

Policy Brief

Sharing Data Between Child Welfare and Education to Improve Outcomes for Children and Youth in the Foster Care System

The State's Parental Role: Parenting Without Information

When a child is placed in the state's foster care system because of a parent's abuse or neglect, the state — represented by teams of social workers, lawyers, judges, foster parents, and other caregivers or guardians — steps into many aspects of the parental role. Too often, though, the state's representatives are attempting to fulfill a parental role without the information a parent would have at his or her disposal to make informed decisions.

The lack of timely, accurate, and useful information is particularly acute when it comes to making good educational decisions on behalf of students placed in the foster care system. As students move from one placement to another (and thus one school or district to another), their school records often lag behind — along with key information about their educational achievements, gaps, talents, and special education needs. Health and social service needs that are part of these records also can be delayed or lost. As a result, students may not receive credit for courses they have taken, be placed in an inappropriate classroom for their grade level, or repeat courses or grades unnecessarily. In addition, students may forego or interrupt additional services to assess and respond to special educational, health, or social service needs.

Many variables affect the lower educational achievement and graduation rates of children and youth in the foster care system, but incomplete education records and missed opportunities to intervene academically are high on the list.

Federal and State Laws Governing Data and Information Sharing Between Child Welfare and Education: Conflicting Requirements, Caution, and Barriers¹

Restrictions on identifying students as "foster kids" or sharing their educational records with multiple adults involved in their care stem from the best of motives: protecting the children's and youth's privacy. For example, the federal **Family Educational Rights and Privacy**

¹ For a fuller discussion and overview of these laws, please see *Sharing Education Information for Children in Foster Care*, prepared by the Administrative Office of the Courts, April 2010. Available from: <http://www.dataqualitycampaign.org/resources/967.html>

Act (FERPA) gives students and parents access to educational records, while prohibiting the disclosure of any personally identifiable information from a student's records without written consent from parents, guardians, or students themselves (if they are 18 or older). However, in some situations, FERPA *does* allow schools to provide education information without this consent. These include situations in which the school is complying with a judicial order or subpoena (as long as the parent and student are notified) or forwarding records to another school where the student is being enrolled.

From the child welfare side of the equation, several federal requirements ask child welfare agencies to seek, collect and document health and education records for children in foster care. These include **Title IV-E** of the Social Security Act (which requires child welfare agencies to collect records on a student's grade-level performance, among other educational information), and the federal Fostering Connections to Success and Increasing Adoptions Act (which requires educational stability plans that specify how school records will be exchanged if a child's school enrollment changes quickly).

Unfortunately, these laws and requirements sometimes appear to contradict one another. It is not surprising that they are interpreted in different ways by different schools and districts. As a result, some California counties exchange data fairly routinely between child welfare agencies and schools or districts, while others do so only with specific parental consent or a court order. This caution, while understandable, inadvertently creates barriers to exchanging the information that is most likely to change the poor educational trajectory on which many students in the foster care system find themselves, through no fault of their own.

Potential Solutions: Sharing State and Local Data

Under the auspices of Ready to Succeed, an initiative funded by the Stuart Foundation, representatives from state and local education, child welfare, and court systems have identified several ways to improve the flow of information between systems to help children in the foster care system receive the services and support they need. At the same time, more comprehensive and timely sharing of child welfare and education data allows the professionals charged with helping these students increase their chances of reaching their full academic potential. This, in turn, has implications not only for the children and youth themselves, but for their futures as productive, contributing members of California's workforce, economy, and communities.

Specific recommendations include:

- An inter-agency agreement between California's Department of Social Services (DSS) and Department of Education (CDE) to match the records of children and youth in the foster care system with statewide student identifiers (SSIDs). This aggregate match of data would

not preserve any personally identifiable information about students, but would instead be used to prepare a periodic report on how students in foster care are doing in school — by grade level and potentially by school district — compared to their peers. Currently, California has no overall snapshot of how the state’s large population of children and youth in foster care are faring, and thus no way of tracking progress or problems.

- Creating a field within the California Longitudinal Pupil Achievement Data System (CALPADS) that would indicate whether a child has been placed in foster care — and if so, when. Populating this field would allow the statewide CALPADS system to alert local education agencies about the presence of children and youth in foster care within districts and schools — information that is currently collected anecdotally and informally, if at all. With this information in hand, schools can be better equipped to intervene in a timely manner if a student needs additional support.
- Sharing data between local education and child welfare agencies to support case management, reporting requirements (for social workers held accountable for children’s education plans and progress), early intervention, and monitoring and evaluation of what works (and what doesn’t).

In each case, models from other states and data sharing pilots within some California counties demonstrate that student data *can* be shared at the state and local levels in ways that protect students’ privacy, while giving the adults charged with their care and development the tools and information to help them succeed — in school, and in life.

Children and youth placed in the foster care are there because one set of adults — their parents — faltered in their parenting role. When the state steps in to remedy this and intervene, whether temporarily or permanently, we must not falter in a different way. It is up to the adults in these children’s lives to find a common ground between sharing necessary, useful information and protecting privacy. Children and youth deserve every chance to succeed in school. Without shared aggregate and individual-level information about their progress, those chances are significantly — and unnecessarily — reduced.

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