

FACT SHEET: HB 411

Points of Contact for Certain Students

BACKGROUND

Students in foster care and involved in the juvenile justice system often face traumatic changes in their home lives and are repeatedly asked to adapt to new teachers, new classrooms, and new peers. School mobility has negative effects on academic achievement and is associated with dropping out. This

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disruption often results in a loss of school credits, a delay in earning a high school diploma and too often a failure to graduate. Studies show high school students who change schools even once are less than 50 percent as likely to graduate as those who don't change schools. Other studies also suggest that every school move will account for six months of delayed academic achievement and growth.

The Federal Government has begun to address these issues in the Every Student Succeeds Act (ESSA), with new provisions that promote school stability. ESSA requires that students in foster care remain in the same school, if it is in their best interest, requires schools to assist students who move by making sure they are able to enroll in their new school in a timely manner and that their records follow them accordingly.



OVERVIEW

Students in foster care and those involved in the juvenile justice system need ongoing, on-the-ground support to ensure they have opportunities to be successful in school. HB 411¹ will enable each school district to provide continuous educational support to these students and facilitates implementation of, and builds on, the provisions of ESSA.

The State bears a critical responsibility for these students. By creating points of contact in each district, schools will ensure timely enrollment, transfer of record and credits, just as a parent would normally do. Likewise, the point of contact will provide these students an advocate to ensure that these students can participate in all of the programs and services for which they are eligible. By doing so, the state can begin to address the academic attainment gap plaguing system involved students.

SYSTEM-INVOLVED STUDENTS²

For the purposes of HB 411, students are considered system-involved if they are:

1. **Students in foster care** are those placed away from their parent or guardian by the Children Youth and Families Department (CYFD). Placements include: Foster Family homes; foster homes of relatives; group homes; emergency shelters; treatment foster homes; residential facilities; child care institutions; and preadoptive homes. It does not matter if the facility is licensed or paid for by the state, tribal or local agency.



2. **Students involved in the juvenile justice system** as the result of allegations that the student has committed a delinquent offense, including students participating voluntarily or involuntarily in a diversion program, under a consent decree or time waiver, under supervision of CYFD, has recently entered or left a juvenile or criminal justice placement, or is on supervised release or parole.

CFYD is responsible for notifying a school when a student enters foster care or when a student in foster care enrolls in a school.³ The student or the student's educational decision maker may notify a school that the student is involved in the juvenile justice system to obtain support and/or services.

POINT OF CONTACT⁴

Each District will designate a point of contact (POC) for all system-involved students. This addresses the federal requirement that school districts identify a point of contact to support students in foster care and expands this support to students in the juvenile justice system in furtherance of ESSA implementation. HB 411 provides guidance to school districts about how the points of contact can be utilized to



support students including: ensuring that students remain in their school of origin, if it is in their best interest; ensuring that records transfer in a timely manner when students change schools; and helping to develop streamlined communication between systems and individuals involved with the student's educational achievement needs.

Transfers⁵

New District's Responsibilities

When a student transfers into a new school district the POC will be responsible to:

- ensure the student is immediately enrolled regardless of whether the student has their records from their previous school
- within 2 days of enrollment, communicate with the student's previous school to obtain academic and other relevant records



- ensure that the enrolling school performs a timely transfer of the earned credits from the student's previous school
- collaborate with the student's education decision maker and education staff in a juvenile or criminal justice placement to create and implement a transition plan that will minimize disruption to the student's education

Old District's Responsibilities

When a student transfers out of a school district the POC is responsible for providing all records to the new school within two business days of receiving a records request.

Programs, Supports and Services⁶

The point of contact will be an advocate for all students covered by this legislation to ensure that these students can participate in all programs and services they are eligible for. POCs will ensure:

- students have an equal opportunity to participate in sports and extra-curricular activities, career and technical education programs and any other programs the student qualifies for
- students in high school receive timely and on-going assistance from counselors to improve college and career readiness
- receive all special education services and accommodations they are entitled to
- staff are identified to support students throughout their enrollment
- on-going communication among the school, CFYD, the student, the student's court appointed educational decision maker, caregiver, and other supportive individuals identified by the student



- school district staff and teachers have access to training and resources on meeting the educational challenges facing system-involved youth including trauma informed practices and the impact of trauma on learning

EDUCATION DECISION MAKER⁷

HB 411 also included in New Mexico law a definition of education decision maker. The education decision maker is an individual appointed by the children's court to make decisions about the child's education that the law normally reserves for the parent, including decisions about the student's educational setting and the development and implementation of an individual education plan for the child. This appointment ensures that there is a clear decision maker identified for each student in foster care to support their continuity of education.

¹ Codified at NMSA § 22-13-33 and NMSA §32A-4-2(E).

² See, NMSA § 22-13-33(A).

³ See NMSA § 22-13-33(G) & (H).

⁴ NMSA § 22-13-33 (B).

⁵ NMSA § 22-13-33 (C) & (D).

⁶ NMSA § 22-13-33 (E) & (F).

⁷ See, NMSA §32A-4-2(E).