provide training to points of contact from CYFD, school districts, charter schools, foster care caseworkers, foster parents, treatment foster care agencies, and residential treatment centers. The bill also details the roles of CYFD, school districts, and charter schools in a best interest determination of a student in foster care.

SOURCES OF INFORMATION

- LESC Files

AMS/mc/mhg