SHARING DATA TO SUPPORT STUDENTS IN FOSTER CARE

COMBINED FEDERAL PROGRAMS MEETING
DECEMBER 6 – 7, 2018 | WASHINGTON, DC
TECHNOLOGY CHECK

PLEASE MAKE SURE YOU ARE READY TO ENGAGE IN OUR PRESENTATION!

Poll Everywhere

1. Navigate to our Poll Everywhere URL on your preferred device:
   www.pollev.com/CFPM1

2. As we activate polls during the session, they will populate automatically on your device.
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?
What data do we need to most effectively support students in foster care?
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

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

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.

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
Contact Us...

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Children's Bureau
Administration on Children, Youth and Families
330 C Street, SW
Washington, DC 20024
Children’s Bureau Website:
www.acf.hhs.gov/programs/cb/
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
Improving Education Outcomes for Students in Foster Care

- Federal Law & Policy
- Practice Change
- State Law & Policy
- Data Sharing
- System Collaboration
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 K-12 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.

<table>
<thead>
<tr>
<th>FROM EDUCATION AGENCIES</th>
<th>LOCAL DATA</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>STATE-LEVEL DATA</strong></td>
<td><strong>DISCIPLINE RECORDS</strong></td>
</tr>
<tr>
<td>• Demographic indicators (race, ethnicity, gender, English language learner status, free and reduced-price lunch status)</td>
<td>• Enrollment history, number of school moves, and reasons for those moves</td>
</tr>
<tr>
<td>• Special education status</td>
<td>• Transportation provided by the local education agency</td>
</tr>
<tr>
<td>• Type of disability the child has</td>
<td>• Whether the child is in career technical education</td>
</tr>
<tr>
<td>• Whether the child has an Individualized Education Program</td>
<td>• Whether the child is in gifted and talented education</td>
</tr>
<tr>
<td>• Participation in state annual assessments in reading and math</td>
<td>• Leave status: whether the child graduated</td>
</tr>
<tr>
<td>• Academic achievement</td>
<td>• Kind of educational setting the child is in (classroom setting, self-contained classroom, virtual school program)</td>
</tr>
<tr>
<td>• Standardized test scores</td>
<td>• Credits in core courses or pass/fail on core courses</td>
</tr>
<tr>
<td>• Whether the child repeated a grade</td>
<td>• Credit accumulation toward graduation</td>
</tr>
<tr>
<td>• Graduation/anticipated graduation</td>
<td>• School quality</td>
</tr>
<tr>
<td>• Attendance</td>
<td>• Course completion: whether the child completed college-ready coursework</td>
</tr>
<tr>
<td>• Type of school placement (neighborhood district, charter, residential, alternative education)</td>
<td>• School of origin</td>
</tr>
<tr>
<td></td>
<td>• Type of schools the child has attended, including whether this child attended an alternative or charter school</td>
</tr>
<tr>
<td></td>
<td>• Whether this child had any early childhood education experiences</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>FROM WELFARE AGENCIES</th>
<th></th>
<th>FROM WELFARE AGENCIES</th>
</tr>
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<tbody>
<tr>
<td>• Name and contact information for child welfare case worker</td>
<td>• Whether the biological parent is still making education decisions</td>
<td></td>
</tr>
<tr>
<td>• Length of time in care</td>
<td>• Whether there is a person appointed or designated to serve as the child’s education decisionmaker</td>
<td></td>
</tr>
<tr>
<td>• Type of living placement</td>
<td>• Whether the child had a history of truancy prior to entering foster care</td>
<td></td>
</tr>
<tr>
<td>• Number of out-of-home placements</td>
<td>• Whether the child remained in the same school when entering and while in foster care</td>
<td></td>
</tr>
<tr>
<td>• Whether the child is in kinship care (staying with relative)</td>
<td>• Whether the child was in the same school when entering and while in foster care</td>
<td></td>
</tr>
</tbody>
</table>

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

[https://dataqualitycampaign.org/resource/roadmap-for-foster-care/](https://dataqualitycampaign.org/resource/roadmap-for-foster-care/)
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
- caregiver
- evaluation
- facilities
- mobility
- placement
- residential
- school of origin
- school type/setting
- transition plan

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

https://dataqualitycampaign.org/resource/roadmap-for-foster-care/
Shared Vision, Roles, Capacity, Match, Quality, Analysis, Privacy

Source: Roadmap for Foster Care and K-12 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?
• Kathleen McNaught
• Director, Education Projects
• American Bar Association Center on Children and the Law
• Kathleen.mcnaught@americanbar.org
Questions?
Resources & Next Steps
RESOURCES

- U.S. Department of Education, *Non-Regulatory Guidance: Ensuring Educational Stability for Children in Foster Care*


- 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*

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;
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