

**ASSIGNMENT OF AT-RISK STUDENTS
TO CLASSES AND PROGRAMS**

The Superintendent shall designate an individual to serve as a point of contact (POC) for students who have experienced a “disruption in their education” including students in foster care and students involved in the juvenile justice system in accord with definitions in Chapter 22, Article 13, Section () NMSA 1978.

Definitions

“A student who has experienced disruption in the student’s education” means a student who has experienced one or more changes in school or school district enrollment during a single school year as the result of:

- homelessness as defined in the federal McKinney-Vento Homeless Assistance Act as determined by the school or school district;
- adjudication:
 - as an abused or neglected child as determined by the children, youth and families department (CYFD) pursuant to the Abuse and Neglect Act;
 - as part of a family in need of court-ordered services or voluntary placement pursuant to the Family Services Act; or
 - as a delinquent if the parent wishes to disclose the adjudication of delinquency.
- placement in a mental health treatment facility or habilitation program for developmental disabilities pursuant to the Children's Mental Health and Developmental Disabilities Act or placement in treatment foster care.

“Foster care” means twenty-four-hour substitute care for a student placed away from the student’s parents or guardians and for whom CYFD has placement and care responsibility, including:

- placements in foster family homes,
- foster homes of relatives,
- group homes,
- emergency shelters,
- treatment foster homes,
- residential facilities,
- child care institutions, and
- pre-adoptive homes.

“Involved in the juvenile justice system” means a student who has been referred to CYFD due to allegations that the student has committed a delinquent offense and voluntary or involuntary conditions have been imposed on the student, including:

- a student who is participating in a diversion program,
- is under a consent decree or time waiver,
- is currently supervised by CYFD,
- has recently entered or left a juvenile or criminal justice placement, or
- is on supervised release or parole.

Point of Contact (POC) Responsibilities

For students transferring *into* the school district, the POC shall be responsible for:

- ensuring that a student is immediately enrolled regardless of whether the records normally required for enrollment are produced by the last school the student attended or by the student;
- ensuring that the enrolling school communicates with the last school attended by a transferring student to obtain relevant academic and other records within two business days of the student's enrollment;
- ensuring that the enrolling school performs a timely transfer of credits that the student earned in the last school attended; and
- collaborating with the education program staff in a juvenile or criminal justice placement and the educational decision maker appointed by the children's court to create and implement a plan for assisting the transition of a student to the school district to minimize disruption to the student's education.

For students transferring *out* of the school district, the POC shall be responsible for providing all records to the new school within two business days of receiving a request from the receiving school.

For students in foster care, the POC shall be responsible for:

- complying with state policies and developing school district or charter school policies in collaboration with CYFD for:
 - best interest determinations about whether the student will remain in the school of origin;
 - transportation policies to ensure that students receive transportation to their school of origin if it is in their best interest to remain in the school of origin; and
 - dispute resolution;
- convening or participating in best interest determination meetings in collaboration with CYFD pursuant to state policies and the school district's policies; and
- ensuring that transportation occurs to the student's school of origin pursuant to the school district's or charter school authorized by the department's policies and in compliance with state policies.

For students in foster care and students involved in the juvenile justice system, the POC shall be responsible for:

- ensuring that a student has equal opportunity to participate in sports and other extracurricular activities, career and technical programs or other special programs for which the student qualifies;
- ensuring that a student in high school receives timely and ongoing assistance and advice from counselors to improve the student's college and career readiness;
- ensuring that a student receives all special education services and accommodations to which the student is entitled under state and federal law;
- identifying school staff at each school site who can ensure that students are appropriately supported throughout their enrollment;

- supporting communication among the school; the CYFD; the student; the student's educational decision maker appointed by the children's court; caregivers; and other supportive individuals that the student identifies to ensure that the responsibilities listed in this subsection are implemented; and
- ensuring that other school staff and teachers have access to training and resources about the educational challenges and needs of system-involved youth, including trauma-informed practices and the impact of trauma on learning.

For high school students, the POC shall ensure:

- the student's priority placement in classes that meet state graduation requirements;
- the student's timely placement in elective classes comparable to those the student was in at the previous school upon verification by records received;
- acceptance of the student's state graduation requirements for a diploma of excellence pursuant to the Public School Code;
- equal access to participation in sports and other extracurricular activities, career and technical programs or other special programs for which the student qualifies;
- timely assistance and advice from counselors to improve the student's college or career readiness; and
- the student receives all special education services to which the student is entitled.

Notification Responsibilities

- The CYFD shall notify a school when a student in the school enters foster care or a student in foster care enrolls in a school.
- 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 services from the point of contact.

Adopted: date of manual adoption

LEGAL REF.: 22-13-__ NMSA 1978
42 U.S.C. 11301, McKinney-Vento Homeless Assistance
Act of 2001

CROSS REF.: IKEB - Acceleration
JFAA - Admission of Resident Students
JFAB - Admission of Nonresident Students
JFABD - Admission of Homeless Students
JFB - Open Enrollment
JG - Assignment of Students to Classes and Grade Levels
JLCB - Immunizations of Students
JR - Student Records
JRCA - Request for Transfer of Records