

# Child Welfare Laws and Educational Provisions

Virtual Convening for SEA Foster Care Points of Contact  
August 3-5, 2020



# Purpose of Child Welfare

- Promote the well-being, permanency, and safety of children and families
  - Helping families care for their children successfully
  - Helping children find permanency with kin or adoptive families when safety cannot be ensured at home
- The Children's Bureau, within the U.S. Department of Health and Human Services (DHHS), Administration for Children and Families (ACF), works with State and local agencies on developing and implementing programs that focus on child welfare services

# Child Welfare Legislation & Data Collection

- Titles IV-B and IV-E of the Social Security Act as amended by the Fostering Connections to Success and Increasing Adoptions Act of 2008
- Family Educational Rights and Privacy Act (FERPA)
- Uninterrupted Scholars Act of 2013 (USA)
- Every Student Succeeds Act (ESSA)
- Adoption and Foster Care Analysis and Reporting System (AFCARS)
- National Youth in Transition Database (NYTD)
- National Child Abuse and Neglect Data System (NCANDS)
- Comprehensive Child Welfare Information System (CCWIS)

# Fostering Connections to Success and Increasing Adoptions Act of 2008

- Amended titles IV-B and IV-E of the Social Security Act
- Child Welfare Agencies (CWAs) must include certain education records in a child's written case plan including:
  - the most recent names and addresses of the child's educational providers
  - the child's grade level performance
  - the child's school record
  - other relevant education information that the CWA has determined is appropriate to include in the case plan
- P.L. 110-351

# Family Educational Rights and Privacy Act (FERPA)

- Protects the privacy of student education records, and permits disclosure without consent of Personally Identifiable Information (PII) from the education records of students in foster care placement to those representatives of CWAs or tribal organizations who are authorized to access the student's case plan when the CWA or organization is legally responsible for the care and protection of the student when the CWA or organization is legally responsible for the care and protection of the student
- 20 U.S.C. § 1232g; 34 CFR Part 99

# Uninterrupted Scholars Act of 2013

- Amended FERPA to allow child welfare agencies, with the assistance of educational agencies, to better meet the educational needs of children and youth in the child welfare system.
- Permits CWAs that have responsibility for children's placement and care, with direct access to the children's education records
- Allows child welfare agencies to use educational records for research studies to improve educational outcomes for students in foster care
- Eliminates the need for duplicative notice to parents and the resulting delays in transferring students' educational records
- 20 U.S.C. § 1232g; 34 CFR Part 99

# Examples of Data Categories

## Supporting Education Outcomes

Data Category	How the Data Category Supports Education Outcomes
<b>Child Welfare Agency (CWA) Details</b>	Identify who makes the needed legal decisions for the child and guides communications with the parents and the case manager may be the point of contact for educational decisions.
<b>Placement details</b>	Inform the school of the child's caregivers, location, and living situation
<b>Enrollment information</b>	Helps assess school stability.
<b>Transportation details</b>	Helps determine which agency will provide the transportation arrangements, date of agreement and any costs.
<b>Attendance</b>	<ul style="list-style-type: none"> <li>• Assess attendance patterns (for example, rates of chronic absenteeism) for children and youth in foster care compared to peers who are not involved in child welfare.</li> <li>• Child welfare caseworkers may proactively address attendance concerns as they arise.</li> </ul>
<b>Performance Records</b>	<ul style="list-style-type: none"> <li>• Assess strategies and interventions for improving educational outcomes (grades, test results, etc.) of children in foster care.</li> <li>• Child welfare caseworkers may support children and youth in achieving education goals if they have data.</li> </ul>
<b>Additional services and supports</b>	<p>Achieving goals and consistency of supports</p> <ul style="list-style-type: none"> <li>• For example, if a child uses assistive technology outside of school, then CWAs may reinforce and encourage the use of these learning supports.</li> <li>• Ensure continuity of supports and services between foster parents in the scenario that a child changes foster parents or if child's behavior leads to school discipline.</li> <li>• Promote attendance and participation in annual IEP or Section 504 review meetings for birth parents and foster parents.</li> </ul>

# Every Student Succeeds Act of 2015

- Requires State Education Agencies (SEAs) and Local Education Agencies (LEAs) to work with child welfare agencies to ensure the educational stability of children in foster care.
  - Educational stability means ensuring that a child in foster care remains in his or her school of origin, unless it is determined that remaining in the school of origin is not in that child's best interest
  - If it is not in the child's best interest to stay in his or her school of origin, the child is immediately enrolled in the new school even if the child is unable to produce records normally required for enrollment
- The new enrolling school immediately contacts the school of origin to obtain relevant academic and other records. (ESEA section 1111(g)(1)(E)(i)-(iii)).
- CWA and LEA collaborate on arranging transportation for children in foster care.
- Each SEA must designate a point of contact for child welfare agencies to oversee the implementation of the Title I educational stability provisions for children in foster care.
- P.L. 110-351



# Child Welfare Reporting Systems

- Adoption and Foster Care Analysis and Reporting System (AFCARS)
  - Collects case-level information from state and tribal title IV-E agencies on all children in foster care and those who have been adopted with title IV-E agency involvement
  - Title IV-E agencies are required to submit AFCARS data twice a year.
- National Youth in Transition Database (NYTD)
  - Collects information about youth in foster care, including outcomes for those who have aged out of foster care.
- National Child Abuse and Neglect Data System (NCANDS)
  - Voluntary data collection system that gathers information from all 50 states, the District of Columbia, and Puerto Rico about reports of child abuse and neglect.

# Comprehensive Child Welfare Information System (CCWIS)

- Promotes data sharing with other agencies;
  - All States and Tribes operate a child welfare automated system. If they declare their system to be a CCWIS, they are required to implement a bi-directional data exchange with education agencies to collect and share education data, where practicable
    - 45 CFR 1355.52 (e)(2)(vi)
- Requires quality data (timely, accurate, and complete)
- Allows agencies to build systems tailored to their needs

# Children's Bureau Resources

- [Children's Bureau Reporting Systems](#)
- [Division of State Systems](#)
- [Educational Stability for Children and Youth in Foster Care](#)
- [State Foster Care Managers](#)
- [Children's Bureau Regional Program Managers](#)

# Contact Us...

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