



***SHARING DATA TO SUPPORT
STUDENTS IN FOSTER CARE***

COMBINED FEDERAL PROGRAMS MEETING

DECEMBER 6 – 7, 2018 | WASHINGTON, DC

OBJECTIVES

- Understand the requirements of the Elementary and Secondary Education of 1965, as amended by the Every Student Succeeds Act (ESEA), related to data collection and reporting for students in foster care;
- Understand the legal framework governing child welfare agencies' abilities to collect and share data on students in foster care;
- Discuss the importance of maintaining data on students in foster care; and
- Identify potential mechanisms/tools to govern data-sharing between child welfare and educational agencies.

AGENDA

1. Welcome, objectives & introductions
2. The case for data sharing
3. Data and reporting requirements for State educational agencies (SEAs) and local educational agencies (LEAs)
4. Child welfare laws and educational provisions
5. Approaches to data-sharing across agencies
6. Next steps & resources



PRESENTERS

- Bryan Thurmond, Office of State Support, U.S. Department of Education
- Megan Oberst, Office of State Support, U.S. Department of Education
- Liliana Hernandez, Administration on Children & Families, U.S. Department of Health & Human Services
- Terry Watt, Administration on Children & Families, U.S. Department of Health & Human Services
- Kathleen McNaught, American Bar Association's Legal Center for Foster Care & Education



THE CASE FOR DATA SHARING

- Children in foster care have an increased likelihood of grade retention, gaps in academic achievement, lower graduation rates, and lower post secondary enrollment.
- Accurate educational outcome data for children in foster care is lacking nationally; there has been a shift in focus on data collection as a result.
- Data sharing among SEAs, LEAs, and child welfare agencies can provide a more comprehensive understanding of the educational outcomes for children in foster care.

WHAT DATA DO WE NEED?





Data and Reporting Requirements for SEAs and LEAs



DATA & REPORTING REQUIREMENTS FOR SEAS AND LEAS

- All State and LEA report cards must include information on student achievement on the State's reading, mathematics, and science assessments at each level of achievement as determined by the State under section 1111(b)(1) of the ESEA, for all students and disaggregated by subgroup, *including status as a child in foster care.*
- State and LEA report cards must also include information on student performance on the other academic indicator for public elementary and secondary schools that are not high schools and high school graduation rates for all students and disaggregated by subgroup, *including status as a child in foster care.*

ESEA sections 1111(h)(1)(C) and (h)(2)(C)(ii).



EXAMPLES OF EDUCATION DATA CATEGORIES

Data Category	How it Supports Child Welfare
Enrollment information , such as school district, school building and grade that a child or youth is enrolled in.	Can be used to assess school stability of children in foster care.
Attendance , such as days the child or youth is absent.	Can be used to compare attendance pattern with children in foster care compared to their peers who are not involved in child welfare.
School discipline details, such as incidents and days of suspension and expulsion.	Can be used to inform decisions about school placements and the service needs of the child and family.
Performance Records , such as course grades, grade point averages (GPAs), standardized test scores, etc.	Can be used to evaluate the effectiveness of strategies and interventions aimed at improving the educational outcomes of children in foster care.
Additional services and supports , such as indicators for children and youth who have an individualized education plan (IEP), 504 plan, etc.	It is important to track the additional services and supports children in foster care are receiving at school to ensure all needs are met.



Child Welfare Laws and Educational Provisions

Dec 6, 2018

2018 Combined Federal Programs Meeting
Department of Education



Purpose of Child Welfare Agencies

- The goal of child welfare is to promote the well-being, permanency, and safety of children and families by helping families care for their children successfully or, when that is not possible, helping children find permanency with kin or adoptive families. Among children who enter foster care, most will return safely to the care of their own families or go to live with relatives or an adoptive family.
- The Children's Bureau (within the U.S. Department of Health and Human Services) works with State and local agencies on developing and implementing programs that focus on child welfare services.
- Educators make crucial contributions to the development and well-being of children and youth. Due to their close relationships with children and families, educators can play a key role in the prevention of child abuse and neglect and, when necessary, support children, youth, and families involved with child welfare. This guide for educators provides an overview of child welfare, describes how educators and child welfare workers can help each other, and lists resources for more information.

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)

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

Child Welfare Agencies (CWAs) must include certain education records in a child's written case plan including

- the most recent information available regarding the names and addresses of the child's educational providers,
- the child's grade level performance,
- the child's school record, and any
- 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)

FERPA protects the privacy of student education records, and permits disclosure without consent of Personally Identifiable Information from the education records of students in foster care placement to those representatives of CWAs or tribal organizations who are authorized to accept the student's case plan.

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. Some key provisions of USA:

- Provide child welfare agencies that have responsibility for children's placement and care, with direct access to the children's education records,
- Allow child welfare agencies to use educational records for research studies to improve educational outcomes for students in foster care,
- Eliminate the need for duplicative notice to parents and the resulting delays in transferring students' educational records.

Student Level Data Examples

- Student name
- Address
- Most recent educational agency attended by student
- Dates of enrollment
- School credits
- Degrees and awards received

Every Student Succeeds Act of 2015

Require State Education Agencies and Local Education Agencies to work with child welfare agencies to ensure the educational stability of children in foster care.

Educational stability requirements for children in foster care, including 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.

Child Welfare Reporting Systems

- The *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.
- *The National Child Abuse and Neglect Data System (NCANDS)* is a 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

- (1) promote data sharing with other agencies;
 - States and Tribes who chose to operate a comprehensive child welfare information system (CCWIS) are required to implement bi-directional data exchanges with education agencies to collect and share education data, where practicable.
- (2) require quality data (timely, accurate, and complete)
- (3) allow agencies to build systems tailored to their needs.

CCWIS <https://www.acf.hhs.gov/cb/research-data-technology/state-tribal-info-systems>



Child Welfare Agency Data which supports Education Needs includes

- **Demographics**, such as name, date of birth, address
- **Child Welfare Agency Information** who has placement and care responsibility of the child. Case Worker information who has daily case management responsibilities of the child
- **Foster Care Placement** history such as dates and types of placement, including current placement contact information.
- **School of origin**, educational rights holder, transportation details

Education Agency Data Examples that support Child Welfare Needs

- Enrollment information
- Attendance
- School discipline
- Performance
- Additional services and supports

Children's Bureau Resources

Children's Bureau Reporting Systems

<https://www.acf.hhs.gov/cb/research-data-technology/reporting-systems>

Educational Stability for Children and Youth in Foster Care

<https://www.childwelfare.gov/topics/systemwide/service-array/education-services/meeting-needs/educational-stability/>

Children's Bureau Regional Program Managers

<https://www.acf.hhs.gov/sites/default/files/cb/pi1801.pdf#page=65>



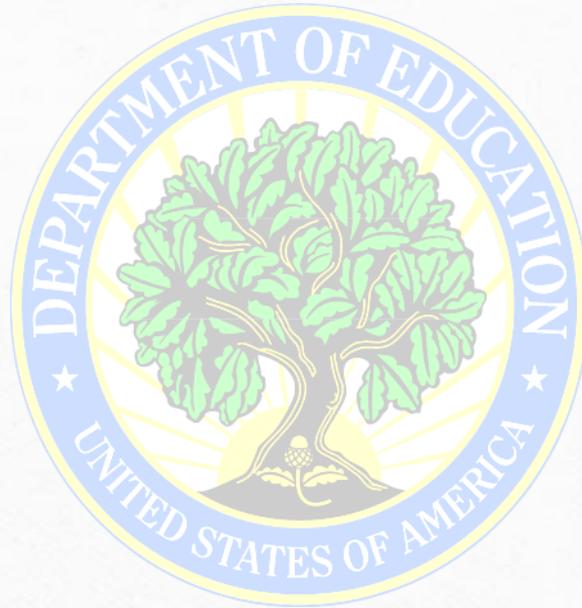
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Approaches to Data-Sharing Across Agencies

ABA CENTER ON CHILDREN AND THE LAW

- **Mission** – To promote access to justice for children and families
- **Structure** – Nonprofit grant-funded entity in the American Bar Association with team of attorneys and core staff who work on projects across the country unified by two goals:
 - To improve legal representation, and
 - To improve the legal systems that impact children and families' lives.
- **Approach** – Collaboration and coalition building at local, State, and national levels to build the capacity of legal practices and systems that serve children well and to help change those that do not.

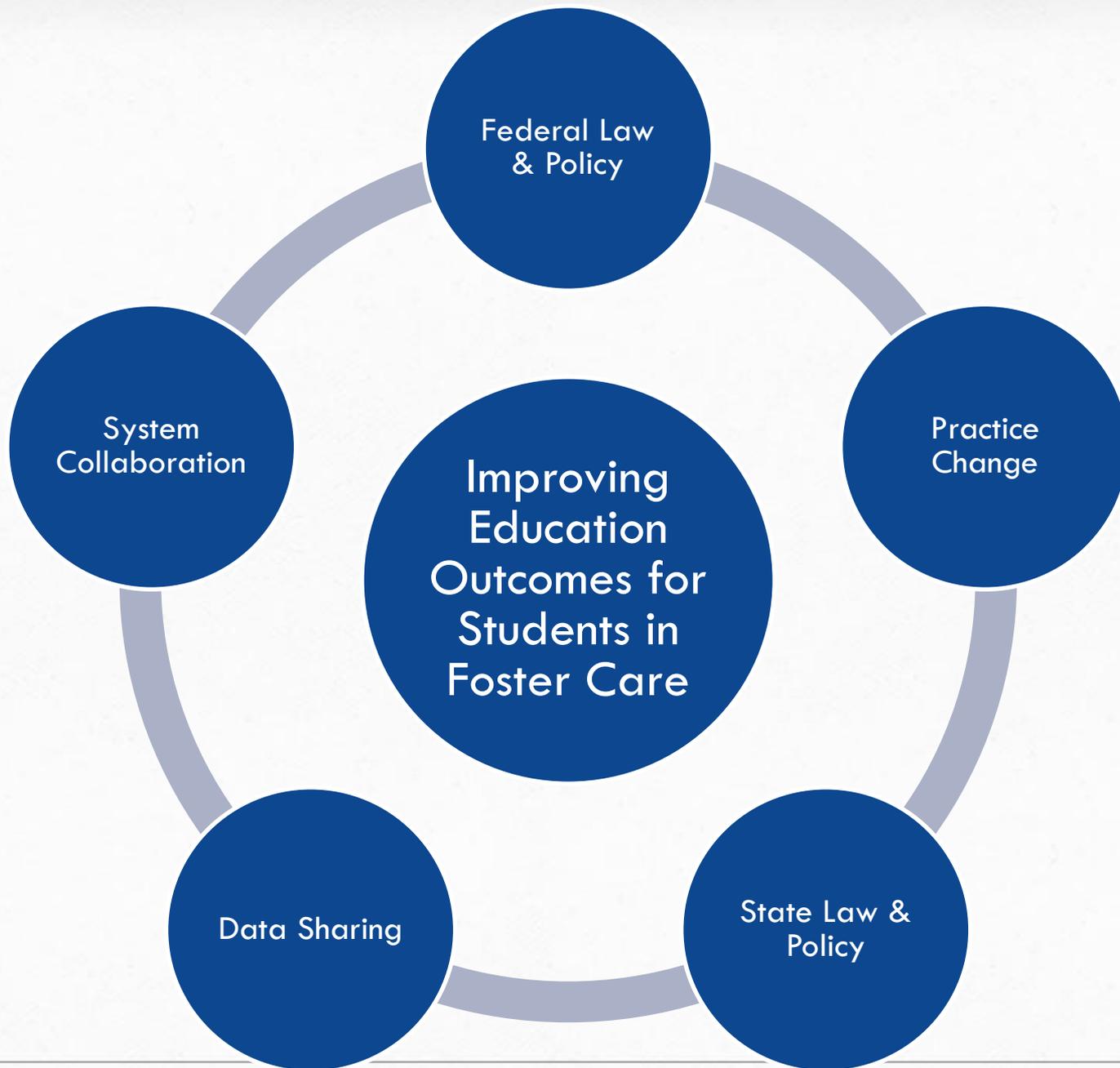
americanbar.org/child





- Listserv, training materials, webinars, factsheets and issue briefs
- Searchable database (includes State laws and policies)
- Facilitate networks: National Working Group/Education Advisory Group
- Provide State and local technical assistance and support





THE TWO MAIN QUESTIONS

PURPOSE

*Why do you
want to
share data?*

TYPE

*What data
do you want
to share?*

ROADMAP FOR FOSTER CARE AND EDUCATION DATA LINKAGES

Data Elements To Share

Below is a list of some data elements our expert group recommends could be shared between child welfare and education agencies. They are a mix of both local and state data elements. As described in this section, jointly determining not only which elements should be collected and shared but also which agency is the best source of the element is important.

FROM EDUCATION AGENCIES

STATE-LEVEL DATA

- Demographic indicators (race, ethnicity, gender, English language learner status, free and reduced-price lunch status)
- Special education status
 - Type of disability the child has
 - Whether the child has an Individualized Education Program
- Participation in state annual assessments in reading and math
- Academic achievement
 - Standardized test scores
 - Whether the child repeated a grade
 - Graduation/anticipated graduation
- Attendance
- Type of school placement (neighborhood district, charter, residential, alternative education)

LOCAL DATA

- Discipline records
- Enrollment history, number of school moves, and reasons for those moves
- Transportation provided by the local education agency
- Whether the child is in career technical education
- Whether the child is in gifted and talented education
- Leaver status: whether the child graduated
- Kind of educational setting the child is in (classroom setting, self-contained classroom, virtual school program)
- Credits in core courses or pass/fail on core courses
- Credit accumulation toward graduation
- School quality
- Course completion: whether the child completed college-ready coursework
- School of origin
- Type of schools the child has attended, including whether this child attended an alternative or charter school
- Whether this child had any early childhood education experiences

FROM WELFARE AGENCIES

- Name and contact information for child welfare case worker
- Length of time in care
- Type of living placement
- Number of out-of-home placements
- Whether the child is in kinship care (staying with relative)
- Whether the child remained in the same school when entering and while in foster care
- Whether the biological parent is still making education decisions
- Whether there is a person appointed or designated to serve as the child's education decisionmaker
- Whether the child had a history of truancy prior to entering foster care

Access the **Roadmap for Foster Care and K-12 Data Linkages** now!

<https://dataqualitycamp.aign.org/resource/roadmap-for-foster-care/>

QUALITY IMPLEMENTATION ROADMAPS

Roadmap for Foster Care and K-12 Data Linkages

QDC
QUALITY DATA CAMPAIGN
AIGN

Key Focus Areas to Ensure Quality Implementation

Where are we going?

By sharing data, child welfare and education agencies can work together to significantly improve educational outcomes for students in foster care. These students are often highly mobile and need the coordinated help of both agencies to make smooth transitions between schools, identify and address educational needs, address attendance and discipline issues, ensure student engagement and successful progression toward a high school credential, and more. States need to securely link foster care and K-12 data to ensure that students in foster care are supported throughout their education with access to a full range of educational opportunities, including higher education.

Studies demonstrate that students in foster care experience more challenges throughout their education compared to their peers, such as the following:

- frequent school changes
- delayed enrollment when school changes occur
- higher rates of school suspension and expulsions
- lower achievement in reading and math
- higher levels of being held back and dropping out
- far lower high school and college graduation rates

Having access to regularly updated student-level data allows child welfare and education staff to help students in foster care achieve school success by providing support such as the following:

- recognizing when students are at risk for grade-level or successful progression to the next grade level
- helping with timely enrollment and transfer of all full and partial credits when a school change is needed
- identifying the need for targeted educational supports, including services for children with disabilities
- working with school staff to address attendance and discipline issues
- assisting with transition planning to post-high school opportunities such as higher education

Sharing aggregate-level data (e.g., school mobility rates for all children in foster care in a county, among child welfare and state and local education agencies) can improve the work of these agencies in the following ways:

- increasing accountability among state and local agencies
- helping stakeholders advocate for better laws, better policies, or increased funding
- identifying systemic problems and creating needed policies or targeted interventions
- tracking progress and the efficacy of interventions over time
- acting as a catalyst to encourage other kinds of data sharing in compliance with privacy laws, including district-specific, sharing and real-time data exchanges for better monitor and support improved educational outcomes for children in foster care

Having high-quality data linkages between foster care and K-12 data systems allows states to answer questions such as the following:

- Are students in foster care immediately enrolled in school?
- How often do students in foster care change schools each year?
- What percentage of students in foster care are receiving special education services or are enrolled in advanced coursework compared to students who are not in foster care?
- What are the academic outcomes and on-time high school graduation rates of students in foster care compared to those of their peers?
- What percentage of students in foster care receive suspensions or expulsions compared to students who are not in foster care?
- Are students in foster care consistently receiving services they are entitled to, such as free and reduced-price lunch?
- How should data policies be revised to help students in foster care successfully complete high school prepared for college and careers?

1. This term "data linkage" is used throughout this document interchangeably to refer to the process designed by people and processes to address why we cannot have more data about children and youth. It is not an agency-specific term. Some states use a state-administered child welfare system, others are administered by counties, and some use a hybrid approach. These "data linkage" and "data sharing" terms can be used interchangeably throughout this document's text. Some states may use a different name for a data linkage agency. However, these agencies could be using a variety of data governance not just family foster homes. Examples include practitioners with a relationship to being a parent or caregiver or acting as a caregiver.

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ROADMAP FOR FOSTER CARE AND EDUCATION DATA LINKAGES

Define Your Terms

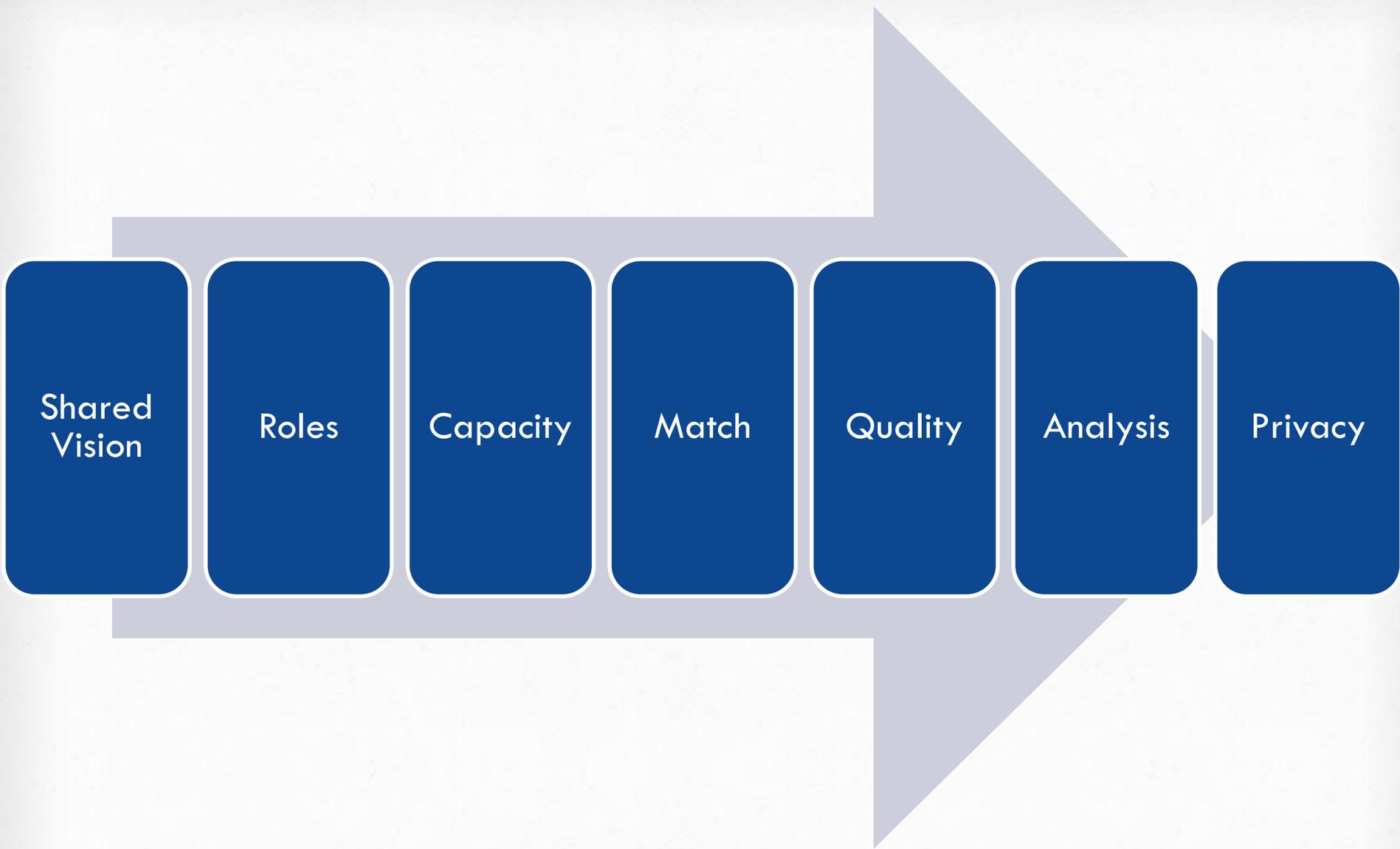
Education and child welfare agencies often use the same terms but with different meanings. To facilitate high-quality linkages between foster care and K-12 data systems, agencies can come to a shared understanding of common terms, such as the following:

- assessment
- evaluation
- mobility
- residential
- school type/setting
- caregiver
- facilities
- placement
- school of origin
- transition plan

Access the *Roadmap for Foster Care and K-12 Data Linkages* now!

<https://dataqualitycampaign.org/resource/roadmap-for-foster-care/>





Source: Roadmap for Foster Care and K-12 Data Linkages



ROADMAP FOR FOSTER CARE AND EDUCATION DATA LINKAGES

Memorandum of Understanding (MOU) Tips

Below are some tips for establishing an MOU between a child welfare agency and an education agency for the purposes of linking foster care and K-12 data.

- Determine what data each party wants to share.
- Identify the specific data elements that could be shared and be clear about the meaning and accuracy of each data point.
- Set a clear definition for the cohort of children in foster care that are included (e.g., all children in child welfare custody, all children living in out-of-home care) and a time period for collecting this data (e.g., children in care as of a certain date, at any point during a school year).
- Set clear, realistic, and timely expectations about processes and tasks, what the staffing needs are, and the scope of work.
- Formalize the data governance process at the same time as the data sharing agreement and connect the individuals who have similar roles (e.g., data custodians, data owners, data analysts/researchers) in the child welfare and education systems.
- Determine how often the data will be collected and shared.
- Decide the order of operations for data exchange: Who pulls what data and when? Who gives what data to whom?
- Determine and document what processes and tools will be used for sharing the data securely.
- Consider how many years of data are needed and if the MOU should include sharing prior years of data.
- Develop a plan for communicating what is learned through linked data when establishing the data sharing agreement.
- Decide what kinds of reports and products to develop.
- Develop a clear plan of what will be done with the data after it is exchanged.
- Be flexible; capacity or data needs will change over time.
- Understand who is using the data on the ground and take their insights into consideration.

USING DATA IN STATES, DISTRICTS, AND SCHOOLS

1. State-level Data – Trends
2. Student-specific Data – Direct Advocacy
3. County/District-level Data – Trends

How is your State currently using (or planning to use) data to effectively support students in foster care?



LEGAL CENTER FOR
FOSTER CARE & EDUCATION

WWW.FOSTERCAREANDEDUCATION.ORG



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Questions?



Resources & Next Steps



RESOURCES

- U.S. Department of Education, [*Non-Regulatory Guidance: Ensuring Educational Stability for Children in Foster Care*](#)
- U.S. Department of Education & U.S. Department of Health & Human Services, [*2016 Webinar Series on Non-Regulatory Guidance*](#)
- Data Quality Campaign & the Legal Center for Foster Care & Education, [*Roadmap for Foster Care and K-12 Data Linkages*](#)
- National Working Group on Foster Care and Education, [*National Factsheet on the Education Outcomes for Children in Foster Care*](#)
- Legal Center for Foster Care and Education, [*The Uninterrupted Scholars Act: How Do Recent Changes in FERPA Help Child Welfare Agencies Get Access to School Records?*](#)



SESSION EVALUATION

PLEASE GIVE US YOUR FEEDBACK!

- Understand the requirements of the Elementary and Secondary Education of 1965, as amended by the Every Student Succeeds Act (ESEA), related to data collection and reporting for students in foster care;
- Understand the legal framework governing child welfare agencies' abilities to collect and share data on students in foster care; and
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