This document pre-dates an amendment to the Family Educational Rights and Privacy Act, which allows for easier access of school records to child welfare agencies. 20 U.S.C. § 1232(g)(L).

For more information, see "Q&A How do Recent Changes to FERPA Help Child Welfare Agencies Get Access to Education Records" available at http://www.fostercareandeducation.org/Database.aspx?EntryId=1833&Command=Core_Download&method=inline.

Learn more about data and information sharing between child welfare and education agencies at http://www.fostercareandeducation.org/AreasofFocus/DataInformationSharing.aspx.

Solving
the Data Puzzle

A "How To" Guide on Collecting and Sharing
Information to Improve Educational Outcomes
for Children in Out-of-Home Care

LEGAL CENTER FOR
FOSTER CARE & EDUCATION

Introduction

Why Education Data Improves Outcomes For Youth In Care

On any given day, there are 510,000 children in foster care in America.[5] Education is a critical, yet often overlooked, issue for these youth – one that deeply affects their stability and well-being. Educational success can be a positive and stabilizing counterweight to abuse, neglect, and family separation. A quality education can help a child in care achieve and maintain permanency. In contrast, a child's school struggles or failures can undermine the child welfare agency's ability to find her a stable and permanent family. Inadequate educational support has lasting effects; it is well-documented that poor educational outcomes result in poorer long-term outcomes for young people formerly in foster care, such as unemployment, homelessness and incarceration.[6]

Collecting, evaluating, and sharing information on the education of children in out-of-home care is essential to improving their educational outcomes. The information we gather and share across systems allows us to track trends, deficits, and improvements for children in foster care. It can help shape education and child welfare policies, programs and practices and support increased funding for effective programs. Moreover, access to an individual child's education information is critical to providing her with appropriate services.

Current data collection efforts, however, don't adequately serve these purposes. Existing state-level or regional data is often scattered and narrow in scope. (See sidebar). We have insufficient national data that tracks children over time, consistently defines the scope of the population, or relies on consistent measures for assessing educational outcomes. We have little data on the number of children in out-of-home care receiving special education services or subject to disciplinary action. A "silo effect" — in which the education

agency does not know about the children's involvement in the foster care system, and the child welfare agency knows little about children's educational status — further hinders our data collection efforts.

This article guides the reader in identifying the data we need to better serve children in out-of-home care. It also sets forth options for *how* to gather the data in light of existing legal requirements and opportunities. While we believe that the most effective data collection will take place when child welfare and education agencies collaborate, we also consider opportunities agencies have to proceed alone when necessary.

In **Section I**, we consider the role of the **education agency** in collecting data, focusing on three main questions: (1) how the education agency can identify which youth are in care; (2) what data the agency should collect; and (3) how to use the data collection requirements of the No Child Left Behind Act to facilitate data-gathering on children in out-of-home care. In **Section II**, we consider the role of the **child welfare** agency in collecting data, with consideration of (1) the agency's requirement to maintain individual education records in the case file; and (2) the various legal structures for statistical data collection that can be adapted to gather better data on the educational needs of our youth. In **Section III**, we discuss **collaborations** between child welfare and education agencies, looking at structures for collaborations, positive outcomes of such collaborations and relevant privacy considerations and confidentiality laws.

Beginning a data collection or sharing effort can seem overwhelming. By highlighting promising models, and by providing step–by-step guidance

While data is limited regarding the educational needs of children in out-of-home care (also referred to as foster care)[1], the information we have makes clear that these children are at-risk educationally: they exhibit lower academic achievement, lower standardized test scores, higher rates of grade retention, greater absenteeism and truancy, and higher dropout rates.[2] Only one-third of students in out-of-home care receive a regular high school diploma within four years.[3] Only three percent graduate from college.[4]

Why Youth In Care Struggle In School

Youth in care face particular challenges *in* school. In addition to contending with their own history of abuse, neglect and instability, youth face challenges in school. These include:

- **School Mobility:** Research shows that every time a child in foster care changes schools, he or she loses four to six months of educational progress.[7] Youth may transfer schools numerous times while in care.

- **Problems with Credit Transfers:** The failure to transfer credits between schools and from residential educational placements to school districts leaves many youth repeating coursework they have *previously* completed, without getting closer to graduation.

- **Enrollment Delays:** Highly mobile children in out-of-home care may miss days, weeks and sometimes months *of school* due to bureaucratic barriers to promptly enrolling in a new school.

- **Inadequate special education services:** Highly mobile children may never receive requested special education evaluations, or may not have a special education decision-maker to consent to an evaluation or services.[8]

- **Inadequate early intervention services.** A lack of appropriate early intervention services can contribute to later struggles in school.[9]

on how to address these issues across systems, we hope to make it easier for more jurisdictions to get started. The most effective data collections involve interagency collaboration. However, you must start where you find yourself – if only one agency is ready, start there.

I. Education-Led Data Collection

A. Identifying the Population

To track data on this population, an education agency must identify which of its children are in the foster care system. An education agency can identify these children itself, primarily by asking questions at enrollment, or it can get the information from the child welfare system. We explore these options, and their confidentiality challenges and solutions, below.

1. Using Enrollment Data to Identify Youth in Care

In some states, a child's foster care status is determined from enrollment information. Such information should be collected only to the extent necessary, and should be shared only with those with a "need to know." (See Section III.) Because this information is provided by the person enrolling the child, the accuracy of the data depends on the reporter.[10] Also, this method does not capture all children, as some will enter care after they have enrolled in school.[11] Nevertheless, enrollment information can provide important information about youth in care, especially in jurisdictions where information-sharing between child welfare and education agencies is not possible.

Other information already collected by schools – such as residency information - can also provide a convenient way to identify which youth are in care.

CASE EXAMPLE: In Pennsylvania, school residency data coding includes: (1) a non-resident foster child living with a resident foster parent, (2) a non-resident foster child educated outside foster parent's school district, (3) institutionalized Wards of the State, and (4) institutionalized Wards of the State residing in detention facilities. Because this information is entered into the same system as the educational information required under the federal No Child Left Behind Act and linked to a student

identification number, the Pennsylvania Department of Education has the capacity to run data searches on the educational performance of children in each residency code category. This system does not allow Pennsylvania to gather information about all children in out-of-home care, as it identifies only those children in foster or residential placements outside their home school district. Nonetheless, it does allow some information-gathering about the most mobile, and hence most educationally at-risk, children.

2. Using McKinney-Vento Information to Identify Youth in Care

Data from the federal McKinney-Vento Act[12] provides another source of information about which youth are in care. Under McKinney-Vento, children "awaiting foster care placement" are included in the definition of "homeless children and youth" and are therefore eligible for access to an education liaison and the right to remain in the same school even when they move living placements.[13] Schools' mechanisms to identify youth "awaiting foster care placement" to provide McKinney services could also be used for data-collection purposes.[14]

Even jurisdictions that track data on children served by McKinney-Vento will not identify all children in out-of-home care, only those defined as "awaiting foster care placement" – a definition that varies from state to state. But because every state is required to report annually to the federal government the number of homeless youth enrolled in school, the number served through the McKinney-Vento program and the services provided, taking the small extra step of identifying specifically which youth are "awaiting foster care placement" can provide useful information about the education of some children in out-of-home care.

3. Gathering Information from Child Welfare Agencies

While an education agency can identify youth in care on its own, the most effective and accurate data collection by education will rely on the child welfare agency to identify which children should be tracked. In addition to being more accurate, this approach will generally allow educators to track a broader group of youth. For example, the child welfare could identify for the education agency any of the following: all children under the supervision of the child welfare system, all children who have been adjudicated dependent, youth adjudicated dependent and delinquent, or all children placed in out-of-home care. It can also allow education agencies to gather information about a child's placement (for example, whether she is in a group home or living with a foster family). For more information on this collaborative approach, the types of information to be shared, and the relevant confidentiality issues and solutions, see **Section III**.

B. Using Existing Data Collection Mechanisms

The No Child Left Behind Act (NCLB) of 2001 requires states to collect substantial data on students' educational performance and other factors relevant to school success. The purpose and mission of NCLB is to improve educational performance and eliminate the achievement gap between groups of students throughout our nation's schools.[15] The Act requires states to implement accountability systems at the state, district, and school level. It requires every state to establish challenging standards in reading and mathematics, test students annually at certain grade levels, and establish annual statewide progress objectives to ensure that all groups of students reach proficiency by the 2013-14 School Year. NCLB requires that assessment results and state progress objectives be broken out by "at-risk" sub-groups (e.g., poverty, race, ethnicity, disability, and Limited English Proficiency).[16]

While NCLB does not require states to disaggregate data on youth in the child welfare system, states can use their NCLB data collection systems to pull out this important information. At present, 45 states have developed a statewide "student identifier" – a randomly assigned number unique for each student in the state that enables the state to connect student-specific data across key databases and across years.[17] The use of a student identifier can help track the progress of children in out-of-home care. Once an education system links a student identifier with student's child welfare status (either through direct questions at enrollment or through collaboration with the child welfare system), the state can follow a student as she moves from grade to grade and district to district. The state can then maintain a record on a child from kindergarten through grade 12 and beyond.[18]

1. Tracking Existing NCLB Data Elements for Students in the Child Welfare System

Assuming that the education system can identify children in out-of-home care, NCLB will prove vital in tracking education information about these children. The following list identifies some of the specific data elements that NCLB requires states to maintain for all students that are most essential for improving educational outcomes for children in out-of-home care.[19]

Student Profile
- **Gender and Ethnicity**
- **LEP Participation/English Proficiency/Language Breakdown/Language/ Home Language Code**
- **Economic status** (Free/Reduced Lunch Program (FRL)
- **Plan 504 Indicator**
- **Enrollment, Placement & Programs**
- **Attendance**
- **Truancy**
- **Discipline** (suspensions and expulsions for specific offenses)
- **School Enrollment**

- **Program Participation** (in specific remedial or other programs)[20]
- **Special Education Data**
- **Educationally Disadvantaged under Career and Technical Education programs**
- **Academic Progress**
- **Grade Retention Rates**
- **State Testing Data**
- **Graduation Rates** (Expected Graduation, Graduation Status Code & Type of Diploma)
- **Expected Post-Graduate Activity**

2. Modifying and Adding Data Elements to Focus on Children in Out-of-Home Care

Once states have developed the technology to track information under NCLB for all students (and have devised ways to identify children in foster care), modifying and adding data elements can deepen our understanding of the situation of youth in care. The following list suggests modifications to the above required data elements.

- **Truancy Rates:** Expanded to include the number of truancy court filings as well as truancy rates.
- **Special Education Data:** Expanded to include whether a request was made for evaluation for special education services and whether an evaluation was ever completed.
- **Academic Progress:** Expanded to include state achievement test scores.
- **Program Participation:** Expanded to include participation in vocational education and summer school.
- **Discipline (Suspensions/Expulsions):** Expanded to include all suspensions, expulsions, as well as assignment to alternative education programs, and referrals to law enforcement as part of the integrated system

*CASE EXAMPLE: By tracking out-of-school suspensions, **North Carolina** learned that the State had experienced a twenty percent increase in short-term suspensions and a twenty-seven percent increase in long-term suspensions from one school year to the next, resulting in over one million lost instructional days. Recognizing that lost school time disproportionately impacts youth in the juvenile justice system, the North Carolina Department of Juvenile Justice and Delinquency Prevention – Center for the Prevention of School Violence (DJJDP – Center) began work on Project EASE (Educational Alternatives to Suspension and Expulsion). The Department was able to identify, study, and implement promising strategies to reduce suspension and expulsion* rates, including improvements in: parental involvement, alternative placements utilizing positive interventions, school climate, leadership and staff development.12

.

In addition to modifying existing NCLB elements, states could add new elements to their data collection systems to better track the progress of youth in care. Proposed additional data elements include:

Course Enrollment, Completion & Credit Transfers

Prompt Enrollment

School Performance

Higher Education Data.

About 500 youths leave Michigan's foster care system each year. Studies revealed that although 70 percent aspired to attend college, only about 20 percent actually enrolled and only a quarter of those students ever obtained a degree. Michigan (one of the few states in the nation to devote a legislative session to the needs of children and youth in foster care) sought to change those statistics. In addition to increasing access to financial aid, the State is seeking to increase scholarships and educate colleges and universities about the unique needs and challenges of youth transitioning out of foster care. The Department of Human Services co-sponsored the first Foster Care-Higher Education summit in April 2007. In response, Western Michigan University created a "Foster Youth and Higher Education" initiative which

Solving
the Data Puzzle

A How-To Guide on Collecting and Sharing Information to Improve Educational Outcomes for Children in Out-of-Home Care

Executive Summary

Sometimes people are reluctant to collect data because they are afraid of what the data will show. What we should fear is not looking at the data at all. Data is the driver in getting everyone involved. Data puts a face on the children in out-of-home care. It tells us their story and also tells us how we can change their story.

Amanda Singer,
Research Consultant, Utah Department of Human Services

As advocates, educators, judges and representatives of state and local government agencies and other stakeholders, we know all too well that children in out-of-home care are in educational crisis. By collecting data and sharing information across child welfare and education systems, we can learn why and what needs to change. This **How-To Guide** therefore explores how child welfare and education agencies can best work individually and in collaboration to improve data collection and information sharing by focusing on this vulnerable population. It is designed for use by state and local agencies, as well as any advocates working to improve data collection and information sharing efforts for youth in care.

This **How-To Guide** is divided into two sections: a **Manual** and a set of **Tools**. The **Manual** provides details on the relevant legal and policy considerations, as well as examples from many jurisdictions around the country engaging in this important work. The **Education Agency Self-Assessment Tool** and the **Child Welfare Agency Self-Assessment Tool** provide simple checklists to guide each agency in: (1) defining their data collection and sharing goals; (2) defining the population they will track; (3) assessing their current and desired information-sharing; and (4) assessing their current and desired data collection. These **Tools** are designed for agencies to use on their own, or as a first step in a collaborative process. Because the most effective data collection efforts require collaboration between both agencies, the **Child Welfare and Education Collaborative Tool** guides both agencies through the joint process of developing an effective collaboration for data collection and information sharing systems, including building the information-sharing mechanism; assessing confidentiality issues and solutions; and establishing systems of governance, maintenance and use. The **Tools** contain page references to the **Manual.** An agency or advocate can therefore read the **Manual** in its entirety, or simply use the relevant sections as a guide to completing the **Tools**.

Table of Contents

Introduction

Why Education Data Improves
Outcomes for Youth in Care

On any given day, there are 510,000 children in foster care in America.[1] Education is a critical, yet often overlooked, issue for these youth – one that deeply affects their stability and well-being. Educational success can be a positive and stabilizing counter-weight to abuse, neglect, and family separation. A quality education can help a child in care achieve and maintain permanency. In contrast, a child's school struggles or failures can undermine the child welfare agency's ability to find her a stable and permanent family. Inadequate educational support has lasting effects; it is well-documented that poor educational outcomes result in poor long-term outcomes for young people formerly in foster care, such as unemployment, homelessness and incarceration.[2]

Collecting, evaluating, and sharing information on the education of children in out-of-home care is essential to improving their educational outcomes. The information we gather and share across systems allows us to track trends, deficits, and improvements for children in foster care. It can help shape education and child welfare policies, programs and practices and support increased funding for effective programs. Moreover, access to an individual child's education information is critical to providing her with appropriate services.

Current data collection efforts, however, do not adequately serve these purposes. Existing state-level or regional data is often scattered and narrow in scope. (See sidebar). We have insufficient national data that tracks children over time, consistently defines the scope of the population, or relies on consistent measures for assessing educational outcomes. We have little data on the number of children in out-of-home care receiving special education services or subject to disciplinary action. A "silo effect" – in which the education agency does not know about children's involvement in the foster care system, and the child welfare agency knows little about children's educational status – further hinders our data collection efforts.

This article guides the reader in identifying the data we need to better serve children in out-of-home care. It also sets forth options for *how* to gather the data in light of existing legal requirements and opportunities. While we believe that the most effective data collection will take place when child welfare and education agencies collaborate, we also

While data is limited regarding the educational needs of children in out-of-home care (also referred to as foster care)[3], the information we have makes clear that these children are at-risk educationally; they exhibit lower academic achievement, lower standardized test scores, higher rates of grade retention, greater absenteeism and truancy, and higher dropout rates.[4] Only one-third of students in out-of-home care receive a regular high school diploma within four years.[5] Only three percent graduate from college.[6]

Why Youth In Care Struggle In School

Youth in care face particular challenges in school. In addition to contending with their own history of abuse, neglect and instability, youth face challenges in school. These include:

- **School Mobility:** Research shows that every time a child in foster care changes schools, he or she loses four to six months of educational progress.[7] Youth may transfer schools numerous times while in care.

- **Problems with Credit Transfers:** The failure to transfer credits between schools and from residential educational placements to school districts leaves many youth repeating coursework they have previously completed, without getting closer to graduation.

- **Enrollment Delays:** Highly mobile children in out-of-home care may miss days, weeks and sometimes months of school due to bureaucratic barriers to promptly enrolling in a new school.

- **Inadequate special education services:** Highly mobile children may never receive requested special education evaluations, or may not have a special education decision-maker to consent to an evaluation or services.[8]

- **Inadequate early intervention services.** A lack of appropriate early intervention services can contribute to later struggles in school.[9]

consider opportunities agencies have to address the issues within their own organization.

In **Section I,** we consider the role of the **education agency** in collecting data, focusing on three main questions: (1) how the education agency can identify which youth are in care; (2) what data the agency should collect; and (3) how to use the data collection requirements of the No Child Left Behind Act (NCLB) to facilitate data collection on children in out-of-home care. In **Section II,** we consider the role of the **child welfare** agency in collecting data, with consideration of (1) the agency's requirement to maintain individual education records in the case file; and (2) the various legal structures for statistical data collection that can be adapted to gather better data on the educational needs of our youth. In **Section III**, we discuss **collaborations** between child welfare and education agencies, looking at systems for collaboration, positive outcomes of such collaborations and relevant privacy considerations and confidentiality laws.

Beginning a data collection or sharing effort can seem overwhelming. By highlighting promising models, and by providing step–by-step guidance on how to address these issues across systems, we hope to make it easier for more jurisdictions to get started. The most effective data collections involve interagency collaboration. However, you must start where you find yourself – if only one agency is ready, start there.

I. Education-Led Data Collection

A. Identifying the Population

To track data on this population, an education agency must identify *which* of its children are in the foster care system. An education agency can identify these children itself, primarily by asking questions at enrollment, or it can get the information from the child welfare system. We explore these options, and their confidentiality challenges and solutions, below.

1. Using Enrollment Data to Identify Youth in Care

In some states, a child's foster care status is determined from enrollment information. Such information should be collected only to the extent necessary, and should be shared only with those with a "need to know." (See **Section III**.) Because this information is provided by the person enrolling the child, the accuracy of the data depends on the reporter.[10] Also, this method does not capture all children, as some will enter care *after* they have enrolled in school.[11] Nevertheless, enrollment information can provide important information about youth in care, especially in jurisdictions where information-sharing between child welfare and education agencies is not common.

Other information already collected by schools – such as residency information – can also provide a convenient way to identify which youth are in care.

2. Using McKinney-Vento Information to Identify Youth in Care

Data from the federal McKinney-Vento Act[12] provides another source of information about which youth are in care. Under McKinney-Vento, children "awaiting foster care placement" are included in the definition of "homeless children and youth" and are therefore eligible for access to an education liaison and the right to

remain in the same school even when they move living placements, or be immediately enrolled in a new school.[13] Schools' mechanisms to identify youth "awaiting foster care placement" to provide McKinney services could also be used for data-collection purposes.[14]

Even jurisdictions that track data on children served by McKinney-Vento will not identify *all* children in out-of-home care, only those defined as "awaiting foster care placement"– a definition that varies from state to state. But because every state is required to report annually to the federal government the number of homeless youth enrolled in school, the number served through the McKinney-Vento program and the services provided, taking the small extra step of identifying specifically which youth are "awaiting foster care placement" can provide useful information about the education of some children in out-of-home care.

3. Gathering Information from Child Welfare Agencies

While an education agency can identify youth in care on its own, the most effective and accurate data collection by education will rely on the child welfare agency to identify which children should be tracked. In addition to being more accurate, this approach will generally allow educators to track a broader group of youth. For example, the child welfare agency could identify for the education agency any of the following: all children under the supervision of the child welfare system, all children who have been adjudicated dependent, youth adjudicated dependent and delinquent, or all children placed in out-of-home care. It can also allow education agencies to gather information about a child's placement (for example, whether she is in a group home or living with a foster family). For more information on this collaborative approach, the types of information to be shared, and the relevant confidentiality issues and solutions, see **Section III.**

CASE EXAMPLE:
USING ENROLLMENT INFORMATION TO IDENTIFY YOUTH IN CARE

Pennsylvania provides one example of how enrollment information can be used to track education data regarding children in out-of-home care. In Pennsylvania, school residency data coding includes: (1) a non-resident foster child living with a resident foster parent, (2) a non-resident foster child educated outside foster parent's school district, (3) institutionalized Wards of the State, and (4) institutionalized Wards of the State residing in detention facilities. Because this information is entered into the same system as the educational information required under the federal No Child Left Behind Act and linked to a student identification number, the Pennsylvania Department of Education has the capacity to run data searches on the educational performance of children in each residency code category. This system does not allow Pennsylvania to gather information about *all* children in out-of-home care, as it identifies only those children in foster or residential placements outside their home school district. Nonetheless, it does allow some information-gathering about many children in out-of-home care.

(and have devised ways to identify children in foster care), modifying and adding data elements can deepen our understanding of the situation of youth in care. The following list suggests modifications to the above required data elements.

- **Truancy Rates:** Expanded to include the number of truancy court filings as well as truancy rates.
- **Special Education Data:** Expanded to include whether a request was made for evaluation for special education services and whether an evaluation was ever completed.
- **Academic Progress:** Expanded to include state achievement test scores.
- **Program Participation:** Expanded to include participation in vocational education and summer school.
- **Discipline (Suspensions/Expulsions):** Expanded to include all suspensions, expulsions, as well as assignment to alternative education programs, and referrals to law enforcement as part of the integrated system.

In addition to modifying existing NCLB elements, states could add *new* elements to their data collection systems to better track the progress of youth in care. Proposed additional data elements include:

- **Course Enrollment, Completion & Credit Transfers**
- **Prompt Enrollment**
- **School Performance**
- **Higher Education Data**

Ideally, the data described here should be maintained in a data system that can track children over time. NCLB strongly endorses, but does not require, the use of longitudinal student data by states and school districts. "Each state educational agency may incorporate the data from the assessments under this paragraph into a State-developed longitudinal data system that links student test scores, length of enrollment, and graduation records over time."[23] The U.S. Department of Education may provide funding to states to develop "information and reporting systems designed to identify best educational practices based on scientifically based research or

to assist in linking records of student achievement, length of enrollment, and graduation over time."[24] Accordingly, such federal funding could be used to develop reporting systems to identify better educational practices for children in out-of-home care, or to develop longitudinal data regarding this population.

3. Other Opportunities for Education Agency Data Collection

When systematic and ongoing data collection is not possible or taking a long time to implement, education agencies can employ creative strategies to begin the process of collecting vital information. For example, education agencies can gather a wide variety of data on youth in the child welfare system by capturing snapshot data or conducting simple surveys.

II. Child Welfare-Led Data Collection

Federal child welfare laws contain two sets of mandates relating to data collection: the requirement that education records be included in children's case files, and the requirement that states submit statistical data on the well-being of children in care to the federal government. While these requirements alone are insufficient to collect significant statistical data on youth in care, they provide an infrastructure for data collection that can be expanded to gather information about youth in care.

To begin this task, it is important to understand that child welfare law recognizes education as an important element in ensuring the well-being of children in the child welfare system. Accordingly, the federal government considers an agency's attention to education when monitoring state child welfare programs. Perhaps the most significant example of this is the Child and Family Services Reviews (CFSRs) which the U.S. Department of Health and Human Services adopted in 2000 as a new method of monitoring state child welfare programs.

CFSRs evaluate states' performance in handling child abuse, neglect, and adoption cases and measure "substantial conformity" with certain federally selected outcomes. One of these outcomes requires state child welfare agencies to ensure that "children receive appropriate services to meet their educational needs." (Well-Being Outcome 2). Accordingly, the CFSRs provide strong incentives and a real opportunity for states to address the data collection issues presented below. Additionally, states that are out of compliance with this (or any other) outcome must develop a Program Improvement Plan (PIP), which can be a useful opportunity for child welfare agencies to think creatively and proactively about how best to meet the educational needs of youth in their care.

A. Using the Child's Case Plan

1. Title IV-E Case Plan Requirements

In 2006, Title IV-E of the Social Security Act[26] was amended to require that each child's plan include: the child's education records, the most recent contact information of the child's health and educational providers, the child's grade level performance, the child's school record, a record of the child's immunizations, the child's known medical problems, the child's medications, and any other relevant health and education information concerning the child determined to be appropriate by the child welfare agency.[27] The child welfare agency must also regularly review and update each child's education record and supply it to every foster parent or foster care provider with whom the child is placed in out-of-home care.[28] Finally, the child welfare agency must provide a copy of the child's education record to every child who reaches age 18.[29]

In October 2008, a new federal child welfare law, the Fostering Connections to Success and Increasing Adoptions Act, made additional changes relating to the child's education. Under the law, the child's case plan must include assurances that the placement takes into account proximity to the school in which the child was enrolled at the time of placement and the appropriateness of the educational placement.[30] The new law also requires that child welfare case plans include assurances of collaboration with local education agencies to *ensure* that a child remains in her home school. If it is not in the child's best interest to remain in that school, the new law requires that the child be immediately and appropriately enrolled in a new school, with all education records provided to the new school.[31] Another significant change in the law is a new state plan requirement that requires child welfare agencies to provide assurances that all children eligible under Title IV-E are enrolled in and attending school.

Child welfare agencies must ensure that education agencies receive complete education records on individual students in a timely fashion – even when students move from one school and one living placement to the next. The child welfare agency must also work with the education agency to ensure appropriate and stable school placements for youth – and then document those placements and their efforts in the child's case plan.

2. Opportunities for Better Data Collection Using IV-E

Children in care would benefit from even more extensive record keeping than explicitly mandated under IV-E. Students' child welfare case files should also include any referrals for a special education evaluation, completed evaluations or re-evaluations, special education Individualized Education Programs, behavioral plans, vocational assessments, state-standardized test scores, disciplinary records, reports and progress notes, and information on credits accrued toward graduation. Ideally, to make the most informed and appropriate decisions, child welfare staff and the child's foster parent should be able to access all data maintained by the school regarding the child in their care.

B. Using Existing Systems to Collect Statistical Data

1. Adoption and Foster Care Analysis and Reporting System (AFCARS)

The Adoption and Foster Care Analysis and Reporting System (AFCARS)[33] requires each participating state to collect "snapshot data" – a review of individual case files every six months with reference to a set of required data elements.[34] Adoption and foster care data are separately reported on an annual basis. While the adoption file contains 45 data elements and the foster care file contains 89 elements, *none* of these data elements directly addresses education.

In 2008, the Department of Health and Human Services (HHS), Administration for Children and Families (ACF), proposed amendments to AFCARS regulations which would allow for more complete tracking of children in out-of-home care.[35] Whether or not these regulatory changes are adopted by ACF, AFCARS data collection is a good place to start encouraging states to be more ambitious about learning – in a systematic way – how youth in care are performing in school and what types of barriers they are encountering. Some elements the child welfare agency can collect include:[36]

- **Whether the child in out-of-home care has a disability or developmental delay and whether the child is receiving special education or early intervention services**
- **Whether the child has repeated a grade and, if so, how often**
- **Educational stability**
- **Type of educational placement**[37]
- **Academic performance**
- **School completion**
- **Early childhood education**[38]
- **Special education** (including **Early intervention; Provision of Services; Specifics about education disability; Appointment of surrogate parent; Transition readiness**)

2. Statewide Automated Child Welfare Information System (SACWIS)

The Statewide Automated Child Welfare Information System (SACWIS) is a comprehensive, automated case management tool that supports caseworkers' management of foster care and adoption cases.[39] If a state agrees to implement SACWIS — which most states have — it receives federal funding to support its development. In exchange, the state must agree that the SACWIS will be the *sole* case management tool used by all public and private social workers responsible for case management activities. Staff must enter all case management information into SACWIS so that it holds a state's "official case record" - a complete, current, accurate, and unified case management history on all children and families served by the agency.

Once a state has a SACWIS system, it will elec-
tronically house the education records and infor-
mation required by federal law to be included in
the child's case plan, as well as the required
AFCARS elements. It may also be a way to elec-
tronically embed additional requests for addi-
tional education information in the child welfare
system – such as the data element recommenda-
tions above. Moreover, because states can incor-
porate other programs into SACWIS and can
offer other human service professionals access to
the system, SACWIS may provide a way to facili-
tate student-specific information sharing and sta-
tistical data collection with schools in jurisdic-
tions with statewide information databases.

3. The National Youth in Transition Database (NYTD)

The Administration for Children and Families
(ACF) is currently developing a new database -
the National Youth in Transition Database
(NYTD) - to track the progress of youth transi-
tioning from foster care to adulthood. Beginning
in October, 2010, states will be required to
collect data for this database.

This system will track: the number and charac-
teristics of children receiving independent living
services, the type and quantity of independent
living services states provide to children, and
states' performance on certain outcome
measures.[40] For children receiving independent
living services supported by the federal Chafee
Act, the database will include student-specific
education data, including whether the children
received academic support, post-secondary edu-
cational support, career preparation, employment
programs or vocational training, mentoring,
room and board, financial assistance, as well as
the last grade level completed and the youth's
special education status.[41] Finally, the database
will collect "outcome measures" including educa-
tional attainment for all children who have aged
out of out-of-home care, including the highest
educational certification received by the children
and current enrollment/attendance data.

Because states are now beginning to develop pro-
cedures for collecting this data, it is an ideal time
to think through how child welfare agencies can
best design a data collection system collaborative-
ly with schools and other integral partners. Such
collaborations will be necessary to fulfill the
mandate of the NYTD, and also can help other
state-level data collection efforts. For more infor-
mation on such collaborations, see **Section III.**

4. Other Opportunities for Child Welfare Agency Data Collection

Independent of these federal requirements and
opportunities, or in support of them, child
welfare agencies should take the initiative to
develop their own surveys and instruments for
data collection. The list of data elements
provided above for AFCARS purposes would also
serve as a good starting point for a state system.
Recognizing the importance of this information
to children in care, many states are already taking
the initiative.

CASE EXAMPLE

CREATIVE STRATEGIES FOR DATA COLLECTION

Child welfare agencies are often well-positioned to correlate education experiences with other key factors, such as living place-ments. For example, **Fresno County, California** collected data on education outcomes and correlated it with the types of placement settings for children in care. The following chart illustrates some of their key findings. This kind of data can help a jurisdiction identify and focus efforts to have the most impact on children in out-of-home care.

FOSTER CARE STATISTICS FOR FRESNO COUNTY

PLACEMENT TYPE	NUMBER	# OF ADDRESSES	# OF SCHOOLS	% ATTENDING	% UNEXECUSED	CST LANGUAGE ARTS	CST MATH	GPA	SUSPENDED
ALL FOSTER YOUTH	799	1.77	1.47	93.3	4.5	267	210	1.646	438
RELATIVE REPLACEMENTS	130	1.67	1.35	92.6	4.7	287	260	1.465	65
GUARDIAN HOME	158	1.23	1.09	95.3	2.2	301	287	1.770	65
FOSTER FAMILY HOME	333	1.71	1.30	95.3	2.7	298	274	1.924	122
GROUP HOME	178	1.77	1.48	88.1	9.8	265	207	1.37	175

III. Taking Down the Walls: Cross-System Information Sharing and Collaboration

For children in out-of-home care to achieve academic success, parents, judges, attorneys, Court Appointed Special Advocates (CASAs), guardians *ad litem* (GALs), caseworkers, foster parents, schools, and other advocates in the child welfare and education systems must work together to overcome hurdles to meeting education needs, including confidentiality concerns related to information-sharing and data collection. For a detailed analysis of the confidentiality issues and practical tips for overcoming barriers, see McNaught, Kathleen. *Mythbusting: Breaking Down Confidentiality and Decision-Making Barriers to Meet the Education Needs of Children in Foster Care.*[42]

Confusion around confidentiality and information-sharing in the child welfare context exists both for *student-specific* and *system-level* information-sharing. Student-specific information sharing can be vital to ensuring that each child gets the support he or she needs from the education and child welfare agencies. System-level information – both quantitative and qualitative – is vital to developing a comprehensive picture of the educational problems children in out-of-home care face and the policies and supports they need. Each presents a different set of legal issues and practical approaches.

The following sections provide a discussion of the primary federal laws addressing the confidentiality of children's child welfare and education records, as well as legal arguments and practical models to support appropriate information-sharing between education and child welfare while protecting the privacy of parents and students.[43]

Child welfare agencies have an important responsibility to promote the educational success of the children in their care. However, students and parents must also receive confidentiality protections. As a result, this discussion considers how child welfare and education agencies can work together to ensure the privacy of students and parents and limit access to only those individuals or officials who "need to know" the information to serve the best educational interest of children.

A. When Child Welfare Shares with Education

As described in **Section I**, the most successful data collection efforts driven by the education agency rely on the receipt of information from the child welfare agency. The following sections set forth the relevant federal confidentiality laws, and describe *which* information child welfare can or should share with education, *with whom* they should share, and, when relevant, *how* they can accomplish the information sharing.

1. CAPTA: Confidentiality Law Governing Child Welfare Information Sharing

When education agencies seek child welfare records, an important *federal* law protecting confidentiality is the Child Abuse Prevention and Treatment Act (CAPTA).[44] According to CAPTA, every state must have laws in place to protect the confidentiality of child welfare records and specify when and with whom the records may be shared. CAPTA permits child welfare to share records with: "federal, state, or local government entities that have a need for such information to carry out their responsibilities to protect children from abuse or neglect."[45] Therefore, for the child welfare agency to share information with the education agency, a state statute must authorize the information sharing, or it must be established that the school system needs the information to protect children from abuse and neglect. Many state statutes currently provide that education may receive child welfare information.

2. Practical Considerations

To protect child and family privacy, child welfare agencies should share information only to the extent necessary to benefit the children in care. As discussed in **Section I**, the primary information education needs from child welfare for statistical data analysis purposes is *which* children to track. The agencies may decide, for example, to track all children under the supervision of the child welfare system, all children who have been adjudicated dependent, youth adjudicated dependent and delinquent, or all children placed in out-of-home care.

To best protect a student's privacy, limited information should be shared with only those who need to know. For example, only the homeless liaison in a school needs to know that a child in care qualifies as homeless in order to help the child remain in that school when she moves and to receive needed services. Similarly, information gathered for statistical data collection purposes need only reach the staff member entering the data into the system. Therefore, the information should not be shared with other school personnel. School staff must be especially careful to keep this information private, as students have repeatedly reported being embarrassed or upset when classmates or school staff who did not need to know the information learned about their involvement in the child welfare system.

When the purpose of information sharing is to provide individual services for a student, it may sometimes be important for specific school staff to have limited information relevant to the child's school behavioral needs or academic performance. Such information can help school staff determine how best to support a child and provide her with appropriate services. For example, a teacher may benefit from knowing that a child has experienced a disruptive event that may affect her learning or ability to interact with teachers without knowing any of the details or circumstances of the disruptive event. In such situations, child welfare staff should not share the specifics of a child's history, placement, or family circumstances. Ideally, all school staff should be trained about the unique educational needs of children in out-of-home care and the importance of respecting students' privacy. For example, the Commonwealth of Massachusetts awards grants to "Trauma Sensitive Schools" that adopt strategies within the regular education classroom to address the educational and psycho-social needs of children who suffer from the traumatic effects of exposure to violence.[46] Another resource, a video and training curriculum developed by Casey Family Programs, "Endless Dreams," raises the awareness of educators about the unique emotional and other needs of youth in out-of-home care. To learn more, visit www.casey.org.

When the purpose of information sharing is statistical data collection only, child welfare agencies may consider sharing additional data elements. In addition to identifying *which* children education agencies should track, child welfare agencies should also consider sharing information about the *number* of living placements for each child, and the *type* of placement (*e.g.*, foster home, kinship care, group home). Tracking this information can yield data on how children's placements affect their education. For example, such information could shed light on how children in group homes are faring compared with those living with foster families, or how frequent living placement moves affect a child's education. When sharing data for statistical purposes, certain data systems can help agencies to minimize the confidential information divulged. For more information on these technical approaches, see "Moving Forward with the Collaboration*,"* **Section III.C**.

B. When Education Shares with Child Welfare

Although federal law mandates that child welfare agencies obtain education records, confidentiality concerns often interfere with compliance. The following section discusses how to obtain education records while still complying with the Family Educational Rights and Privacy Act (FERPA).

Passed in 1974, FERPA protects the privacy interests of parents and students regarding

students' education records.[47] Generally, FERPA requires states to provide for a parent's right to access their children's education records, and to keep those records confidential unless the parent or a student over age 18 consents to disclosure.[48] Additionally, FERPA allows parents the right to a hearing challenging what is in the student's education record.[49] Education records are defined as those materials maintained by the educational agency or institution containing personally identifiable information directly related to a student.[50]

According to FERPA, education records can be released to child welfare agencies in a number of ways. First, records can be released with parental consent. Therefore, the child welfare agency or anyone seeking to access the child's education records should *always* first seek parental consent. Some jurisdictions, including Los Angeles, California, have developed a parental consent form that the child welfare agency asks the parent or guardian to sign as soon as a child is placed in out-of-home care.

While FERPA refers to the rights of the "parent" throughout the law, it includes no definition of parent. FERPA regulations, however, define a parent as "a parent of a student and includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or guardian."[51] Because the child welfare agency is legally responsible for the children in out-of-home care, the agency could be considered to be a guardian, or "acting as a parent in the absence of a parent or guardian," and therefore the "parent" under FERPA. Some jurisdictions have overcome this potential FERPA barrier for child welfare agencies by directly including the agency in the definition of parent by statute or regulation.[52]

In the absence of parental consent or the agency being considered the parent, agencies may turn to a FERPA exception to obtain the records. The most relevant exceptions are discussed below. If records are obtained under a FERPA exception, there is a specific prohibition on re-disclosure. In contrast, if a child welfare agency obtained the records by getting parental consent or meeting the definition of parent under FERPA, the agency may re-disclose the records.

1. Student-Specific Information Sharing and the Family Educational Rights and Privacy Act (FERPA)

In the absence of parental consent, the most relevant FERPA exception to child welfare student-specific information sharing is the release to appropriate persons when needed to comply with a judicial order or subpoena.[53] Because children in the child welfare system are already involved with the court system, getting a court order or subpoena is often the most feasible FERPA exception. Under this exception, a court order may allow the school to release records to any party listed on the order, including the child welfare agency or caseworker, caretaker, child's attorney, or court appointed special advocate (CASA). Although guidance suggests that the court order must not be a "blanket order," and must be individualized, it is appropriate for courts to have a habit of including language in form orders that indicates to whom school records may be released. The parent must be notified of the court order by the school in advance of the school's release of the records.[54]

2. Statistical Information Sharing and the Family Educational Rights and Privacy Act (FERPA)

As a preliminary matter, it is worth noting that some information used for statistical analysis does not constitute an "education record," and does not trigger FERPA protections. Education records are defined as those materials maintained by the educational agency or institution, containing personally identifiable information directly related to a student.[55] Therefore, anonymous data ("non-personally identifying"), information that does not directly relate to a student, or information that was gleaned from a source other than that student's education record can be shared without triggering FERPA.

Equally pertinent for statistical information sharing, FERPA allows "directory information" to be disclosed without parental consent. Directory information includes the following: student's name, address, telephone listing, date and place of birth, major field of study, participation in activities and sports, weight and height (for athletic teams), dates of attendance, degrees and awards received, and the most recent educa-

tional agency attended by the student.[56] A social security number or school identification number is *not* directory information.

In the absence of parental consent, some FERPA exceptions can prove useful for statistical information sharing. First, if the judicial system makes a practice of issuing individualized orders for each child in out-of-home care, the judicial order exception can support this level of information sharing.

Another FERPA exception authorizes access to education records to "organizations conducting studies for, or on behalf of, educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering student aid programs, and *improving instruction*" (emphasis added).[57] However, studies must be conducted to protect personal identification of students. Also, the information must be destroyed when no longer needed for the purpose for which it is conducted.[58] "Organizations conducting studies" include federal, state, and local agencies, and independent organizations.[59] The U.S. Department of Education in regulations has interpreted authorized disclosure to mean a study *authorized by* the local educational agency or school, rather than one that necessarily *benefits* the local educational agency or school.[60]

Additionally, FERPA clearly allows "authorized representatives of (A) the Comptroller General of the United States, (B) the Secretary, or (C) State educational authorities" to access student or other records which "may be necessary in connection with the audit and evaluation of Federally-supported education programs, or in connection with the enforcement of the Federal

legal requirements which relate to such programs."[61] The No Child Left Behind Act (NCLB) expressly authorizes state longitudinal data systems to link student test scores, length of enrollment, and graduation records over time.[62] The Act also vests in states the responsibility to administer assessments required under law and to provide diagnostic reports on individual students to parents, teachers, and principals.[63] As a result, a state, without parental consent, may collect and store in a data warehouse personally identifiable information regarding individual student performance on state assessments, enrollment, and graduation, and may share information on student assessment results with schools attended by the students.[64]

C. Moving Forward with the Collaboration

1. Using Technology: Setting Up an Information-Sharing System

To facilitate appropriate data sharing, child welfare and education agencies have used data matching, child welfare access to student identification numbers, and data exchanges. These three approaches are explained below.

a) **Data matching**: Data from child welfare (*e.g.*, name, date of birth, address) is "matched" with the same data from education. Education can pull up education data regarding each student to create system-level reports. Data matching can be conducted on a one-time basis, or at regular intervals.

b) **Child Welfare Agency Access to Student Identification Numbers**: Most state education

CASE EXAMPLE: DATA MATCHING
The **Los Angeles** Education Coordinating Council (ECC) provides an example of the effectiveness of data matching. Beginning with the collaboration of seven school districts, the council achieved a preliminary data match for 8,000 children served by the child welfare system and the LA Unified School District. Data was correlated based on names, addresses, genders, and dates of birth of children and youth. The data reviewed included: grade level, attendance rates, standardized test scores, state high school exit exam scores, special education services, participation in gifted/talented programs suspensions, and ELL participation. The data match revealed that youth in the child welfare system demonstrated a pattern of below grade-level school performance and high rates of special education enrollment compared with other children. In a county with an average high school graduation rate of 79%, only 57% of children in the region's child welfare system graduated.

Consistent with their Interagency Agreement, the Foster Youth Services program of the **San Diego County** Office of Education (FYS) has partnered with other San Diego County agencies and organizations and school districts to create a secure web-based information-sharing network for foster youth. This program, known as the Foster Youth – Student Information System (FY-SIS), is designed specifically to store health, education and placement information for over 5,000 wards and dependents of San Diego County. The database consolidates the educational records of all children in the dependency and delinquency system into one data system, allowing attorneys, social workers, and educators to conveniently view and monitor foster youth's educational progress.

Authorized users – including group homes, minors' attorneys, foster family agencies, schools, school districts, probation, juvenile court, child welfare services, minors attorneys, foster family agencies, schools, school districts, probation, juvenile, child welfare services and foster family agencies – have access to *selected* information such as immunization records, medication information, unofficial transcripts, assessment scores, and school history.[66] The record includes the holder of education rights. As of July 2008, the record includes standardized testing scores, and the results of the California exit exams. All of this information is updated daily. Immediate access from any Internet-connected computer allows school staff, social workers and any other supervising adults to assist and expedite school placement.

agencies now assign a unique student identification number to every student. In this scenario, child welfare case files would include a reference to the Department of Education identification number for each child in out-of-home care as part of child welfare's ongoing duty to maintain education records (received pursuant to a court order or parental consent). A compilation of all student identification numbers could then be furnished to the Department of Education to produce a filtered report of disaggregated data regarding this subgroup.

c) **Data Exchange:** In this approach, data systems from various departments are linked such that some, but not all, data can be exchanged between systems. The technology is set up to allow for one system to "add" data from another system. Careful protections are put in place to prevent the sharing of any information so that only the information that can legally be shared can be exchanged.

Using any of these techniques, agencies can also initiate data collection with a smaller subset of the population. For example, agencies can track the progress of only those children who exit the child welfare system. By addressing these questions collaboratively, child welfare and education agencies can gather valuable information *and* pave the way to larger data-sharing projects. Starting small also allows the agencies to identify and correct problems on a smaller scale before expanding to a larger group of children or the whole population of children in care. Utah, for example, tracked data on youth exiting care using a data match approach.

To make any of these approaches work, agencies must consider a number of technical questions. Are the various data collection systems in each agency outdated? Do they even have the capacity to "talk" to each other? Do staff members have the technical know-how to determine how to get the systems to work together? Does each agency have funding for any updates or technical advances to enable sharing to take place? This publication does not attempt to answer or address all of these questions, and likely the

answer will differ depending on the jurisdiction. Several resources can assist states in overcoming technical hurdles to collecting education data including the Data Quality Campaign, a national, collaborative effort to encourage and support state policymakers to improve the collection, availability, and use of high-quality education data and implement state longitudinal data systems. For more information go to: http://www.dataqualitycampaign.org/.

The **Florida** Department of Education (FLDOE) provides a useful example of data exchange. FLDOE undertook the important step of locating many of its student and staff databases in the Division of Accountability, Research and Measurement, which is also responsible for operating and maintaining key data exchanges with other state agencies including higher education, employment, juvenile justice, corrections and vocational rehabilitation. Each agency maintains its own database, but they are linked, with differing levels of access. Careful attention is given to ensure that confidential information is not divulged during the data exchange. By consolidating these functions in one division, Florida agencies are able to address data collection and access issues, ensure the use of consistent data element definitions as well as compliance with security and exchange protocols. Florida also maintains an interagency data collection system that obtains follow-up data on former students regarding employment, public assistance participation, incarceration, etc. The Florida Education and Training Placement Information Program (FETPIP) accomplishes this by electronically linking participation files to administrative records of other state and federal agencies. While Florida does not yet include the child welfare system either of these exchanges, the models could be useful for a child welfare/education exchange in Florida or any other jurisdiction.

2. Setting Up The Governance

Building and maintaining a data collection system is far more than a "technical" undertaking. In order to be most effective the system must be supported by thoughtful strategic decisions with regard to administration, governance, access and ongoing maintenance.

Key elements of building or expanding an effective data collection system include the following:

a) Involve all stakeholders who will use the data system in its development;

b) Establish a Governance Committee charged with developing the system or expanding an existing system. The Committee should include representatives of both/all state agencies that will use the system;

c) Create a Memorandum of Understanding, pass legislation, or define through another document the mission of the data system, setting forth the objectives and uses of the data and establishing security policies. This document should identify which state personnel can access the data and to what extent and should also describe all protections employed to safeguard the confidentiality of student information;

d) Establish a committee for ongoing support, maintenance and improvements to the system;

e) Establish a data audit system to conduct assessments on a regular basis to ensure data quality, validity and reliability.

For more information on developing the infrastructure, you can turn to the Data Quality Campaign at http://www.dataqualitycampaign.org/. Additional resources are available; see *Guideline to Juvenile Information Sharing* from OJJDC at http://eric.ed.gov/ERICWebPortal/recordDetail?accno=ED495080, and Rosado, L., Shah, R., Tuell, J. & Wiig, J. (2008). *Models for Change Information Sharing Tool Kit.* Philadelphia, PA: Juvenile Law Center and Child Welfare League of America.

CASE EXAMPLES
SETTING UP THE GOVERNANCE

In 2006, the **New Mexico** legislature passed legislation, House Memorial 42, directing the Higher Education Department, representatives of institutions of higher education, the Public Education Department, representatives of public schools, the Children, Youth and Families Department, and the Office of Workforce Training and Development to establish common, shared student data systems from pre-K to postsecondary levels of education, including adult basic education and training. The system enables the state to track student outcomes and provides in-depth data to analyze which education programs are effective in increasing access to post-secondary and job training opportunities.

The Pima County Juvenile Court Center in **Tucson, Arizona** entered into an Intergovernmental Agreement (IGA)[67] with Tucson Unified School District to collect education data regarding students who were involved in the juvenile court system and those adjudicated both delinquent and dependent. This data focused on school district statistics concerning disciplinary actions, special education, English Language Learners, and students' academic performance.

The **San Diego** County Commission on Children, Youth and Families: Education Committee, developed a San Diego County Interagency Agreement[68] Among Foster Youth Services, San Diego County Superintendent of Schools, San Diego County School Districts, San Diego County Juvenile Court, Health and Human Services Agency, Child Welfare Services, San Diego County Probation Department, San Diego County Offices of the Public Defender and Alternate Public Defender, and Voices for Children (Court Appointed Special Advocates). This Interagency Agreement details the roles and responsibilities of the various organizations related to the education needs of children in out-of-home care. Essential to the collaboration of the various stakeholder organizations is a web-based information sharing network for foster youth.

Conclusion

Data Power — How Data Can Change the Lives of Youth in Care

While most jurisdictions that have taken on information sharing efforts will acknowledge that a great deal of work goes into making it happen, all will agree that the efforts to share data have been well worth it. The rewards these jurisdictions have seen have been enormous. Below are three examples of the benefits to sharing information across systems.

CASE EXAMPLE: FRESNO, CALIFORNIA

In **Fresno, California**, efforts have long been underway to improve interagency data sharing to have a positive impact on the education outcomes of children involved in the county's foster care system. As a result of multiple efforts (including a broad county Children's Interagency Data Sharing Project, collaborative work with the Youth Law Center, and participation in the Casey Family Programs Breakthrough Series Collaborative on education stability) Fresno has had tremendous success obtaining outcome data for children in out-of-home care.

This chart represents the scope of efforts and initiatives that are underway in Fresno, all of which have been created and supported due to the overwhelming data that has been generated through cross-agency information sharing. The data generated by Fresno helped identify areas that most needed programs, interventions, and services. It directly influenced their creation, and built the buy-in and support at the leadership level to create these programs.

Two significant findings uncovered through Fresno's data exchange were the universal poor grade point averages of the high school age children in foster care, as well as the remarkably higher suspension and expulsion rates of children in care as compared to their peers (the data in Fresno showed youth in care to be 2 to 3 times more likely to have been suspended or expelled than their non-foster care peers).

An example of the targeted interventions that have resulted from having comprehensive data can be found in the recent restructuring of Fresno County's Department of Children and Family Services. As a result of the data on suspensions and expulsions, the 11 Independent Living /Planned Permanent Living Arrangement (PPLA) caseworkers have been assigned to the high schools in the county with the highest percentages of youth in care enrolled. These workers, on campus daily, have extensive contact with youth and school personnel. The caseloads of these in-school workers are lower than average to allow for the extra time needed to develop relationships with the school personnel and to have time to advocate within the schools to address the students' educational needs .

Foster Youth Education Continuum of Services

AGE	SERVICES	
0-5 • Preschool	Infant Mental Health	0-6 Restructuring: All Foster Children in Head Start
5-11 • Elementary School	K-6 Intervention/Homeless Project Access	Incredible Years—Phoenix Elem
12-15 • Middle School	4 pre-high school orientation YLC - Fresno Education Project	Education Liaison K-8
15-18 • High School	MOU/Court Order: Info. Sharing Data Share Project BSC-Improving Educational Continuity	MHSA - Therapists on campus GH Expectations involvement in education ILP in High School
18-24 • Post-High School	Renaissance/Guardian Scholars	Bridge Program

As these jurisdictions demonstrate, collecting and sharing data can be a driving force in improving the education, and lives, of youth in the child welfare system. This article has outlined the primary legal, technical and practical considerations a jurisdiction must consider to move forward with data collection efforts – and provided examples of successful jurisdictions that can serve as an inspiration as data collection and sharing efforts move forward around the country. Ideally, the information and tools presented here provide the first steps to making data collection and sharing a reality, and ultimately improving the lives of children in care.

CASE EXAMPLE: LOS ANGELES, CALIFORNIA

As a result of the data collection efforts undertaken by the **Los Angeles** Education Coordinating Council (ECC) numerous innovations are now yielding dramatic results. Created in 2004, ECC established a 25-person Los Angeles county-wide leadership council which includes a presiding judge, seven school district superintendents (representing 81 school districts within Los Angeles County) as well probation officers, foster parents and the director of child welfare. All school districts are mandated to participate in ECC pursuant to a court order issued by the presiding judge of Juvenile Court of Los Angeles.

As one example of the positive results ECC has had, under a pilot program introduced in a growing number of school districts, students adjudicated dependent and/or delinquent participate in the development of an "Education Plan" with input from a multidisciplinary team. The individualized plan (similar to an IEP in concept) encompasses three elements: an assessment of credits and grades; identification of education goals and objectives; and the creation of a realistic transition plan.

The Los Angeles Unified School District also created a "Foster Care Unit" within the district to provide targeted services, such as tutoring and enrichment programs, to over 8,900 children in care. It also developed an "Academic Mentoring Program" for dependent and delinquent youth; and outsourced county children and youth administrators and caseworkers to work at schools.

School districts have also started to maintain their own databases to track children in their schools adjudicated dependent and/or delinquent. These interventions are working. According to the most recent data, the number of youth adjudicated dependent scoring proficient or advanced on standardized tests has increased by 9.4% in English and 7.5% in Math. Disciplinary rates are also down – decreasing from 16.8% to13.1% for dependent youth and dropping from 77.8% to 48.9% for probationary youth.

CASE EXAMPLE: UTAH

In response to a request by the State's Governor, **Utah**'s Department of Human Services ("DHS") conducted a state-wide study to assess the socio-economic and educational outcomes of youth who exit care. The first study examined youth who aged out of care between 1999 and 2003; a subsequent study was completed in 2006. Using independent data systems developed and maintained by multiple departments, each agency matched the names and dates of birth of youth and reported their department's data to a single DHS database which integrated and analyzed the data across a broad spectrum of issues.[69] After analyzing the data, Utah developed new policies and programs, including the "Transition to Adult Living Initiative." Some of the features of this program include: providing Education Training Vouchers (ETVs) to youth beginning at age 16 to be used for education or vocational training; establishing new scholarships for post-secondary education for children who exit care; and educating youth who are exiting care about accessing healthcare, housing and post-secondary education.

Endnotes

1   Out-of-home care includes the placement of a child by a child welfare agency in a foster home, residential placement, group home, institution, kinship care, or other placement. In contrast, some children may be under the care of the child welfare agency but still residing at home.

2   See National Working Group on Foster Care and Education, *Educational Outcomes for Children and Youth in Foster and Out of Home Care* (September, 2007), *available at* http://www.casey.org/NR/rdonlyres/A8991CAB-AFC1-4CF0-8121-7E4C31A2553F/598/National_EdFactSheet_2008.pdf.

3   Bill and Melinda Gates Foundation, *The Silent Epidemic: Perspectives of High School Dropouts* (2006), *available at* http://www.silentepidemic.org/pdfs/thesilentepidemic306.pdf.

4   National Working Group on Foster Care and Education, *Educational Outcomes for Children and Youth in Foster and Out of Home Care* (September, 2007), *available at* http://www.casey.org/ NR/rdonlyres/A8991CAB-AFC1-4CF0-8121-7E4C31A2553F/598/National_EdFactSheet_2008.pdf.

5   *U.S. Department of Health and Human Services. The AFCARS Report –Preliminary FY 2006 Estimates as of January 2008,available at* http://www.acf.hhs.gov/programs/cb/stats_research/afcars/tar/report14.htm.

6   C. Smithgall, et al. *Educational Experiences of Children in Out-of-Home Care*, University of Chicago, Chapin Hall Center for Children, Chicago, IL (2004), *available at* http://www.chapinhall.org/article_abstract.aspx?ar=1372.

7   Studies have consistently shown that foster children therefore experience a high rate of school mobility. For example, in the Midwest Study conducted by Chapin Hall, over a third of the young adults reported having had five or more school changes during their time in out-of-home care. Mark E. Courtney et al., *Midwest Evaluation of the Adult Functioning of Former Foster Youth: Conditions of Youth About to Leave State Care,* at p. 41. University of Chicago, Chapin Hall Center for Children, Chicago, IL (2004), *available at* http://www.chapinhall.org/article_abstract.aspx?ar=1355. Multiple school moves can have a devastating effect on the educational progress of foster children.

8   These problems are not inconsequential. Casey Family Programs notes that "numerous studies indicate anywhere from one-quarter to almost one-half (23%-47%) of children and youth in out-of-home care in the U.S. receive special education services at some point in their schooling." See http://www.casey.org/NR/rdonlyres/A8991CAB-AFC1-4CF0-8121-7E4C31A2553F/598/National_EdFactSheet_2008.pdf. Another study estimated that 30 to 40 percent of foster youth are in the special education system. See National Collaborative on Workforce and Disability for Youth, *Negotiating the Curves Toward Employment: A Guide About Youth Involved in the Foster Care System*, at 3 (2007). http://www.ncwd-youth.info/assets/guides/foster_care/Foster_Care_Guide_complete.pdf.

9   A 2005 national study of 2,813 young children in out-of-home care found that about 40% of the toddlers and 50% of the preschoolers had significant developmental and behavioral needs. Yet, only 23% of the children overall were receiving help. See Stahmer, et al. (2005, Oct). *Developmental and Behavioral Needs and Service Use for Young Children in Child Welfare.* Pediatrics Vol. 116, No. 4, October 2005, pp. 891-900. at 896-7.

10 For example, a family whose child was placed in care may be sensitive about releasing information relating to the child's status. These concerns can be heightened in small communities or in other situations where family members know school staff personally. School requests for information should recognize a family's right to maintain privacy about a child's foster care status even though this approach may result in some children's status remaining unidentified.

11 Unless such a child then moves to a new school, her child welfare status would not become known to the school until the next enrollment period.

12 See 42 U.S.C. § 11431 et. seq.

13 42 U.S.C. §11434A(2)(A) and (B)(i).

14 In St. Paul, Minnesota, for example, school staff members complete a form for any child who may meet the McKinney-Vento criteria. The form includes a box to check for any child who is in "emergency foster care," and thus meets the state's definition of "awaiting foster care placement."

15 20 U.S.C. § 6301.

16 School districts and schools that fail to make adequate yearly progress (AYP) toward statewide proficiency goals will, over time, be subject to improvement, corrective action, and restructuring measures aimed at getting them back on course to meet state standards. Conversely, schools that meet or exceed AYP objectives or close achievement gaps may be eligible for additional funding through State Academic Achievement Awards. See No Child Left Behind Act of 2001, 20 U.S.C. 6311(b)(2), (b)(3)(C)(xi))and 20 U.S.C. 7325. See also 34 C.F.R. § 200.20-21.

17 Data Quality Campaign, The Top 10 Essentials in Detail for 2008-2009, *available at* http://www.dataqualitycampaign.org/survey_results/elements.cfm#element1.

18 *Id.* The Education Commission of States reports that the use of student identifiers ensures greater reporting accuracy and empowers states to link student achievement with specific schools, school districts, and programs. By expanding student identifiers to higher education, state policymakers can also obtain essential insights into issues such as what works to reduce the numbers of high school graduates needing remediation. Elizabeth Laird, *Developing and Supporting P-20 Education Data Systems: Different States, Different Models, available at* http://www.dataqualitycampaign.org/files/meetings-dqc_quarterly_issue_brief_011508.pdf.

19 Because every state or local data collection system employs different names for data elements and varying methods to group and describe information, the lists of data elements in this section should be used as a "starting point" and may need to be adapted to fit your jurisdiction.

20 This tracks student participation in homebound instruction, the High Schools That Work school improvement initiative, school choice, Title III services for limited English proficient and immigrant students and their families, and Title I supplemental educational services. It also tracks eligibility for math and reading tutoring and participation in math and reading tutoring programs funded by the Educational Assistance Program, 21st Century, Classroom Plus, and the Accountability Block Grant. This is an important assessment tool to determine if children in foster care are receiving the services they need to improve their educational performance. See Title I, Section 1116(e)(12)(C)].

21 Department of Juvenile Justice and Delinquency Prevention, http://www.ncdjjdp.org/cpsv/toolkit/acrobat/project_ease.pdf.

22 For more information, visit Michigan's Foster Youth in Transition website http://www.michigan.gov/fyit.

23 20 U.S.C. § 6311(b)(3)(B).

24 20 U.S.C. § 7301(2)(H).

25 West Virginia Out-of-Home Care Education Task Force, *Reaching Every Child: Addressing Educational Attainment of Out-of-Home Care Children in West Virginia* (July, 2005), *available at* http://www.wvdhhr.org/oos_comm/reports/REACHING%20EVERY%20CHILD%20report%2011-23-05.pdf.

26 This law governs federal support of state child welfare agencies and their responsibility for children in out-of-home care.

27 42 U.S.C. § 675(1)(C).

28 42 U.S.C. § 675(5)(D).

29 Many child welfare agencies, however, do not comply with these mandates. The CFSR final reports showed several common problems with the poor performing states – incomplete educational records in the case files and/or the failure to provide records to foster parents or schools in a timely manner. Legal Center for Foster Care and Education, *Questions and Answers: The Child and Family Service Reviews and the Well-Being Education Outcome.* (2008) *available at* http://www.abanet.org/child/education/QA_7_CFSR_FINAL.pdf. Additionally, even those agencies that do collect this information in individual case files may not be adequately gathering the data for a statistical analysis which could support a state plan or inform policies and practices.

30 42 U.S.C. § 675(1)(A).

31 42 U.S.C. § 675(1)(G)(II).

32 42 U.S.C.A. § 671(a)(30). Once such a requirement is mandated as in the new law, the state plan must include this requirement in order to be approved. A state's failure to comply with its own state plan may be subject to some sanction by the Department of Health and Human Services.

33 U.S. Department of Health and Human Services, *State Guide to an AFCARS Assessment Review, 3rd Edition, February 2006, available at* http://www.acf.hhs.gov/programs/cb/laws_policies/policy/im/2002/im0205a1a1.htm#chaponec.

34 *See* National Data Archive on Child Abuse and Neglect: Adoption and Foster Care Analysis and Reporting System (AFCARS) Datasets, *available at* http://www.ndacan.cornell.edu/ndacan/Datasets/Abstracts/DatasetAbstract_AFCARS_General.html.

35 45 C.F.R. 1355.40 *et seq.*

36 The first three ideas listed here have been proposed by the Department of Health and Human Services. Accordingly, states may be *required* to include them if the amendments pass.

37 Anecdotal evidence suggests that foster children are disproportionately referred to restrictive educational placements such as on-ground schools at residential treatment facilities (RTFs). Even when they are granted diplomas, the diplomas are viewed less favorably than those of public schools. When instead they return to public schools, many face great difficulty catching up with their classmates.

38 Substantial research has shown that early childhood programs for children under age five has dramatic education and health benefits. See *High Quality Early Education: A Way Out of Prison and Foster Care Crises in Iowa* http://64.233.169.132/search?q=cache:edUv0PZNqc4J:www.fightcrime.org/reports/iaheadstart brief.pdf+head+start+and+foster+care+and+iowa&hl=en&ct=clnk&cd=10&gl=us. The Head Start Reauthorization Act of 2007 provides that allocation of funding shall be based in part on whether applicants are addressing needs of children who are in foster care. The new Act also mandates that Head Start Collaboration Directors develop a strategic plan to enhance collaboration with child welfare and increase services to children in out-of-home care. It also provides for Quality Improvement Funds (25% Set Asides) to be used for services to address challenges faced by children in foster care (*e.g.,* counseling services or staff trainings.) Collecting data regarding enrollment in early childhood education (e.g., number of children in care/percentage attending Head Start or Early Head Start) will permit states to assess whether children in care are adequately benefiting from these opportunities. See Public Law 110-134 Improving Head Start for School Readiness Act of 2007.

39 U.S. Department of Health and Human Services, *Federal & State Reporting Systems: Statewide Automated Child Welfare Information System (SACWIS), available at* http://www.acf.hhs.gov/programs/cb/systems/index.htm#sacwis.

40 http://nrccwdt.org/resources/sacwis/sacwis.html

41 http://nrccwdt.org/resources/sacwis/sacwis.html

42 McNaught, Kathleen. *Mythbusting: Breaking Down Confidentiality and Decision-Making Barriers to Meet the Education Needs of Children in Foster Care.* Washington, DC: ABA Center on Children and the Law, 2005, *available at* http://www.abanet.org//child/education/mythbusting2.pdf.

43 Obviously, you should also consider your own state and local laws as you proceed with your information-sharing project.

44 42 U.S.C.A. § 5101 *et seq.*

45 42 U.S.C.A. § 5106a(b)(2)(A)(viii)(II).

46 The grant program resulted from an amendment to the State's Education Reform Act (Mass. Gen. Laws. ch. 69 §. 1N). To learn more, go to http://www.mass.gov/legis/laws/mgl/69-1n.htm and http://www.massadvocates.org/trauma_and_learning_policy_initiative, and see the Endless Dreams video and curriculum developed by Casey Family Programs, *available at* http://www.casey.org/NR/rdonlyres/22B37D94-7B84-467A-8DC2-8281069E7E45/303/0072_7x7FactSheet_ED.pdf.

47 20 U.S.C. § 1232(g); 34 C.F.R. Part 99. ERPA has been amended several times since.

48 20 U.S.C.§ 1232(g)(a)(1)(A).

49 20 U.S.C. § 1232(g)(a)(2).

50 20 U.S.C. §1232(g)(a)(4)(A).

51 34 C.F.R.§ 99.3. In response to a concern regarding *foster parent* access to educational records, the federal Department of Education responded "The regulations already define the term parent in §99.3 to include 'a parent of a student and includes a natural parent."

52 New York City, Washington State, and Florida are examples of such jurisdictions. See Kathleen McNaught. *Mythbusting: Breaking Down Confidentiality and Decision-Making Barriers to Meet the Education Needs of Children in Foster Care.* ABA Center on Children and the Law (2005).

53 20 U.S.C. §1232(g)(b)(2((B).

54 20 U.S.C. § 1232(g)(b)(2)(B) See Letter of Guidance from U.S. Department of Education of April 12, 2002 *Recent Amendments to Family Educational Rights and Privacy Act Relating to Anti-Terrorism Activities,* http://www.aacrao.org/federal_relations/ferpa/ht_terrorism.pdf.

55 20 U.S.C. § 1232(g)(b)(1)(F).

56 20 U.S.C. § 1232(g)(a)(5)(A).

57 20 U.S.C. § 1232(g)(b)(1)(F).

58 *Id.*

59 34 C.F.R. § 99.31(a)(6)(i) & (iv).

60 34 C.F.R. § 99.31.

61 20 U.S.C. § 1232(g)(b)(3).

62 20 U.S.C. § 6311(b)(3)(B).

63 20 U.S.C. § 6311(b)(3)(C)(xii).

64 Steven Y. Winnicket al., *State Longitudinal Data Systems and Student Privacy Protections under the Family Educational Rights and Privacy Act* (2006).

65 West Virginia Out-of-Home Care Education Task Force, *Reaching Every Child: Addressing Educational Attainment of Out-of-Home Care Children in West Virginia* (July, 2005).

66 For example, school staff does not have access to sensitive child welfare information. They know only that a child is in foster care, and the identity of the person holding education decision-making rights for the child.

67 A copy of the IGA can be found at www.abanet.org/child/education.

68 *Available at* http://www.sdcoe.net/ssp/support/ fys/pdf/Interagency%20Agreement%20Signed.pdf.

69 These agencies included: Department of Workforce Services (employment, wages, education and job training); Department of Health (birth/deaths, healthcare); Higher Education; Drivers License Bureau; Bureau of Criminal Investigations and Department of Human Services (support services, mental health, substance abuse, job training).

Tool A
Education Agency Self-Assessment Tool
Data Collection Regarding Youth in the Child Welfare System

*This **Tool** is designed to guide a local or state education agency through some of the key questions necessary to developing a data collection system on youth in the child welfare system. The most effective data collection systems require collaboration with the child welfare agency. When collaboration is possible, complete this **Tool** as the first step, and then work with the child welfare agency to complete the **Child Welfare and Education Collaborative Tool**.*

*While this **Tool** can be used without further reading, the accompanying **Manual** gives more information on how to make use of existing legal and technical systems to collect data efficiently. You can read through the entire **Manual** to inform yourself about laws, opportunities, and examples from successful jurisdictions, or jump to the referenced page provided here to gather specific information. To review and print the complete **Data Tools & Manual**, go to www.abanet.org/child/education/publications/dataexchange.*

A. Defining the Agency's Data Collection Goals (see Manual page 1)

1. Why are you tracking education data about children in the child welfare system? *Check all that apply.*

☐ Ensure appropriate programs and service delivery to children in foster care

☐ Develop and define initiatives, polices and/or practices which help children in foster care succeed in their education

☐ Determine the most effective allocation of resources

☐ Identify how this population can perform better on state academic assessments

☐ Comply with state education laws

☐ Other _____

☐ Other _____

☐ Other _____

B. Identifying the Child Welfare Population (see Manual page 3)

1. Does your state or local education agency know when a student is in foster care? ☐ Yes ☐ No ☐ Sometimes

Explain: _____
_____
_____

If Yes or Sometimes, how is this information obtained:

☐ Enrollment forms- direct questions

☐ Enrollment forms- indirect information (i.e. residency codes or McKinney-Vento)

☐ Child welfare agency identifies children to local education agency on an informal case by case basis

☐ Child welfare agency identifies children in a systematic way and provides information to state or local education agencies on a regular basis (i.e. weekly, monthly, annually)

☐ Other means: _____

Further explain process used, if necessary _____

_____

_____

2. Defining the population: If you are currently collecting education data, how do you define the population?
Check all that apply.

☐ Children involved with the child welfare system (any child receiving child welfare services, regardless of whether there has been court involvement, and regardless of whether he or she is at home or in a placement)

☐ Children adjudicated dependent (any child the court has committed to the custody of the children and youth agency, regardless of whether he or she is at home or in a placement)

☐ Only those dependent children placed in out-of-home care (such as foster homes, group homes, residential treatment, kinship or relative care)

☐ Only those dependent children in group care settings (such as group homes and residential treatment facilities)

☐ Youth who have aged out of the foster care system within the past __ years

☐ Youth adjudicated delinquent*

☐ Other: _____

3. Looking forward, define the population about which you *want* to collect education data: *Check all that apply.*

☐ Children involved with the child welfare system (any child receiving child welfare services, regardless of whether there has been court involvement, and regardless of whether he or she is at home or in a placement)

☐ Children adjudicated dependent (any child the court has committed to the custody of the children and youth agency, regardless of whether he or she is at home or in a placement)

☐ Only those dependent children placed in out-of-home care (such as foster homes, group homes, residential treatment, kinship or relative care)

☐ Only those dependent children in group care settings (such as group homes and residential treatment facilities)

☐ Youth who have aged out of the foster care system within the past __ years

☐ Youth adjudicated delinquent*

☐ Other: _____

C. Assessing the Agency's Data Sharing (see Manual page 10)

1. Do you collect disaggregated data related to children in out-of-home care? ☐ Yes ☐ No ☐ Sometimes

If yes which collection method do you use?

Explain: _____
_____
_____

☐ Child welfare completes a list/report and provides to education

☐ Data matching method (the name, date of birth, or other identifier of students is matched with the same information from child welfare)

☐ Data exchange system (education and child welfare's systems are linked or can exchange information)

☐ Other method: _____

*If you are collecting information about youth in the delinquency system, you may wish to further adapt the tool. Additional questions, for example, may include (1) which delinquent youth do you want to track, and (2) are there additional data elements you need when working with this population.

2. What information do you receive/with to receive from the Child Welfare Agency?

	Child welfare regularly shares	Education wishes to receive	Questions or Comments
1. Name of Child			
2. Type of Living Placement			
3. Number of Living Placement Moves for Child/Date of Moves			
4. Name and Contact Information of Education Decision maker			
Other (explain)			

3. With whom do you currently share information? With whom do you wish to share information? *Check all that apply.*

	Currently Share With	Wish to Share With	Questions or Comments
1. Child Welfare System			
2. Court System			
3. Department of Employment/ Workforce			
4. Office of Juvenile Probation			
Other (explain)			

D. Assessing the Agency's Data Collection   (see Manual page 3)

1. What systems do you use to collect data? *Check all that apply.*

☐ Pull out information on children in care from NCLB data.

☐ Other: _____

2. What information do you collect?

- Many of these elements reflect data generally collected by **education**. Others would require information provided by **child welfare**.
- This is an illustrative list. Your state may use different terminology. You may collect additional data elements we did not mention here.
- This list defines **what** the elements are, but not **how** to collect them.

Data Elements	Education Collects	Education Wishes to Collect	Questions or Comments
Child Welfare Profile			
1. Type of Living Placement			
2. Number of Living Placement Moves			
Other			
Student Profile			
3. Gender			
4. Ethnicity			
5. English Language Learner Status			
6. Receiving Free/ Reduce Lunch			
School Enrollment & Attendance			
7. Remain in Same School Despite Living Placement Change			
8. Number of School Moves			
9. Attendance			
10. School Entry and Exit Dates			
11. Truancy Rate			
12. Reports to Child Welfare Due to Truancy			
13. Number of Days to Re-enroll in New School			
14. Drop-out Rate			
Other			

Data Elements	Education Collects	Education Wishes to Collect	Questions or Comments
Type of School Placement			
15. Receives Instruction at Home for Medical Reasons			
16. Participates in School Choice under NCLB			
17. Receives Alternative Education for Disruptive Students			
18. Enrollment in On-Grounds School in Residential Placement (Non-public school)[1]			
19. Enrollment in Charter School			
20. Enrollment in School Designated in Need of Improvement for Previous Year/For 2 Consecutive Years/For 3 Consecutive Years			
Academic Progress			
21. Statewide Testing Data			
22. High School Exit Exam			
23. Grade Point Average			
24. Repeated Grades			
25. Extra Curricular Involvement			
26. Honor Roll/Awards			
Participation in Remedial & Specialized Programs			
27. Title III - Limited English Proficiency			
28. Title I - Supplemental Educational Services			
29. Other Math and Reading Tutoring Programs			

Data Elements	Education Collects	Education Wishes to Collect	Questions or Comments
Participation in Remedial & Specialized Programs cont.			
30. Educationally Disadvantaged under Career and Technical Education Program			
31. Receives Education and Training Vouchers (ETVs) through the Chafee Program			
32. Participation in Summer School			
33. Participation in Vocational Education			
34. Participation in Gifted Program			
35. AP Courses			
36. Independent Living Program			
Special Education			
37. Section 504 Eligible			
38. Needs Special Education Evaluation			
39. Request Made for Special Education Evaluation			
40. Special Education Evaluation Completed			
41. Child has Current IEP			
42. Extended School Year (ESY)			
43. Child has Active Parent or Special Education Decision Maker (*e.g.* Surrogate Parent)			

Data Elements	Education Collects	Education Wishes to Collect	Questions or Comments
Services for Children Under School-Age			
44. Eligible for Early Intervention (Birth to Five)			
45. Enrolled in Early Intervention (Birth to Five)			
46. Enrolled in Early Childhood Education (*e.g.* Head Start)			
School Discipline			
47. Suspensions			
48. Expulsions			
49. Referrals to Law Enforcement			
Other			
Graduation & Post-Secondary Preparation			
50. Credits Completed			
51. Graduation Rates			
52. Higher Education Admission and Completion Data			
53. Expected Post-Graduate Activity			
54. Participation in Pre-College Testing (*e.g.* SAT, ACT)			
Other			

Tool B
Child Welfare Agency Self-Assessment Tool
Data Collection Regarding Education Issues for Youth in the Child Welfare System

*This **Tool** is designed to guide a local or state child welfare agency through some of the key questions necessary to developing a data collection system on education issues regarding the youth in their care. The most effective data collection systems require collaboration with a state or local education agency. When collaboration is possible, complete this **Tool** as the first step, and then work with the education agency to complete the **Child Welfare and Education Collaborative Tool**.*

*While this **Tool** can be used without further reading, the accompanying **Manual** gives more information on how to make use of existing legal and technical systems to collect data efficiently. You can read through the entire Manual to inform yourself about laws, opportunities, and examples from successful jurisdictions, or jump to the referenced page provided here to gather specific information. To review and print the complete **Data Tools & Manual**, go to www.abanet.org/child/education/publications/dataexchange.*

A. Defining the Agency's Data Collection Goals (see Manual pages 1 and 6)

1. What are your reasons for tracking education data about this group? *Check all that apply.*

☐ Ensure appropriate programs and service delivery to children in foster care

☐ Develop and define initiatives, polices and/or practices which help children in foster care succeed in their education

☐ Determine whether more resources are needed for this population

☐ Meet federal/state child welfare requirements related to the education of children in foster care

☐ Expedite permanency for children in foster care

☐ Other: _____

☐ Other: _____

☐ Other: _____

2. What is your state's most recent outcome on the CFSR review for Well Being Outcome #2: Are children's education needs being met?

☐ Conformity   ☐ Not in Substantial Conformity   ☐ Unknown

_____

_____

3. If your state is not in conformity with Well Being Outcome #2, what areas are identified for improvement in your state's Program Improvement Plan (PIP)?

_____

_____

B. Defining the Population   (see Manual page 3)

1. If you are currently collecting education data, how do you define the population? *Check all that apply.*

☐ Children involved with the child welfare system (any child receiving child welfare services, regardless of whether there has been court involvement, and regardless of whether he or she is at home or in a placement)

☐ Children adjudicated dependent (any child the court has committed to the custody of the children and youth agency, regardless of whether he or she is at home or in a placement)

☐ Only those dependent children placed in out-of-home care (such as foster homes, group homes, residential treatment, kinship or relative care)

☐ Only those dependent children in group care settings (such as group homes and residential treatment facilities)

☐ Youth who have aged out of the foster care system within the past __ years

☐ Youth adjudicated delinquent*

☐ Other: _____

_____

2. Looking forward, define the population about which you want to collect education data: *Check all that apply.*

☐ Children involved with the child welfare system (any child receiving child welfare services, regardless of whether there has been court involvement, and regardless of whether he or she is at home or in a placement)

☐ Children adjudicated dependent (any child the court has committed to the custody of the children and youth agency, regardless of whether he or she is at home or in a placement)

☐ Only those dependent children placed in out-of-home care (such as foster homes, group homes, residential treatment, kinship or relative care)

☐ Only those dependent children in group care settings (such as group homes and residential treatment facilities)

☐ Youth who have aged out of the foster care system within the past __ years

☐ Youth adjudicated delinquent*

☐ Other: _____

_____

C. Assessing the Agency's Data Sharing   (see Manual page 10)

1. What Information Does the Agency Share with Education?

Education-related Information	Child welfare regularly shares	Child welfare wishes to share	Questions or Comments
1. Chilid Welfare Status (*e.g.* Child has Been Adjudicated Dependent)			
2. Type of Living Placement			
3. Number of Living Placement Moves for Child			

*If you are collecting information about youth in the delinquency system, you may wish to further adapt the tool. Additional questions, for example, may include (1) which delinquent youth do you want to track, and (2) are there additional data elements you need when working with this population.

Education-related Information	Child welfare regularly shares	Child welfare wishes to share	Questions or Comments
4. Education/Special Education Decision Maker			
5. Child Welfare Agancy Contact			
Other			
Other			
Other			

2. Which department(s) or agencies do you/do you wish to share education data or information with? *Check all that apply.*

	Currently Share	Wish to Share	Questions or Comments
1. Education System			
2. Court System			
3. Department of Employment/Workforce			
4. Office of Juvenile Probation			
Other			

D. Assessing the Agency's Data Collection   (see Manual page 6)

1. What information do you keep in the child's case file?

	Child Welfare Maintains	Child Welfare wants to maintain	Questions or Comments
1. Requisite Enrollment Documents			
2. Report Card			
3. Special Education Evaluation/Re-evaluations Referrals			
4. Individualized Education Programs (IEP)			
5. Behavioral Plans			
6. Vocational Assessments			
7. State-Standardized Test Scores			
8. Disciplinary Records			
9. Reports and Progress Notes			

	Child Welfare Maintains	Child Welfare wants to maintain	Questions or Comments
10. Honors and Awards			
11. Credits Accrued toward Graduation			
12. Post Graduation Activities			

2. What aggregate information do you collect on educational issues for youth in care?

- Some of these elements reflect data generally collected by **child welfare**. Many would require information provided by **education**.
- This is an illustrative list. Your state may use different terminology. You may collect additional data elements we did not mention here.
- This list defines **what** the elements are, but not **how** to collect them.

Data Elements	Child Welfare Collects	Child Welfare Wishes to Collect	Questions or Comments
1. Type of Living Placement			
2. Number of Living Placement Moves			
Other			
Student Profile			
3. Gender			
4. Ethnicity			
5. English Language Learner Status			
6. Receiving Free/ Reduce Lunch			
School Enrollment & Attendance			
7. Remainin Same School Despite Living Placement Change			
8. Number of School Moves			
9. Attendance			
10. School Entry and Exit Dates			
11. Truancy Rate			

Data Elements	Child Welfare Collects	Child Welfare Wishes to Collect	Questions or Comments
School Enrollment & Attendance cont.			
12. Reports to Child Welfare Due to Truancy			
13. Numbers of Days to Re-enroll in New School			
14. Drop-out Rate			
Other			
Type of School Placement			
15. Receives Instruction at Home for Medical Reasons			
16. Participates in School Choice under NCLB			
17. Receives Alternative Education for Disruptive Students			
18. Enrollment in On-Grounds School in Residential Placement (Non-public school)[1]			
19. Enrollment in Charter School			
20. Enrollment in School Designated in Need of Improvement for Previous Year/For 2 Consecutive Years/For 3 Consecutive Years			
Academic Progress			
21. Statewide Testing Data			
22. High School Exit Exam			
23. Grade Point Average			
24. Repeated Grades			
25. Extra Curricular Involvement			
26. Honor Roll/Awards			

Data Elements	Child Welfare Collects	Child Welfare Wishes to Collect	Questions or Comments
Participation in Remedial & Specialized Programs			
27. Title III - Limited English Proficiency			
28. Title I - Supplemental Educational Services			
29. Other Math and Reading Tutoring Programs			
30. Educationally Disadvantaged under Career and Technical Education Program			
31. Receives Education and Training Vouchers (ETVs) through the Chafee Program			
32. Participation in Summer School			
33. Participation in Vocational Education			
34. Participation in Gifted Program			
35. AP Courses			
36. Independent Living Program			
Special Education			
37. Section 504 Eligible			
38. Needs Special Education Evaluation			
39. Request Made for Special Education Evaluation			
40. Special Education Evaluation Completed			
41. Child has Current IEP			
42. Extended School Year (ESY)			
43. Child has Active Parent or Special Education Decision Maker (*e.g.* Surrogate Parent)			

Data Elements	Child Welfare Collects	Child Welfare Wishes to Collect	Questions or Comments
Services for Children Under School-Age			
44. Eligible for Early Intervention (Birth to Five)			
45. Enrolled in Early Intervention (Birth to Five)			
46. Enrolled in Early Childhood Education (*e.g.* Head Start)			
School Discipline			
47. Suspensions			
48. Expulsions			
49. Referrals to Law Enforcement			
Other			
Graduation & Post-Secondary Preparation			
50. Credits Completed			
51. Graduation Rates			
52. Higher Education Admission and Completion Data			
53. Expected Post-Graduate Activity			
54. Participation in Pre-College Testing (*e.g.* SAT, ACT)			
Other			

3. How do you access the above information? *Identify specific data elements by number where appropriate.*

☐ Obtain information through direct contact with the local education agency on a case-by-case basis.

_____

_____

_____

☐ Assess snapshot data when gathering required AFCARS information.

☐ Gather information in another systematic manner (*e.g.,* as a result of regular reporting from child welfare to education, data matching, data exchange, court ordered reporting or another method).

_____

_____

_____

☐ Other _____

_____

_____

4. What system do you use to collect aggregate data? *Check all that apply.*

☐ SACWIS

☐ Incorporate into NYTD

☐ Other _____

Tool C
Child Welfare and Education Collaborative Tool
Data Collection and Sharing Across Systems

*This **Tool** is designed to be step two of a collaborative process between state or local child welfare and education agencies. Before completing this **Tool**, each agency should complete its own **Self Assessment Tool**.*

*Page numbers referenced within this **Tool** guide you to the relevant portion of the **Manual**. To review and print the complete **Data Tools & Manual**, go to www.abanet.org/child/education/publications/dataexchange.*

A. Identification of Goals and Players   (see Manual page 1)

1. What are our goals for information sharing? *Check all that apply.*

STUDENT LEVEL GOALS:

☐ Identify to the school which students are in foster care to ensure that they are offered appropriate supports and services

☐ Inform the child welfare caseworker and others working with the child to know how a child is doing educationally

☐ Ensure that the child changes school placements only when in his/her best interest

☐ Ensure the child's immediate school enrollment

☐ Ensure records transfer timely

☐ Other Goals: _____

_____

SYSTEM LEVEL GOALS:

☐ Assess the educational progress and needs of children in care

☐ Determine whether schools need to increase their attention and services to children in foster care

☐ Determine whether child welfare agencies need to increase their attention to the education outcomes of children in foster care

☐ Identify barriers to educational success such as:

☐ Whether children in foster care are receiving special education services

☐ Whether children are disproportionately subjected to disciplinary action

☐ Whether children are inappropriately placed in alternative education programs or nonpublic schools

☐ Other: _____

☐ Track improvements over time and the success of particular efforts or strategies

☐ Identify and develop specific policies, practices and programs within each agency to serve this population (e.g., assess need for increased educational stability policies, tutoring, credit recovery services, and graduation planning)

☐ Shape and inform joint child welfare and education policies

☐ Shape and inform funding decisions

☐ Other Goals: _____

_____

2. Looking forward, define the population about which we *want* to collect education data. *Check all that apply.*

☐ Children involved with the child welfare system (any child receiving child welfare services, regardless of whether there has been court involvement, and regardless of whether he or she is at home or in a placement)

☐ Children adjudicated dependent (any child the court has committed to the custody of the children and youth agency, regardless of whether he or she is at home or in a placement)

☐ Only those dependent children placed in out-of-home care (such as foster homes, group homes, residential treatment, kinship or relative care)

☐ Only those dependent children in group care settings (such as group homes and residential treatment facilities)

☐ Youth who have aged out of the foster care system within the past __ years

☐ Youth adjudicated delinquent*

☐ Other: _____

_____

3. Which department(s) or agencies do you intend to involve in the data sharing collaborative effort? *Check all that apply.*

☐ Child Welfare

☐ Court System

☐ Office of Juvenile Probation

☐ Department of Employment/Workforce

☐ Education

☐ Other: _____

☐ Other: _____

☐ Other: _____

4. Which parners do we need to engage to discuss these issues? *A wide spectrum of partners is critical. Each agency should include representatives with the ability to authorize and support change, as well as representatives who do front line work. Remember to engage youth and parent representatives. While the focus is on child welfare and education, consider whether others need to be involved, such as courts, juvenile justice, or mental health.*

_____

_____

_____

5. What is our mission statement in collecting and sharing education data/information?

_____

_____

_____

*If you are collecting information about youth in the delinquency system, you may wish to further adapt the tool. Additional questions, for example, may include (1) which delinquent youth do you want to track, and (2) are there additional data elements you need when working with this population.

B. Building the Information Sharing Mechanism   (see Manual page 13)

1. Do both agencies have a method to identify and track information for that population of children? ☐ Yes   ☐ No

If yes, how does child welfare obtain and track information?

_____

_____

How is education notified about which children are in care?

_____

_____

2. If no, what methods would best facilitate child welfare sharing information with schools?

☐ Systematic reporting by child welfare to education identifying children in foster care

☐ Data matching method (the name/date of birth of students are matched with the same information from child welfare)

☐ Data exchange system (education and child welfare's systems are linked or can exchange information)

☐ Other: _____

3. What education data will be shared across systems (at the student-level or statistical level)? *Use data elements from both agencies to identify these.*

_____

_____

_____

4. Is there anyone *else* collecting or tracking data about this subgroup (*e.g.*, outside, third party entity, courts)?

_____

_____

5. How can our cross-system sharing be done more efficiently and effectively?

_____

_____

6. How do we want to memorialize our data sharing agreement? *Possible documentation vehicles to consider include interagency agreements, memoranda of understanding, or agency policy directives or regulations.*

_____

_____

_____

C. Protecting Confidentiality   (see Manual page 10

1. What steps are being taken to maintain privacy whenever possible and comply with legal requirements during cross system information sharing? *Check all that apply.*

☐ Compliance with education privacy laws (*e.g.* FERPA)

☐ Compliance with child welfare privacy laws (*e.g.*, CAPTA, state confidentiality laws)

☐ Procedures/policies that limit sharing to those who need to know

☐ Data codes that limit access to information

☐ Training of staff to handle sensitive information appropriately

☐ Other: _____

2. How are confidentiality laws being addressed by both systems? *Check all that apply.*

EDUCATION RECORDS (FERPA):

☐ Clear determinations are being made about what does and does not constitute an "education record" (information that is not an "education record" is not covered by FERPA)

☐ Clear determinations are being made about what constitutes "directory information" and that information is being shared in compliance with FERPA

☐ Clear policies and practices are used to obtain parental consent

Explain: _____

_____

_____

☐ State law or school policy determination that child welfare agency meets the definition of "parent."

☐ "parent"   ☐ "guardian"

☐ "individual acting as parent in the absence of a parent or guardian"

☐ Clear and individualized court orders allow for access to education records without parental consent but with notice to parents.

☐ Other: _____

_____

CHILD WELFARE RECORDS (CAPTA):

☐ State law clarifies that child welfare agency can share all necessary information with education agency.

☐ Education has a need for such information to protect children from abuse or neglect.

☐ Other: _____

_____

D. Governance and Maintenance of the System   (see Manual page 15)

1. **Which agency or agencies, committees, and individuals will oversee the development or expansion of the data exchange system? How are those agencies or persons identified?** *Consider creating a Data Leadership Team with representatives from each agency to undertake this task.*

_____

_____

2. **Is there documentation that delineates the mission of the data system, its objectives, and uses of the data, as well as security and confidentiality policies?** ☐ Yes ☐ No

If yes, describe. If not, who will work on creating documentation?

_____

_____

3. Are there individuals identified to oversee ongoing support, maintenance, and improvements? ☐ Yes ☐ No

What agency(s) do they represent?

_____

_____

4. Has an audit system been developed to regularly assess and ensure data quality, validity and reliability? Who is responsible?

_____

_____

5. Will reports be issued and if so, who will develop them? Will they be joint reports? How will they be used?

_____

_____

OTHER ISSUES:

_____

_____

_____

_____