

ADVANCING DATA-INFORMED POLICIES TO IMPROVE EDUCATION OUTCOMES FOR CHILDREN IN CARE

AN EXPERT ROUNDTABLE

HOSTED BY THE LEGAL CENTER FOR FOSTER CARE AND EDUCATION

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INTRODUCTION

How can we most effectively use data to inform policy change that improves education outcomes for children in the child welfare system? This is the central question researchers, policy specialists, and philanthropists gathered on March 26, 2015 to discuss at an Expert Roundtable hosted by the Legal Center for Foster Care and Education (Legal Center) and supported by the Annie E. Casey Foundation.

The Legal Center is a collaboration of the American Bar Association Center on Children and the Law, the Education Law Center-PA, and Juvenile Law Center. The Legal Center's mission is to improve law and policy to help children and youth in foster care across the country to achieve better educational outcomes. A national expert on these complex issues, the Center serves as a central clearinghouse for best practices and other information related to foster care and education. It also provides training and technical assistance to child welfare and education professionals, lawyers, and advocates at the local, state, and federal levels. Since 2007, the Legal Center has worked to identify the most pressing issues and the most innovative solutions to advance the education of children in care.

This convening was held to improve participants' understanding of current research findings and trends, to share knowledge of current and potential policies and practices for children related to foster care and education, and to establish a plan for continued dialogue and a deeper examination of data-informed policy (which may include federal or state law, and federal, state, or local administrative policies) moving forward.



Transforming systems and improving law and practice to create better outcomes for children in foster care.

THE DAY'S EVENTS

Goals

Legal Center Director Kathleen McNaught began by asking participants to identify one goal for the day. Themes quickly emerged as participants underscored the most pressing issues around data, research, and policy on education for child welfare-involved youth. Critical questions posed included: How do we get states and localities to collect more data? How do we make data understandable to professionals in the field? How do we use child-level and system-level data to inform day-to-day practice? Many echoed the need for continued collaboration to tackle these issues. Discussions for the day were organized around three agenda items: existing research strengths and gaps, specific feedback on proposed changes to Adoption and Foster Care Analysis System (AFCARS) relating to education, and policy opportunities.

Research Strengths and Gaps

Ms. McNaught then highlighted two Legal Center publications:

(1) *The Blueprint for Change* identifies eight goals and corresponding benchmarks and is a comprehensive framework for policies that promote school success for children in care.

(2) *Fostering Success in Education: a National Factsheet on the Education Outcomes of Children in Foster Care* was compiled in January 2014 by the National Working Group on Foster Care and Education (a collaborative group of 23 organizations, facilitated by the Legal Center) with the goal of capturing all relevant research studies on this topic.

Legal Center attorney Maura McInerney and Chapin Hall research expert Cheryl Smithgall then asked participants whether these documents capture all existing or forthcoming research.

BLUEPRINT GOALS	
Goal 1	<i>Youth Are Entitled to Remain in Their Same School If In Their Best Interest</i>
Goal 2	<i>Youth Have Seamless Transitions Between Schools</i>
Goal 3	<i>Young Children Enter School Ready to Learn</i>
Goal 4	<i>Youth Have the Support to Fully Participate in School</i>
Goal 5	<i>Youth Have Support to Prevent School Dropout, Truancy, and Disciplinary Actions</i>
Goal 6	<i>Youth Are Involved and Empowered</i>
Goal 7	<i>Youth Have Education Advocates and Decisionmakers</i>
Goal 8	<i>Youth Have Support to Enter Into and Complete Post-Secondary Education</i>

The conversation kicked off an important theme that was discussed throughout the day: the difference between “data access and use” and “research” and the need for both. Participants agreed that cross system data sharing and use and more formalized research are both essential for understanding more about the education needs of children in the child welfare system and for putting into place effective child- and system-level interventions.

The group was asked to create a wish list of additional research that is needed to advance the policy goals that the *Blueprint* identified. The wish list was extensive, for example:

- What are the long-term outcomes for students who attend an alternative school, including those within a congregate care facility?
- How important is students’ involvement in extra-curricular activities?
- Are “trauma-informed” school models having a positive impact on youth in foster care?
- How important is caregiver and youth involvement in the educational process?
- What are the school successes and challenges for children who are adopted or reunified?

The “what is currently happening” discussion overwhelmingly demonstrated that many more jurisdictions are engaged in cross system data access and use activities. There is a strong need to support these efforts, to encourage more jurisdictions to obtain and use data, and to ensure that the data is of high quality and is being shared.

It is also important to identify or create a mechanism to publicize and share data—even very small samples—so that jurisdictions can learn from each other and those working in the field can identify trends even if no formal research study exists. Overarching questions for existing data included: what are we tracking; when are we looking at it; what, if any, action should be taken to support progress: and how do we know the data is accurate?

RESEARCH VS. DATA ACCESS

As Ms. Smithgall explained, a research study is an intentional, structured analysis of data that may take place over a long period of time, typically for the purposes of asking a question and finding answers that apply to a larger population of similar youth. Research may rely on longitudinal data or be a point-in-time study. To understand how to improve educational outcomes for children in foster care, research must take account of multiple variables to isolate outcomes or test a hypothesis. This methodology provides reliable evidence that can clarify a problem or help assess the efficacy of particular interventions or policy changes.

Child welfare and education agencies are also increasingly collecting and using data for a range of continuous improvement activities. These data can be used to guide professional development, allocate staff, and inform overarching policies. Such data may also be used to track changes in student progress or trigger an intervention for a particular child or group of children. The ability to access, share, and effectively use data—whether through research or continuous improvement efforts—is critical to understanding students’ needs, tracking the implications of interventions or policy changes, and improving outcomes for children in care.

Putting the work into practice: AFCARS comments

The Administration on Children, Youth and Families—part of the federal Department of Health and Human Services (HHS)—has proposed including several education questions in the list of data elements state and local child welfare agencies must report through the Adoption and Foster Care Analysis System (AFCARS). The deadline for comments on the proposed rule was just two weeks after the Roundtable. The Legal Center decided to use this as an opportunity to test the theory that bringing data and policy experts together improves dialogue and advocacy around foster care and education issues by using the Roundtable to gather ideas and feedback to the AFCARS comments.

Researchers and policy advocates alike strongly supported the effort and, in a lively session led by Legal Center attorney Kristin Kelly, brainstormed what changes could be made to the proposed AFCARS elements on education.

- **School Enrollment and Educational Level:** Participants wanted to include early learning options, high school equivalency/GED programs, and part-time post-secondary programs. Based on feedback that “enrolled” may include students in the process of enrolling—but not yet in classrooms—the group concluded that “enrolled” must mean students who are actually attending school programs.
- **Educational Stability:** Participants realized that the number of school moves would be underreported in AFCARS unless there was an additional question about the total number of moves since the last reporting period. Participants were also interested in why school stability was not achieved to better understand whether the school changes were in the child’s best interest or because, *e.g.*, no transportation was available.
- **Special Education:** Participants wanted to be sure that this category captured early intervention services and disability accommodations provided under Section 504 of the Rehabilitation Act.

Other possible data points discussed included whether education records are in the child welfare case file, the type of school placement, the child’s reading and math proficiency levels, credit transfer and school discipline issues, and whether there is someone available with the legal authority to make education decisions for the child. A central question for the group was which data elements child welfare should be required to collect through AFCARS and which of these data points are best gathered elsewhere or through a different process.

This collaboration between researchers and policymakers yielded incredibly rich insights on how to improve the education-related questions in AFCARS. Based on the feedback from the group, the Legal Center on Foster Care and Education drafted a “comment template”, which was circulated widely, to encourage advocates to support the proposed additions to AFCARS and to ensure that HHS hears similar messages from the child welfare advocacy community.

The meeting also led to the realization that, even if AFCARS collects additional education related data, more is needed. That “more” includes a model framework to guide

collaborative data sharing practices across the child welfare and education systems. Participants underscored the importance of including the child's student identification number in the child welfare data system to better link the education data. Another priority that emerged was to find ways to ensure that child welfare and education systems collaborate to collect data in the most cost effective and efficient manner.

Federal Policy Opportunities

The conversation next turned to imminent federal policy developments. Sherry Lachman, an expert on policy on Capitol Hill, suggested taking the long-view when it comes to reforming the law in this area. She emphasized how this type of change happens both slowly and quickly: slowly, in that it takes years to create the foundation for reform, and quickly in that opportunities sometimes surface unexpectedly and advocates must seize the moment.

The co-chairs of the National Working Group Policy Subcommittee, Legal Center attorney Jessica Feierman, and Children's Defense Fund policy expert MaryLee Allen, provided updates on the reauthorization of the Elementary and Secondary Education Act (ESEA). The priority is to get strong school stability protections into this federal law.

Another policy vehicle for improving education outcomes for youth in foster care is the Higher Education Act. Ms. Feierman and Ms. Allen updated the group on potential additions to the federal language that would increase the attention on, and support for, youth in foster care striving for higher education access and success.

The rapid pace of potential amendments to several federal laws affecting the education of children in care demonstrates that timely and effective communication among research and policy advocates is needed. This ongoing dialogue will help embed data-informed practices into national policy and ensure that the ground work has been laid and collaboration has occurred in time to take advantage of opportunities for federal policy action.

COLLECTIVE INSIGHTS

At the day's end, Ms. McNaught invited participants to reflect on the discussions and to provide insights on next steps. Participants shared some key, big-picture points that must be kept in mind as the conversation moves forward.

KEY INSIGHTS FROM THE EXPERT ROUNDTABLE

1. DATA USE AND RESEARCH ARE NOT SYNONYMOUS. RESEARCH STUDIES SHOULD SUPPORT THE PROMISING INTERVENTIONS EMERGING FROM THE ONGOING DATA SHARING HAPPENING NATIONWIDE.
2. APPROXIMATELY 10 RESEARCH STUDIES ARE PUBLISHED EACH YEAR RELEVANT TO FOSTER CARE AND EDUCATION OUTCOMES; A CENTRALIZED SYSTEM FOR COLLECTING AND PUBLICIZING NEW FINDINGS IS NEEDED.
3. ALTHOUGH MANY JURISDICTIONS ACROSS THE COUNTRY ARE COLLECTING DATA, MANY NEED ADDITIONAL SUPPORT IN DEVELOPING DATA COLLECTION SYSTEMS—PARTICULARLY REAL-TIME DATA SHARING SYSTEMS THAT ALLOW PRACTITIONERS TO TAKE DIRECT ACTION ON BEHALF OF INDIVIDUAL CHILDREN WHO ARE STRUGGLING.
4. ADULTS WORKING WITH CHILDREN IN CARE—SUCH AS CASE WORKERS, TEACHERS, FOSTER PARENTS, PARENTS, OR GROUP HOME STAFF—NEED MORE TIMELY AND ACCURATE INFORMATION AND BETTER COMMUNICATION SYSTEMS TO HELP CHILDREN SUCCEED IN SCHOOL.
5. MORE WORK IS NEEDED TO DETERMINE WHICH DATA ELEMENTS ARE MOST EFFICIENTLY COLLECTED BY THE EDUCATION SYSTEM, WHICH BY CHILD WELFARE, AND WHICH SYSTEM IS BEST POISED TO INTERVENE BASED ON THAT DATA.
6. MANY JURISDICTIONS THAT ARE COLLECTING DATA NEED ASSISTANCE UNDERSTANDING AND BROADLY SHARING IT. A LACK OF COMMON DEFINITIONS (E.G. “DROP OUT”) ACROSS JURISDICTIONS AND BETWEEN CHILD WELFARE AND EDUCATION IS HINDERING THE ABILITY TO UNDERSTAND AND RELY ON DATA.
7. BECAUSE CHILDREN ENTER AND LEAVE CARE EVERY DAY, THE POPULATION OF STUDENTS IN CARE IS CONSTANTLY CHANGING, AND THE DATA MAY NOT SHOW IMPROVEMENTS FROM IMPLEMENTING A PARTICULAR INTERVENTION UNLESS THE SAME COHORT OF STUDENTS IS TRACKED.
8. “INSIDERS” NEED TO TRANSLATE DATA, RESEARCH, AND POLICY INTO LANGUAGE OUTSIDE AUDIENCES CAN UNDERSTAND.
9. EXISTING DATA AND RESEARCH SHOW THE NEED FOR SCHOOL STABILITY AND SUPPORTIVE CAREGIVERS. LAW AND POLICIES SHOULD PROMOTE BOTH.
10. POLICY ADVOCATES SHOULD ALSO PROMOTE LAWS AND POLICIES THAT SUPPORT CROSS-AGENCY INFORMATION-SHARING AND THAT PROTECT STUDENT AND FAMILY PRIVACY WITHOUT UNNECESSARILY RESTRICTING DATA ACCESS.

WHAT'S NEXT?

Many jurisdictions across the country are improving their capacity to conduct research and to collect and use data on the educational experiences and outcomes of children in foster care -- and this information is helping to shape policy and practice changes. However, more work is needed to improve the quality of data and jurisdictions' capacity to use the data to benefit youth. We must also more effectively share what is learned across all jurisdictions. And, perhaps even most difficult, more must be done to ensure that jurisdictions, researchers, policy advocates, and policymakers are developing policy and practice changes that align with what we are learning.

It was also clear that this move towards using data to learn what works and to improve student outcomes is not happening at the same rate and to the same extent in all jurisdictions. Some jurisdictions have not even begun to break down the barriers to collecting meaningful state or local data on these important issues. Still other jurisdictions have been able to obtain this data but do not know how to use that data to enact effective child- or system-level interventions. Meanwhile, children and youth in foster care continue to fall short of achieving their potential—or worse, experience school failure and dropout.

The March Roundtable was an important start. It began a critical conversation that can lead to improved education outcomes for children in care and provided a roadmap for next steps. To move forward, these discussions must continue and the short-term goals identified must be achieved—namely, eliminating barriers to data access and creating a framework for quality data collection and sharing across systems and jurisdictions. The Legal Center is happy to report that all (100% of survey respondents) of the Roundtable participants want to participate in follow up activities.

Now is the time to collaborate to ensure that quality data-informed decisionmaking is widespread and translates to meaningful policy reform and changes in practice that benefit students in foster care.

The Legal Center for Foster Care and Education is committed to continuing the momentum around this issue by:

- Convening and connecting researchers, policy experts, and practitioners from the child welfare and education fields to share best practices, emerging data and research, and imminent policy opportunities.
- Educating lawmakers and supporting national, state, and local policies that are informed by data or research.
- Parsing, explaining, and improving the legal and regulatory backdrop (especially the Family Educational Rights and Privacy Act (FERPA), the Fostering Connections to Success and Increasing Adoptions Act, federal administrative policy guidance, and relevant state law) so that stakeholders on the ground understand the legal rights and responsibilities at play and so that the policymakers who adopt these rules understand what research, data, and practitioners and families have found to benefit youth in care.

As a first step, the Legal Center hopes to develop a structure, including listservs, online fora, and in-person meetings, to encourage ongoing communication and collaboration across research and policy. This collaborative will identify and tackle long-term strategies to promote data collection and sharing, research, and policies based on data and research. The collaborative will address such issues as:

- Remedy system-level barriers to accurate data collection across child welfare and education systems nationwide by disseminating model data collection practices and establishing uniform terminology so that data elements collected in one locality can be understood and used in another (e.g., have a common meaning for “dropout”). A model system should include strategies to support real-time data sharing that lead to direct intervention for individual students who are struggling. It should also appropriately integrate data elements between systems (e.g. tracking education progress linked with length of stay in foster care or type of living placement).
- Promote responsible information sharing by providing clarification through tip sheets, webinars, and other materials on how systems can share information while still complying with FERPA and other information-sharing laws, and educating lawmakers on changes to FERPA that would promote information-sharing while still protecting youth and family privacy.
- Support jurisdictions in understanding and sharing the data they have collected. Create ongoing opportunities for jurisdictions to share data among other states and localities so that other jurisdictions can implement promising practices, researchers can formally study promising interventions, and policy advocates can promote law and policy change that reflects the most recent data as well as formal research findings.

Please join the Legal Center for Foster Care and Education in advancing this movement. To get involved, please contact Center Director Kathleen McNaught at kathleen.mcnaught@americanbar.org.

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