

Foster Care & Education Q&A

INFORMATION SHARING TO IMPROVE EDUCATIONAL OUTCOMES FOR CHILDREN IN OUT-OF-HOME CARE

Q: How can sharing education-related information improve educational outcomes for children in out-of-home care?

A: Children in out-of-home care are involved with multiple agencies, most notably the courts, child welfare, and education. Each of these systems has a discrete role and collects some information that is relevant to the education of children in their care. Whether it relates to a specific child or to an entire population, there is a value to sharing at least some of this information across systems. Information on how well children in foster care are learning and what barriers they are facing can help each agency identify state or county level policies or programs that can improve outcomes for these children.

Information sharing also forges valuable collaborations to address systemic barriers to educational success. At the student level, sharing education information can help staff from both the education and child welfare systems identify appropriate placements, develop effective transition goals, and secure needed services.

Q: Can education data be shared across agencies without violating confidentiality laws such as the Federal Educational Rights and Privacy Act (FERPA)?

A: Yes. FERPA prohibits the disclosure of **personally identifiable** information from a student's "education records" (20 U.S.C.A. § 1232(g)(a)(4)(A)).

without written parental consent (or the consent of a student who is 18 or attending a postsecondary program). It does not bar agencies from sharing aggregate data or other information that is not connected to a particular child.

Q: What are some methods which agencies have used or could use to share data without triggering the parental consent requirements of FERPA?

A: **Data Matching:** Limited information is provided by the child welfare agency (name, date of birth, address) and then "matched" with the same information from the education agency which can generate disaggregated education data regarding students in out-of-home care.

Data Exchange: Data systems from various state and/or local departments are linked so that data can be added and/or exchanged between systems. Careful protections must be put in place so that only the information that can legally be shared will be exchanged and accessed.

Student Identification Numbers: Almost all states now assign a unique student identification number to each student. This enables states to track student-specific data across many years. In the future, if caseworkers are able to include this number in the child's case files, it may be possible for child welfare agencies at the local or state level to submit a list of student ID numbers to an education agency to obtain disaggregated data on children in out-of-home care.



Q: Under what circumstances can personally identifiable information regarding a particular child be shared with other agencies?

A: Information regarding a particular student can be shared if the required consent has been obtained. (See McNaught, Kathleen, *Mythbusting: Breaking Down Confidentiality and Decision-Making Barriers to Meet the Education Needs of Children in Foster Care*. www.abanet.org/child/education). In some jurisdictions, including Los Angeles, California, child welfare has developed a “parental consent form” related to education records that the agency asks the parent or guardian to sign when a child is placed in out-of-home care.

There are also many FERPA exceptions. For example, schools can release student records to comply with a family court or other judicial order or subpoena, but must give the family reasonable notice. Information can be shared with an organization that is conducting a study for an educational agency or institution to improve instruction. FERPA also permits certain state authorities to obtain student records when necessary to comply with federal requirements such as those in the No Child Left Behind Act (NCLB). (20 U.S.C. § 6301 *et seq.*)

In addition, an education agency can share “directory” information without prior consent. Directory information includes the student’s name, address, place/date of birth, dates of attendance, the most recent school attended, participation in officially recognized activities, and sports and awards received. The education agency must give current students and families advance notice of the types of directory information it will release and the parents’ the right and opportunity to refuse to release the information.

Q: What are some examples of information sharing and collaborative efforts that have improved educational outcomes?

A: Utah, Florida, New Mexico and West Virginia have done important work in this area. In some states, information sharing and collaboration is happening on a more local level (*e.g.*, San Diego, Fresno and Los Angeles, California). A few states have enacted legislation mandating increased data sharing. (See *e.g.*, New Mexico House Memorial 42 (2006) and California AB 490 (2003).) To find out more information, visit the

Legal Center on Foster Care and Education Website at www.abanet.org/child/education.

Q: What can I do to encourage my state or county to share information and collaborate to improve educational outcomes for children in out-of-home care?

A: Talk to representatives of your child welfare and education agencies about the importance of sharing education information to help children in care. Provide examples of what has worked in other jurisdictions. Involve all stakeholders in developing the system. Create a Memorandum of Understanding that clearly delineates the mission, the role of each stakeholder, protects children’s and families’ privacy rights, and ensures quality and reliability. Remember it can be done and it helps kids!

Q: Where can I learn more about how data collection and information sharing can improve educational outcomes for children in out-of-home care?

A: The Legal Center for Foster Care and Education developed an article, *Solving the Data Puzzle: A How To Guide Collecting and Sharing Information to Improve Educational Outcomes for Children in Out-of-Home Care*. The article includes an in depth discussion of these issues and includes tools to evaluate your jurisdiction’s current data collection efforts and develop and implement a program to meet your needs. It will be available in January 2009 at www.abanet.org/child/education/dataexchange.

