



POLICY BRIEF – DATA COLLECTION & SHARING

FOSTER YOUTH STATE-WIDE EDUCATION DATA

Although statewide educational data is collected for several subgroups of students enrolled in California, there is no systematic statewide educational data collected, disaggregated, and submitted to the California Department of Education (CDE) for foster youth students.¹ In 2004, AB 1858 directed the collection of foster youth disaggregated educational data by adding the following section to the Education Code:

“The department [CDE] shall ensure that the California School Information Services² system meets the needs of pupils in foster care and includes disaggregated data on pupils in foster care.” Educ. Code § 49085

Despite the intention of the Legislature in passing this provision, obstacles remain which have prevented its implementation to date. The FYS 2006 Report to the Governor and the Legislature³ states that the CSIS “does not currently have the capability to provide disaggregated foster youth data” and cites issues of mandate regarding data collection. Additionally, the report addressed the lack of and difficulty in accessing data stating:

“ . . . a large number of FYS Programs must rely on data systems developed and maintained by collaborative agencies. These programs report ongoing difficulties with importing and consolidating information from multiple data systems that often are incompatible with FYS Program needs. FYS Programs report that the mobility of foster youth is too great to be tracked by counties that cannot share data in a timely manner and recommend the creation of a statewide database capable of linking all school districts and placing agencies to the same foster youth data. . . . CDE recognizes the need for FYS Programs to have access to a uniform database containing up-to-date health and education information on foster youths. Such a statewide system is not currently available nor is there funding for such a system at the statewide level. . . .”

¹The California Longitudinal Pupil Achievement Data System (CALPADS) requires statewide assessment and enrollment data and other information disaggregated for certain student groups. See, Educ. Code § 60900 and the CDE website at <http://www.cde.ca.gov/ds/sp/cl/index.asp>

² For more information about the CSIS program see the CDE website at <http://www.cde.ca.gov/ds/sd/cs/>.

³“Report to the Governor and the Legislature” Foster Youth Services Program (Education Code sections 42920-42925) Counseling, Student Support, and Service Learning Office, California Department of Education (February 15, 2006), <http://www.cde.ca.gov/lr/pf/fy/documents/fylegreport2005.pdf>.

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Notwithstanding the lack of statewide data, there can be no doubt that foster youth comprise one of the most academically at risk student groups enrolled in California schools. The FYS 2006 Report states that "a majority of foster youth students are academically deficient Seventy-five percent of foster youths are working below grade level. . . ." Other reports and Legislative findings have estimated that 83% are being held back by the third grade and 46% become high school dropouts.

POSSIBLE COURSES OF ACTION (Statewide)

Implementation of Section 49085

Work with the Data Management Division of CDE to explore disaggregated data gathering and submission through CALPADS and the CSIS program.

- This issue should be viewed as a priority, since CDE is currently scheduled to have a vendor on board to build the CALPADS system by summer 2007. Therefore, it might be helpful to form a subcommittee to meet with CDE's Data Management Division personnel, as soon as possible, concerning this issue.

California Child Welfare Services Case Management System

Child welfare agencies must include specified education information in a foster child's case plan and must update that information periodically. 42 U.S.C. § 671(a)(16), 675(1)(C) & 5 (D); MPP 3-206.35. The California Child Welfare Services Case Management System (CWS/CMS) is the single statewide data system for this and other information about foster children. However, the education information captured by CWS/CMS does not include all the information necessary for good case management.

The California Department of Social Services is currently reevaluating the CWS/CMS. Those concerned about foster youth education issues should be involved in the CWS/CMS redesign so that the system 1) provides the social worker and care giver with information necessary to plan services and assist the child in obtaining a good education and 2) permits the tracking of foster youth educational status and trends.

State Guidance:

- **Program Advisory:** The Superintendent and/or the State Board could issue a Program Advisory, a manual or report that discusses all of the practices mentioned above, identifying best practices in each of these areas;
- **Regulations:** Through the regulatory process, the State Board could direct school districts to adopt policies and procedures related to the sharing and collection of information and relevant data for foster youth.
- **Inclusion in CPM:** If AB 490 is included in the CDE's Categorical Program Monitoring (CPM) process, all records and data-related sharing provisions should be included as compliance items to be reviewed.

- **Foster Care Student Census Report:** Currently school districts must report the number of English Learner students enrolled by language group, grade level, program placement, along with other pertinent information to CDE on a yearly basis through the Language Census (R30-LC) report. Such a census report could also be developed by CDE for foster care students, which could include enrollment and other relevant data unique and of importance to foster youth educational issues.
- **Foster Youth Services:** Education Code § 42923 requires the State Superintendent to submit a report to the Legislature and the Governor which must include information concerning certain specified indicators for those foster youth served by the programs, which include the following: pupil academic achievement; pupil discipline problems or juvenile delinquency; and drop out or truancy rates. Currently, these indicators are only discussed with respect to the six FYS Core District Programs. There should be a discussion concerning to what extent similar data should be discussed and reported with respect to the FYS Countywide Programs.

LOCAL DATA COLLECTION AND SHARING

AB 490 requires that educators, county placing agencies, care providers, advocates, and the juvenile courts work together to maintain stable school placements and to ensure that foster youth are placed in “the least restrictive educational programs, and have access to the academic resources, services, and extracurricular and enrichment activities that are available to all pupils.” EDUC. CODE § 48850(a). This obligation cannot be adequately carried out unless these agencies develop clear protocols and procedures for ensuring that relevant educational data and information concerning a foster care student is shared in a manner that fully protects state and federal privacy rights afforded to each student.

Other responsibilities and obligations set forth under law underscores the need for such data sharing procedures and protocols:

- **Notification:** Every agency that places a child in a licensed children's institution must notify a school district of such a placement and must provide any available information on immediate past educational placements. EDUC. CODE § 48852. See also, EDUC. CODE § 49069.5(c) & (e).
- **Access to Student Records:** Any county placing agency, without parental consent or court order, is authorized to access student records for the purpose of compiling a child's health and education summary, fulfilling educational case management responsibilities, or assisting with the school transfer or enrollment of a pupil. EDUC. CODE § 49076(a)(11).
- **Cooperative Agreements:** School districts and county placing agencies may develop cooperative agreements to facilitate access to and exchange of the pupil information by electronic or other secure means. EDUC. CODE § 49076(a)(11).

- **Social Workers:** Must base placement decisions to promote educational stability by taking into consideration proximity to a child's school. WELF. & INST. CODE § 16501.1(c).
 - Case plan must include such things as: school records; known educational providers; the youth's grade level performance; and other relevant educational information. WELF. & INST. CODE § 16010(a), MPP 31 -206.351.
 - Care providers must be provided current education information and be assisted in obtaining relevant education records. MPP 31-405.1 (o); WELF. & INST. CODE § 16010(c) & 16010(e).
 - Must report to school personnel any referral or admission of a child who is potentially eligible for special education and must identify who has the rights to make educational decisions. EDUC. CODE § 56156(a) & (b).

Notwithstanding all the responsibilities and obligations set forth above, local jurisdictions and counties vary widely with respect to education information sharing. The FYS 2006 Report confirms the inconsistency of records and data sharing at the local level:

- "Resistance to sharing records" reported by 16% of FYS Countywide Programs as a "challenge."
- "Lack of up-to-date student records" reported by 23% of FYS Countywide Programs as a "challenge."
- "Counties report that HEPs [Health and Education Passports] frequently are incomplete and that the length of time necessary to locate prior school records remains a common barrier."
- "Issues of confidentiality related to the Health Insurance Portability and Accountability Act (HIPAA) of 1996 and the Family Educational Rights and Privacy Act (FERPA) of 2000 have resulted in resistance to sharing foster youths' records."

POSSIBLE COURSES OF ACTION - Local

Formation of Inter-Agency Committees on Foster Youth Education: Encourage local counties to form inter-agency committees that meet regularly to discuss ways to improve educational outcomes for foster youth, facilitate the exchange of information concerning foster youth educational issues, develop policies and procedures to facilitate the implementation of AB 490's provisions, develop data sharing mechanisms, and to develop common goals and objectives upon which to evaluate their actions.

Cooperative Agreements Between School Districts and Child Welfare Agencies: Encourage school districts and child welfare agencies to develop and enter the cooperative formal agreements. Efforts should be undertaken to disseminate sample

and model agreements throughout the state and they should be posted at a designated website (perhaps that of Foster Youth Services) to facilitate dissemination.

Standing Court Orders: Several counties have secured and issued standing court orders to facilitate the exchange of information between school districts and county placing agencies and to address any confidentially concerns. These court orders should be collected and reviewed and a model court order should be drafted and disseminated to all jurisdictions.

Data Sharing Process: Implement the following protocols to better serve foster youth educational needs and to gather district-wide disaggregated data for all foster youth students enrolled in a district:

- The county placing agency to provide the school district with a monthly list of children living in foster care within the district;
- The school district to uniquely computer code the information to ensure that the youth's identification as a foster child is not compromised;
- Designate a computer within a county placing agency to be used for the sole purpose of accessing educational information. Limit access to certain designated staff, link to a school district's mainframe by the district, load appropriate software to allow access to the district's student data and records system;
- This system should allow designated staff to inquire about and have access to educational records of foster youth enrolled in the district.

Evaluation System: An evaluation system should be developed so that appropriate data can be gathered and evaluated for all foster youth enrolled in a school district. This system should provide pertinent information so that the agencies can evaluate how foster youth are performing academically, to what degree they are maintaining educational stability, how the type of out of home placement may be impacting educational achievement, and to what degree foster youth are provided access to academic resources, services, and extracurricular and enrichment activities that are available to all other pupils. A database should include, but not be limited to, the following: absences; average GPA; credits attempted and earned; days enrolled and attended; type of school attended, address moves; suspensions/ expulsions, including the grounds for each; California standardized testing information, the number of foster youth identified as English Learners, migrant students, special education students; CAHSEE passing rate information, the numbers identified as at risk for retention and the number actually retained, graduation rates, and post-secondary enrollment data. This data should be gathered and grouped by student foster-care placement, race/ethnicity and language status.

Educational Liaisons: Each child welfare agency should have its own Educational Liaison to work with the local school district's AB 490 Educational Liaisons to resolve potential problems in individual cases in a mutual effort between students, care providers, school districts, child welfare, probation, and other collaborative agencies.