

Position Statement

2020

Child-Specific Data Sharing between Child Welfare and Education

Proposal

Issue: While state and federal laws provide opportunities for some data sharing regarding a student being served in the child protection system, there is not the latitude for ready access to current educational data for child welfare, nor child welfare data to the child's school. Explicit language to allow this data sharing would ease service planning and coordination across the two systems for the benefit of the children served in both.

Implementation Strategy: MACSSA will support any legislative proposal that allows for this level of data exchange between child welfare and education, whether it is in support of a pilot project or statewide data sharing plans.

Systemic Priority Alignment (check all that apply and explain why)

Equity Service Integration Fiscal Framework

Comments: The child protection system disproportionately impacts American Indian and Black/African American children, the same students experiencing disparities in educational achievement. This position supports integration of services delivered to these students with the belief that better coordination across systems will support better services for children in the schools, reducing disruptions to their educational progress and encouraging stronger educational performance.

Operational Priority Alignment (check all that apply and explain why)

Behavioral Health Case Management Child Well Being Community Based Settings & Services
 Health Care Housing & Transportation Modernization Self Sufficiency

Comments: Education is a significant aspect of child well being, and a position that supports educational services and educational achievement supports the child's well being. Data sharing assists in case planning and service access, thus making this position relevant to case management work.

Rationale/Background:

Educational success is critical to economic success and improved longer-term life outcomes. Schools and county-operated child welfare systems need to share data on children and youth involved in both systems to ensure appropriate system responses in support of the students. While language exists in Minnesota Statutes and federal law in support of data sharing for this population, it does not result in any real-time access to data as would inform case planning and progress. Information sharing is typically disjointed, and occurs only episodically during the child welfare process, if at all. Counties and schools seek the opportunity to pilot a data sharing approach to test options with the potential for statewide application, supported by clarity in data sharing ability between schools and child protection.

Children involved with the child protection systems are at greater risk for negative educational outcomes including:

- Higher drop-out rates,
- Higher rates of school mobility and loss of earned credits,
- Delays in enrollment,

- Lower academic achievement and graduation rates,
- Increased need for special education, and
- Greater incidence of disciplinary action.

Notably the disproportionate impact of the child protection system on American Indian and Black/African American families means that these negative outcomes also can contribute to the disparities in education for these students. Strong data sharing policies and practices between agencies can mitigate some of the negative effects on children and youth and support federally recognized child well-being indicators as outlined in the Child and Family Services Review process.

Access to children’s education records helps caseworkers monitor and support children’s educational success, assists with supporting them through transitions, and connects children to appropriate services and interventions. Responses to educational neglect and truancy would benefit from ready access to current attendance and school service information. For those students who are in out-of-home placement or whose families are involved in child protection court proceedings, current education information can inform a child’s placement decision and transition goals, supports judges to intervene appropriately, and assists children with special needs to receive relevant services. Local education agencies similarly should know when children or youth enter a foster care setting in order to have a better understanding of the student’s unique needs and best support their educational success, as well as being able to coordinate with other supportive services being provided to the student.

Several regulations allow for data sharing between child welfare and a child’s school, while none allow for the scope and ease necessary for current and ongoing service planning. These include:

- *Uninterrupted Scholars Act*, amending the Federal Education Rights and Privacy Act, includes a child welfare exception that allows schools to release a student’s education records to an agency case worker when the agency is “legally responsible for the care and protection of the student” (20 U.S.C. 1232g(b)(1)(L)). This allows schools to share educational data of children in out-of-home placement without a court order or signed release from the parent.
- The federal *Every Student Succeeds Act of 2015* (Pub.L. 114-95 § 114 Stat. 1177) includes requirements for coordination between local education and child welfare agencies in recommending the education setting that is in the best interests of the child, in immediately enrolling the student in the new school if a transfer is indicated, and in determining transportation from foster care to school. This necessarily involves information sharing about foster care status.
- Although Minnesota does not have a Comprehensive Child Welfare Information System (CCWIS), the federal Comprehensive Child Welfare Information System Final Rule, 81 FR 35449, 35480 (June 2, 2016) requires that CCWIS, to the extent practicable, include bi-directional data exchanges with educational agencies, clearly signally the intent of the federal government for information exchange to occur.
- Minnesota Rules 9560.0560(1)(2) allows children welfare agencies to inform schools of a change in the child’s address and custodian for foster care youth.
- Minnesota Statute 260C.208, Subdivision 1 states an agency with legal responsibility for the placement of a child may request and shall receive all information pertaining to the child that it considers necessary to appropriately carry out its duties. That information must include educational, medical, psychological, psychiatric and other data.
- Under Minnesota Statute 626.556, Subd. 10j, a local social services or child protection agency shall provide relevant private data on individuals obtained during a child protection assessment to a mandated reporter who has an ongoing responsibility for the education of a child affected by the data, unless it would not be in the best interests of the child. This includes the child’s teachers or other appropriate school personnel.

There have been previous efforts to pursue data sharing between child welfare and education in Minnesota, promoting the MN Student Data Backpack: in the 2015 Legislature, Senator Wiger and Representative Loon were the primary authors for SF 990 and HF 1990, and in the 2017 Legislature, Senator Wiger and Representative Fischer were the primary authors for SF11 and HF899. It appears that this proposal may have had a statewide fiscal note of about \$6.5 million across three years. Recent efforts to establish a data interchange framework for school districts using different data systems to facilitate state and federal reporting of education data may create an opportunity for a technology solution in support of data sharing between child welfare and education. At least one county is considering a legislative position, and has engaged superintendents in discussions of how to proceed. There are possibilities of piloting a solution or solutions on limited scales perhaps with philanthropic support if legislation would allow for greater ease in data sharing.

Additional Information:



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 Approved on: [insert date position was approved]

