Foster Care & Education
Data Points

UNDERSTANDING WHY DATA MATTERS AND THE FOSTER CARE ESSA DATA REQUIREMENTS

Introduction- Why data is important

Historically, students in foster care have faced educational challenges that can lead to barriers to school success. Recognizing the importance of supporting the educational needs of students in foster care, many child welfare agencies, education agencies, and courts are working together to improve policies and practices around the country. For more than a decade, momentum has grown at the federal, state, and local levels to prioritize the educational needs of students in foster care. There is also a push to collect and report on educational outcomes for students in care, a key element for state and local jurisdictions to make a measurable impact.

In April 2018, the National Working Group on Foster Care and Education, facilitated by the Legal Center for Foster Care and Education, released an updated edition of Fostering Success in Education: National Factsheet on the Educational Outcomes of Students in Foster Care. This publication documents growing research on the educational needs of this group of students. Public and private agencies, universities, and philanthropic organizations have contributed to this increase in data collection and research at the state and local levels. This research shows a consistent theme: children in foster care face significant barriers to their educational progress, starting from before they reach school age and extending through postsecondary education.

Fortunately, a growing number of federal and state laws and policies provide rights and protections for students in foster care. Many promising programs and interventions are designed to address a range of factors influencing the disparities in education outcomes. Cross-system collaboration creates opportunities to build on what is being learned, bring change, and promote success for all children and youth in foster care.

The Legal Center for Foster Care and Education, a project of the American Bar Association Center on Children and the Law, shares this Data Points article, to provide information and support to state and local stakeholders and advocates who are working to improve the collection and use of data to support improved educational outcomes for students in care. This first article: 1) Reviews relevant federal laws related to data and information sharing; 2) Analyzes the number of states that appear to have met the duty to report on the academic achievement and graduation rates of students in foster care as part of the state's Report Card; 3) Summarizes strengths and challenges of this data; and 4) Presents recommendations for more accurate data moving forward.

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LEGAL FRAMEWORK- SUPPORTING IMPROVED DATA

Federal policy has shifted over the past decade, adding protections and supports for students in foster care related to education. Because child welfare and education systems must each work to support these students, federal child welfare and education laws have both changed. This summary highlights those laws directly related to school stability and data collection and sharing. Many other federal and state laws include rights and protections for students in foster care.

In October 2008, the Fostering Connections to Success and Increasing Adoptions Act (Fostering Connections) included several provisions related to meeting the educational needs of children in foster care. This was the first-time school stability was included in federal child welfare law and marked a shift in the need for child welfare agencies to prioritize the educational needs of students in foster care and collaborate with education agencies.

In December 2015, Congress passed the Every Student Succeeds Act (ESSA), which reauthorized the Elementary and Secondary Education Act of 1965 (ESEA). This was the first-time federal education law included specific rights and protections for students in foster care and requires collaboration between education and child welfare agencies. These provisions, which mostly took effect in December 2016, complement those in Fostering Connections and require State Education Agencies (SEAs) and Local Education Agencies (LEAs) to work with child welfare agencies to ensure the education stability and success of children in foster care.

Consistent with these changes in federal child welfare and education law to support the educational needs of students in foster care, federal recognition of the importance of better data information sharing and reporting on these students has grown. Federal law and policy now have several requirements related to data collection and reporting:

- For many years, Title IV-E of the Social Security Act has required child welfare agencies to maintain education records in a child's case file, as well as required agencies to share those education records with the child's caretakers and the youth themselves when they age out of care.
- Under ESSA, beginning in the 2017-18 school year, SEAs must collect and report annually on student achievement and graduation rates for all students in foster care. To implement this requirement, education and child welfare agencies must work together to ensure effective and appropriate data and information sharing between systems.
- In 2020, final regulations were released by the U.S. Department of Health and Human Services (HHS) revising the data that child welfare systems will be required to report annually to HHS as part of the Adoption and Foster Care Analysis and Reporting System (AFCARS), a child welfare data collection system designed to gather uniform and reliable information across states on children in foster care and children who have been adopted. Among the changes adopted, child welfare agencies are now required to report on several elements related to education, including school enrollment, highest grade completed, and involvement in special education.
- In 2016, HHS published the Comprehensive Child Welfare Information Systems (CCWIS) final rule, significantly changing federal requirements related to automated systems that collect and store child welfare data for state and tribal Title IV-E agencies. Among the requirements, the CCWIS final rule for the first time requires agencies building these systems to exchange data with other health and human service agencies including *education systems* and *child welfare courts*, if practicable. [1]
- Another important building block to support improved data and information sharing between child welfare and education agencies occurred in the 2013 Uninterrupted Scholars Act, which amended the Family Education Rights and Privacy Act (FERPA). This amendment clarified that child welfare professionals can access educational records of youth in their care, even without parental consent.

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[1] Quality Implementation Roadmaps, Data Quality Campaign and Legal Center on Foster Care & Education, p.3, http://www.fostercareandeducation.org/DesktopModules/Bring2mind/DMX/Download.aspx?portalid=0&EntryId=2095&Command=Core_Download.

What Can We Learn from the Foster Care Data in the ESSA Report Cards?

As referenced earlier, states must now report annually on the academic achievement and graduation rates of students in foster care. This requirement began with the data from the 2017-2018 school year. States must also report this data for many other groups of students, including by race, English language learners, homeless students, and others. This data must be included annually in each state's Report Card.

The Legal Center on Foster Care and Education and the Data Quality Campaign conducted a state-by-state review and concluded that as of March 2019 only 11 states were currently reporting disaggregated data specific to foster care for *both* academic achievement and graduation rates, as required. Additionally, 4 states had reported data *only* relating to foster care graduation rates, and 6 other states had reported data *only* relating to foster care academic achievement. Therefore, according to our research, 32 states did not publicly report on either foster care outcome in the state Report Card by March 2019. From this review three major challenges emerged: 1) public access to the data; 2) state-by-state comparisons; and 3) data accuracy (see more below).

The Data Quality Campaign is working to release updated information about how many additional states are currently meeting, or moving closer to meeting, these foster care data reporting requirements. For up to date information visit https://dataqualitycampaign.org/showmethedata/. Of note, due to the COVID-19 pandemic, states will not have academic achievement data for the 19-20 school year. However, states will still need to report graduation disaggregated data. Understanding how this crisis has impacted students in foster care will be yet another important reason to prioritize this data reporting.

Public Access to the Data is Challenging

Although the intent of the Report Card requirement is to make education data publicly accessible, our 2019 state-by-state review of Report Cards found many states struggle. Even for states that *do* include foster care data, the information is often hard to find, and harder to understand.

Some states only make disaggregated data available from the raw data, found in downloadable excel sheets. In other states, information is found on a companion website, or 'dashboard', that can only be easily accessed by first navigating to the SEA's primary website and following a trail of links to an ESSA-specific page.

State-By-State Data Comparisons are Difficult

For states that have reported on foster care, it is difficult to make state-by-state comparisons. The primary reason is a lack of consistency related to data definitions. For example, comparing academic achievement data is difficult because of the differing state-level standardized testing, as well as relying on different benchmarks for what qualifies as proficient in a particular subject. Further, the grade-specific data creates a problem because not all states are providing data for the same grade-levels. For example, some states focus on transition years such as third, sixth, and eighth grade, while others provide data for all grade-levels. This complexity is compounded when disaggregating the data by foster care status. While an attempt was made when ESSA became law to define how states should measure graduation rates, those federal regulations were not implemented. Therefore, states vary in how they identify the youth in care they include in this data subset. In some states, it could be that a student was in foster care for one specific day, or in other states be based on youth in care during a set time period. For example, when measuring graduation rates for students in foster care, does the state include all students in foster care at any point during high school, or only those in foster care at the time of graduation?

Data Accuracy Is Challenging to Confirm

Even in those states that have provided some foster care data, it is hard to confirm the accuracy of the data. Questions that often arise include:
- What has been the process of identifying which students are in foster care?
- Did the SEA obtain this information directly from the state child welfare agency?
- Did LEAs obtain this information from local child welfare agencies? Or, does this number only include those students that the schools have direct knowledge of being in foster care (e.g. from an enrollment form completed by a foster parent)?

The source of the information is essential to validating the accuracy.

Opportunities Moving Forward

In December 2016, the Legal Center for Foster Care and Education and Data Quality Campaign brought together experts from around the country to provide guidance on creating high-quality data linkages at the state level between child welfare and education agencies. The resulting publication, Roadmap for Quality K-12 and Foster Care Data Linkages, includes advice and examples. Key practice considerations include:

1) Developing a Shared Vision,
2) Clarifying Roles and Responsibilities,
3) Building Capacity,
4) Identification and Data Matching,
5) Focusing on Data Quality,
6) Data Analysis, Reporting, and Use, and
7) Ensuring Privacy and Security.

The need for SEAs to disaggregate graduation rates and academic achievement data for students in foster care as required by ESSA offers states a chance to build critical data linkages and ensure ongoing, accurate and appropriate data sharing between child welfare and education systems. While creating these linkages, child welfare and education agencies should consider other opportunities. At the state level, not only can SEAs report on graduation rates and academic achievement, but SEAs could explore other data to better understand the needs of students in foster care. For example:

- Does living placement (e.g., group home placement compared to a foster care placement) impact these rates?
- What does school stability data look like for students in foster care? Discipline rates? Involvement in special education?
- How can individual school districts access their own data and compare that data across the state to evaluate the needs of students in foster care in their own district?

Overall, the data requirement in ESSA presents an opportunity for child welfare and education systems to come together and build a process that helps each to support the educational needs of students in foster care. It allows them to create protocols for accurate and appropriate information sharing. And, it creates an opportunity for broader discussions around using data to identify challenges, measure progress, and implement change.

Conclusion

Progress around data collection and information sharing between child welfare and education agencies over the last several years is significant. Federal and state law and policy now support the educational needs of students in foster care, and corresponding data collection and reporting. Notably, the 2015 Every Student Succeeds Act provides a timely and critical opportunity for state-level data collection and reporting between child welfare and education agencies.

Despite the requirement to disaggregate high school graduation rates and academic achievement scores for students in foster care, many states still struggle to do so. Even amongst states that have produced disaggregated data pertaining to foster care students, there are opportunities to improve the quality, accessibility, and usability of data. However, there is reason to be hopeful. Some states have worked together to produce a shared vision, establish specific roles and responsibilities, and produce accessible and reliable data. Moving forward, all states will need to develop a range of approaches to comply with ESSA's data requirements based on state-specific education and child welfare structures. Regardless of the approach, cross-agency collaboration will always be key.

Once states have this data, creating accessible report cards that present disaggregated data in a user-friendly manner that is easy to understand will allow stakeholders to develop in-depth, data-linked assessments about the current state and ongoing trends of foster care students' educational success. The hope is this new push for data will spark expanded conversations and work around data linkages and use. Specifically, this requirement provides a forum for more collaborative work around securing the educational stability and success of all students in foster care. States should take this opportunity to evaluate the educational supports offered to children involved in foster care and build data systems to evaluate them. Data can support programs that are working and provide reason to revise programs that are falling short, ultimately leading to more productive educational support for all students in foster care.