

**HOUSE BILL 447**  
**TRACK CHILDREN BETWEEN  
SCHOOL & CYFD  
TASK FORCE**

Sponsors:

Representative Linda Trujillo  
Representative Andrea Romero



Children Youth & Families Department

**FINAL REPORT TO THE  
LEGISLATIVE EDUCATION STUDY  
COMMITTEE**

January 21, 2020

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## INTRODUCTION

Pursuant to House Bill 447 (HB447) (Section [22-2C-11](#) NMSA 1978), the New Mexico Public Education Department (PED) and the Children, Youth, and Families Department (CYFD) have convened a task force to develop and provide recommendations with regard to a shared student tracking system. The statute (cited below) requires this report to the Legislative Education Study Committee (LESC).

### **22-2C-11.1. Student identification number unique to that student.**

The student identification number required pursuant to Section [22-2C-11](#) NMSA 1978 shall be unique to each student and shall not be used or assigned to another student. That number shall be on all forms, student records, transcripts and databases in which a student is identified by name. A student shall be assigned only one identification number. It shall be the responsibility of every school district and charter school in the state to determine if the student has ever enrolled previously in a public school in New Mexico, and school districts and charter schools shall use the original student identification number.

**History:** [Laws 2019, ch. 195, § 1.](#)

**Temporary provisions.** — [Laws 2019, ch. 195, § 2](#) provided that:

- A. The public education department and the children, youth and families department shall develop a compatible student-child tracking system that is usable among public schools, the public education department and the children, youth and families department and local offices. The departments shall consider if there are other users that should be included in the system.
- B. The departments shall convene a task force of public school personnel; school and children, youth and families department social workers; juvenile probation and parole personnel; children's court judges or their designees; and child advocates. The task force, with the assistance of systems analysts from the two departments and the department of information technology, shall develop the tracking system. Task force members shall be appointed by the secretaries of public education and children, youth and families.
- C. The task force shall work to develop a tracking system that:
  - (1) provides for real-time reporting; and
  - (2) allows for the cross-checking of the student identification number assigned by a New Mexico public school pursuant to Section [22-2C-11](#) NMSA 1978, the uniform case number required by Section [32A-201](#) NMSA 1978 for neglected and abused children and any other identification numbers used by the children, youth and families department for other children it serves.
- D. The task force shall report to the legislative education study committee with its design and recommendations for implementation of the tracking system by December 1, 2019.

## TASK FORCE MEMBERS

The following individuals have been appointed by the secretaries of PED and CYFD to serve on the said task force:

### **Public school personnel**

Superintendent Dana Sanders

### **Children's court judges or their designees**

Judge Angie Schneider

### **Child advocates**

Bette Fleishman, Pegasus Legal Services for Children

Jerri Katerman, Pegasus Legal Services for Children

**CYFD Office of the Secretary**

Helen Quintana

**CYFD Protective Services**

Xuan Le

**CYFD Information Technology**

Jeffrey Toliver

**CYFD Juvenile Probation**

William Romero

**PED Information Technology**

Richard Trujillo

**PED Safe and Healthy Schools**

Greg Frostad

**PED Policy**

Heidi Macdonald

## TASK FORCE GOAL

The goal of the HB447 task force is to develop and provide recommendations for a tracking system that makes real-time reporting available; and allows for the cross-checking of the student identification number assigned by a New Mexico public school.

## TASK FORCE ACTIVITIES

The HB447 task force had its initial meeting on November 13, 2019. Discussion ensued on the group's main goal as outlined in statute. There was also discussion on what data systems currently exist in each of the two agencies (PED and CYFD) and what opportunities could be leveraged to inform program and policy decisions. The group discussed the need for continuity in a student's education and the need to provide additional services when schools are aware of a young person's involvement with CYFD. There is a shared understanding that when a young person is involved with CYFD's Protective Services or Juvenile Justice Services, he or she is likely to have experienced adverse childhood experiences (ACEs) and intervention may help the young person succeed in his or her education and in the community. Tracking a student's movement allows the state to follow the student's progress, analyze programs, make operational decisions, and provide necessary support systems to the student, while maintaining the student's privacy.

A unique identifier, shared across agencies, can assist in providing a comprehensive evaluation of the student. The Education Commission of the States provided the task force with information on states who have developed unique identifiers for the purposes outlined above. The five states/jurisdictions are: Colorado, District of Columbia, Illinois, Rhode Island, and Washington. These states have developed the unique identifiers and integrated client databases or data sharing through memoranda of understanding or centralized data systems.

The following points were also discussed:

- 1) the PED currently assigns all public school students with a unique ID that shall never be used for another student;
- 2) the unique student ID follows the student from school to school through enrollment/disenrollment entries;
- 3) the task force discussed HIPAA and FERPA regulations and how those federal regulations will influence the work of the task force; and

- 4) the task force considered what data or educational records the PED has that would be germane to the collaborative CYFD/PED effort to track children through both agencies.

The task force held its second meeting on November 26, 2019. Representative Linda Trujillo was in attendance to provide additional information with regard to the intent of the legislation. The bill sponsors want state agencies (specifically PED and CYFD) to be able to use real-time data to identify students who may have excessive absenteeism as this could be an indicator of stressors in the family and/or adverse childhood experiences. This data can be used to identify the student and provide services responsive to the needs of the student.

Other items discussed included the need to:

- 1) determine what recommendations would be included in the final report;
- 2) present an initial report to the LESC at their next scheduled interim meeting (December 18-20);
- 3) determine the potential cost associated with this legislation;
- 4) identify and provide recommendations to solve the gaps in real-time reporting;
- 5) identify any other statutes that may require amendments as a result of this legislation (conflicts, duplicates, etc.); and
- 6) provide the final report to the LESC prior to the next legislative session (January 21, 2020).

During its third meeting on December 10, 2019, Sean Pearson, Chief Information Officer from the New Mexico Human Services Department presented on the Health and Human Services 2020 information system currently under development. The purpose of this presentation was to determine whether this new system (that will also be utilized by CYFD) can be used for the purpose of this tracking system.

Discussion also included:

- 1) the need to require non-public schools to provide data so that the tracking system is all inclusive;
- 2) the need for the system to provide demographic data to CYFD to better locate and serve the student;
- 3) whether the system should provide a dashboard of information and would this necessitate using a specific search engine;
- 4) the need to define procedures for its use and to develop training for end users; and
- 5) the need to ensure the safeguarding of data

During its final meeting on January 7, 2020, the task force discussed confirming the final recommendations for its initial report to the LESC. Discussion ensued on the following topics: the cost of allowing private schools to become a part of the real-time tracking system; development of a memorandum of understanding with BIE-funded schools to become a part of the real-time tracking system; the requirement for student who are home schooled to obtain a unique student identification number; and the projected funding needed to create and implement the real-time tracking system.

## SUBSTANTIVE RECOMMENDATIONS

The task force recommends:

- 1) A legislative appropriation of at least \$250,000 to the PED to develop a real-time New Mexico student tracking system for the CYFD, PED, and New Mexico schools that:
  - a. notifies appropriate users when a K-12 student who has not yet reached the age of majority:

- i. transfers out of a school but has not enrolled in another New Mexico school within ten days; or
      - ii. is considered at high risk of abuse, neglect, or delinquency as determined by either the Juvenile Justice System (JJS) or by Child Protective Services (CPS) of CYFD;
    - b. uses the unique student identification number generated by the PED to identify matched students within the real-time New Mexico student tracking system. The unique student identification number will never be assigned to another student and follows the student across schools and districts;
    - c. hosts CYFD client demographic data, a JJS high-risk data field, and a CPS high-risk data field on the PED's data system to support the real-time New Mexico student tracking system, with daily data uploads;
    - d. has a web-based user interface available to appropriate PED, CYFD, and school staff;
    - e. provides for the input of the unique student identification number and the output of the current or last New Mexico school and district in which the student was enrolled;
    - f. sends an email to the superintendent or director and an alternate representative of a school when the real-time New Mexico student tracking system identifies a student who is at a high risk of abuse, neglect, or delinquency;
    - g. sends a daily report to CYFD's statewide central intake (SCI) with a list of K-12 student names and demographic data for students K-12 who have not yet reached the age of majority and either:
      - i. disenrolled from a New Mexico school in order to enroll in another New Mexico school (or home school) but who have not enrolled in another New Mexico school (or home school) within ten days of disenrollment (withdrawal codes W1, W8, or W81); or
      - ii. were disenrolled for 10 consecutive absences (withdrawal code W2); or
      - iii. were detained in a court-ordered facility, were long-term suspended or were expelled (withdrawal code W5); or
      - iv. were disenrolled for lack of immunization (withdrawal code W9); and
    - h. provides for the ability of CYFD staff to search for individual student demographic data after having certified that there is either:
      - i. a health or safety emergency; or
      - ii. the demographic data is being released to state or local authorities, within a juvenile justice system, pursuant to a specific state law.
- 2) Development of state statute requiring private schools to participate in the PED's real-time enrollment data reporting for K-12 students who have yet to reach the age of majority.
- 3) That the PED develops an MOU with Bureau of Indian Education (BIE) schools and tribally controlled schools such that the BIE and tribally controlled schools participate in PED's real-time enrollment data reporting for K-12 students who have yet to reach the age of majority.
- 4) That the PED and CYFD jointly present the benefits of the proposed MOU and the real-time New Mexico student tracking system to Native American tribes and tribal organization at the Indian Affairs Department's 2020 tribal summit or at the PED's Indian Education Division's Government to Government meeting.
- 5) That through state statute or administrative regulation all K-12 students who have yet to reach the age of majority and who register as home school students receive a unique student

identification number generated by the PED should the students not already have a state-issued unique identification number from the PED.

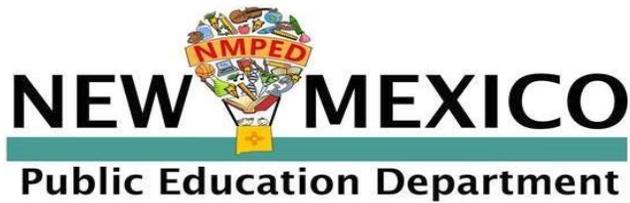
6) That through state statute or administrative regulation a requirement be created for the homeschool student database maintained by the PED be linked to the real-time New Mexico student tracking system.

7) Development of a statute or rule requiring a New Mexico school counselor, social worker or administrator to meet with students identified through the real-time New Mexico student tracking system as being at high risk of abuse, neglect, or delinquency to assess the wellbeing and safety of the students.

8) Changing the term “tracking” in the legislation to another term that is less intimidating, such as, “identifying.”

## APPENDIX A: AGENDAS AND MINUTES

1. November 13, 2019
2. November 26, 2019
3. December 10, 2019
4. January 7, 2020



## **House Bill 447 Task Force Meeting**

Public Education Department

300 Don Gaspar Avenue

Mabry Hall

Wednesday, November 13, 2019

1:00 p.m. – 3:00 p.m.

- I. Introductions
- II. Overview of the following topics:
  - a. House bill 447
  - b. Current structures/mechanisms in place
  - c. Opportunities/concerns for an integrated tracking system
  - d. Access/funding for an integrated tracking system
  - e. Research
- III. Discussion and feedback
  - a. Design recommendations
  - b. Implementation recommendations
  - c. Other concerns
- IV. Next steps
- V. Conclusion

## HB447 TASK FORCE MEETING NOTES

**Date:** Wednesday, November 13, 2019

**Time:** 1:00 PM – 3:00 PM

**Facilitator:** Heidi Macdonald – Policy Analyst

Tina Tenorio – Note taker

### In Attendance

Jerri Katzerman – Pegasus Legal Services

Dr. Jeffrey Toliver – CYFD

William Romero – CYFD/JJS

Greg Frostad – PED/SHSB

Helen Quintana – CYFD

Bette Fleishman – Pegasus Legal Services

Richard Trujillo – PED

Xuan Le-Ferris – CYFD/PS

Angie Schneider – Judge (via phone)

Meeting started at 1:07 PM

The discussion began regarding a student who was dis-enrolled from one school district and his guardian did not re-enroll the student in another school district. The student was lost in the system, and the student was killed approximately seven months after the student's dis-enrollment. Questions arose as to whether there is a system or database that can track a student once the student has left school.

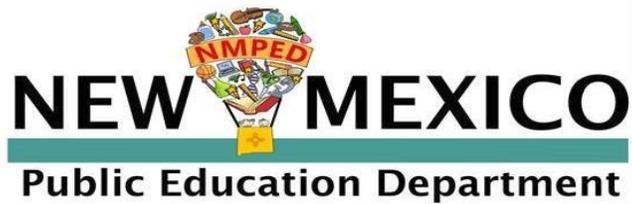
It was noted the integrated tracking system could be used to flag a student if the student is in CYFD or state custody, under probation, or is missing. The tracking system would allow agencies and LEAs, both of which are isolated from one another, to become less siloed. There were different data points discussed that the tracking system could collect, such as a student's name, date of birth, address, social security number, and the names of the student's legal guardian(s). CYFD staff shared the data points which they currently use in the department's system, including demographic information. It was discussed the task force should define a process and plan with data points that could be used in this centralized, integrated tracking system. It was also noted the tracking system needs to be secure and confidential. Training on the tracking system will also be needed.

A task force member asked what the definitions were for "real-time reporting" and "cross-checking." A PED task force member stated the department is moving toward a real-time data system, which would hopefully eliminate the gaps in the current system. As of this school year, the department receives information on students during the 40-day, 80-day, and 120-day student counts. A CYFD task force member noted the tracking system could track and assess "risk." In addition to these concerns, task force members determined the following data points and concerns were warranted: what is the data, impact, and benefits from the integrated system?; what are the data analytics?; who is the audience?; and who is queried and part of the plan?

Next, a task force member questioned if there was a deadline for the task force to submit the report to the LESC. It was noted that December 1, 2019 is the deadline to submit a report to the LESC. The task force members agreed to send an initial report to the LESC by the first week of December.

CYFD members reported the department has to be cautious of what information is given out, especially regarding individuals with disabilities. Task force members agreed that only certain people would have access to the information in the tracking system.

The next meeting for the task force is scheduled for November 26, 2019 from 1-3 in Mabry Hall. The task force has requested to hear the background of House Bill 447 from the bill's sponsors.



## **House Bill 447 Task Force Meeting**

Public Education Department  
300 Don Gaspar Avenue  
Mabry Hall

Tuesday, November 26, 2019 1:00  
p.m. – 3:00 p.m.

- VI. Introductions
  
- VII. Conversation with Representative Linda Trujillo and Representative Andrea Romero on House Bill 447
  
- VIII. Discussion and feedback
  - a. Draft report and deadline
  - b. Request presentation before the Legislative Education Study Committee
  - c. Final report and deadline
  
- IX. Next steps
  - a. Proposed meeting dates
  
- X. Conclusion

## HB447 TASK FORCE MEETING NOTES

**Date:** Tuesday, November 26, 2019 **Time:**

1:00 PM – 3:00 PM

**Facilitator:** Heidi Macdonald – Policy Analyst

Tina Tenorio – Note taker

### In Attendance

Dr. Jeffrey Toliver – CYFD

Helen Quintana – CYFD

Richard Trujillo – PED

Xuan Le-Ferris – CYFD/PS (via zoom)

Angie Schneider – Judge (via zoom)

Bette Fleishman – Pegasus Legal Services (via phone)

State Representative Linda Trujillo

Meeting started at 1:23 PM

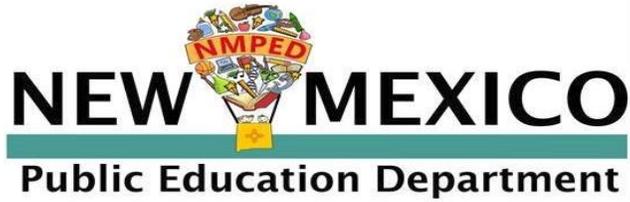
State Representative Linda Trujillo revealed the background behind House Bill 447. It was in honor of Jeremiah Valencia, a student who was lost in the system between school districts and who ultimately was murdered. She, along with a few other folks, wanted to create a solution so this heartbreak would never happen again. The bill is the result of this work with other legislative members and school districts. The Representative mentioned there may be concerns along the way in creating an integrated tracking system, including those related to FERPA, technology, and financial resources. Additionally, the term “tracking” may not be the best term for this system.

As a result of the discussion, questions were posed regarding if a student is absent a set number of days, does the PED have a mechanism to red flag this to school districts and how is FERPA intertwined with this tracking system. It was also noted that FERPA (Family Educational Rights and Privacy Act of 1974) is federal legislation in the United States that protects the privacy of students' personally identifiable information (PII). The act applies to all educational institutions that receive federal funds.

The Representative asked if there are any laws that needed to be updated, amended, or created to address any concerns about the integrated tracking system. The Representative wanted to ensure this is mandated for the appropriate, responsible parties. Additionally, she noted it would be great to track a student who is homeschooled or if the student has obtained her or his GED. A PED task force member mentioned the department can track certain groups of students for different reasons. For instance, Native American students can miss multiple days for cultural or religious events and the department currently tracks these absences.

Regarding the report, the Representative stated it was sufficient to send an initial (draft) report to the LESC the first week of December. However, the final report is due to the LESC before the 2020 legislative session begins. She also suggested the task force reach out to the LESC director to see if there was time available on the LESC's December agenda to present on what the task force has accomplished thus far.

The next task force meeting is set for December 10, 2019 from 11:30-1:30 at the CYFD offices. A representative from HSD has been invited to present on the HHS 2020 information system. The task force will also receive recommendations on the integrated tracking system from task force members for the final report compilation.



**House Bill 447 Task Force Meeting**  
Children, Youth & Families Department  
Old PERA Building, Room 565  
1120 Paseo de Peralta, Santa Fe

Tuesday, December 10, 2019  
11:30 a.m. – 1:30 p.m.

- I. Introductions
- II. Discussion and Feedback on Final Report and LESC Presentation
  - a. LESC presentation on 12/19/19 (time/date change)
  - b. Final recommendations for final report
  - c. Final report due to LESC by 1/21/20
- III. HHS 2020 Presentation and Discussion with HSD's Sean Pearson
- IV. Next steps
- V. Conclusion

## HB447 TASK FORCE MEETING NOTES

**Date:** Tuesday, December 10, 2019

**Time:** 1:00 PM – 3:00 PM

**Facilitator:** Heidi Macdonald – Policy Analyst

Tina Tenorio – Note taker

### In Attendance

Dr. Jeffrey Toliver – CYFD

Helen Quintana – CYFD

Richard Trujillo – PED

William Romero – CYFD

Jerri Katzerman – Pegasus Legal Services

Xuan Le-Ferris – CYFD/PS (via phone)

Angie Schneider – Judge (via phone)

Bette Fleishman – Pegasus Legal Services (via phone)

Dana Sanders – Los Lunas Public Schools (via phone)

Meeting started at 11:35 AM

Task force members began discussion regarding the upcoming presentation to the LESC, including specific elements the group would like to focus on. It was also discussed who would be presenting and who should be present if certain questions arise from the LESC.

It was recommended the task force meet one final time before the final report is due to the LESC.

January 6 or January 7 were proposed dates. In preparing for this final task force meeting, task force members noted certain people who are involved with information technology, including task force IT members and staff members from the New Mexico Department of Information Technology, should be included in the discussion of the final report regarding IT funding amounts and IT recommendations.

Both PED and CYFD are moving forward with new IT systems. It was discussed how and if the new IT tracking system would be based on collaboration with the new IT systems or if a new system would be recommended altogether. Task force members suggested that based on cost, it would be most beneficial to move forward with recommendations on utilizing the new IT systems going forward. Additional information was also discussed on recommendations for the new IT tracking system, including on the components of a dashboard, vendors, audience, student demographic information, and if the new IT tracking system will provide an analysis or risk assessment of certain students if particular criteria is met. It was also discussed if PED should seek to become involved with the HHS 2020 system, which is the new system CYFD will become involved with.

Task force members discussed concerns with an IT tracking system, including: (1) safeguarding student information; (2) defining a process after an entity receives notification; (3) losing track of students between school years and what is the process so this does not happen; (4) realizing that certain student populations cannot easily be tracked, including students who are home schooled, attend Bureau of Indian Education or tribally-controlled schools, or students who attend private or parochial schools;

and (5) what agency or agencies are responsible for creating, implementing, and sustaining the new IT tracking system.

Sean Pearson from the New Mexico Human Services Department provided a detailed presentation on the HHS 2020 information system, how it will be funded, how it will operate in collaboration with federal and state partners, its data capabilities, its data governance council, and safeguarding data. Mr. Pearson answered questions from task force members. He was also invited to join the task force in its last meeting to discuss recommendations for the final report of the task force.



**House Bill 447 Task Force Meeting**  
Children, Youth & Families Department  
Old PERA Building, Room 565  
1120 Paseo de Peralta, Santa Fe

Tuesday, January 7, 2020  
1:30 p.m. – 3:30 p.m.

- VI. Introductions
  
- VII. LESC Presentation Discussion
  
- VIII. Discussion and Feedback on Final Report
  - d. Final recommendations for final report
  - e. Final report due to LESC by 1/21/20
  
- IX. Conclusion

## HB447 TASK FORCE MEETING NOTES

**Date:** Tuesday, January 7, 2020

**Time:** 1:30 PM – 3:30 PM

**Facilitator:** Heidi Macdonald – Policy Analyst

Tina Tenorio – Note taker

### In Attendance

Helen Quintana – CYFD

Greg Frostad – PED

William Romero – CYFD

Richard Trujillo – PED (via phone)

Dr. Jeffrey Toliver – CYFD (via phone)

Jerri Katzerman – Pegasus Legal Services (via phone)

Xuan Le-Ferris – CYFD/PS (via phone)

Angie Schneider – Judge (via phone)

Dana Sanders – Los Lunas Public Schools (via phone)

Meeting started at 1:30 PM

PED staff discussed edits that are needed prior to final submittal of the initial report to the LESC. One of the sponsors of the bill wanted information on the funding element of the real-time tracking system, which was discussed at a prior task force meeting.

Task force members were concerned about the projected cost of the real-time tracking system, especially the cost of including private schools, BIE-funded schools, and students who are home schooled. Discussion also ensued on the recommendations to include private schools, BIE-funded schools, and students who are home schooled in the real-time tracking system. Regarding private schools, concerns were raised regarding how the system could require private schools, who are not currently under the purview of PED, to include their students in the real-time tracking system. Regarding BIE-funded schools, concerns were raised regarding the requirement to include BIE and tribally controlled students in the system and the costs associated with this. Finally, concerns with students who are home schooled were raised, including the requirement for such students to have a unique student identification over the objections of the parents and the costs associated with this.

CYFD staff discussed a prior memorandum of understanding between CYFD and PED.

PED staff stated the department could investigate if it is feasible to add information into the current memorandum of understanding with BIE-funded schools for data sharing with the new system.

Finally, projected amounts for the funding were discussed. PED staff will follow up on a final projected number after internal discussions.