THE STATE of ALASKA
GOVERNOR SEAN PARNELL

Department of Health & Social Services
OFFICE OF CHILDREN'S SERVICES
P.O. Box 110630
Juneau, Alaska 99811-0630
Phone: 907.465.3170
Fax: 907.465.3397

Department of Education & Early Development
DIVISION OF TEACHING & LEARNING SUPPORT
810 West 10th Street, Suite 200
P.O. Box 110500
Juneau, Alaska 99811-0500
Main: 907.465.2830
Fax: 907.465.6760

August, 2014

Guidance for Education Data Sharing for Alaska Children in Out-of-Home Care

Purpose:
The purpose of the agreement is to set out parameters on *what* information to exchange, *why* information needs to be exchanged, and *how* information will be exchanged between the Office of Children's Services (OCS) of the Alaska Department of Health & Social Services, and Alaska public school districts regarding the education of Alaskan children in foster or residential care. The following parameters are in accordance with the Uninterrupted Scholars Act (USA) that amends the Family Educational Rights and Privacy Act (FERPA)[1]. The USA amendment to FERPA helps child welfare agencies fully implement the Fostering Connections to Success Act (2008) by allowing education agencies to disclose records to child welfare without parent consent to ensure timely educational stability for students in foster care[2].

School districts need to know which children are currently in custody and/or out-of-home care, to determine what services are available to them through the school district. OCS needs to have education information in their records for all children under OCS care, and to consider this information in case planning for the children, youth, and families[3]. The information exchanged between OCS and school districts should include children aged birth through 20 years who are eligible for school district services.

Overall, it is the intent that by exchanging information between Alaska public school districts and OCS, children in foster or residential care will receive more coordinated and appropriate

---

[1] The Uninterrupted Scholars Act (USA) P.L. 112-278; FERPA 99.32
[2] USA P.L. 112-278; Fostering Connections to Success Act HR 6307: http://www.ncsc.org/services-and-experts/government-relations/child-welfare/fostering-connections-to-success-act.aspx
[3] 42 U.S.C. 675 - Definitions

services, including specific services provided through state and federal programs for which they are eligible, leading them to success academically and throughout their lives.

Background:

Children who live in foster or residential care face particular challenges in school that call for information sharing and collaboration.

It is well documented that poor educational outcomes result in poor long-term outcomes for young people formerly in out-of-home care, such as unemployment, homelessness and incarceration.

A child's failure or struggle in school can undermine the agency's ability to find her/him a stable and permanent family. Also, the same experience is realized by schools when a child does not have a permanent home and is moved from his/her home – academic success and school stability are challenged.

OCS, having responsibility for children in custody and/or out-of-home care, and schools must work together to overcome challenges presented for all children who are in foster or residential care. This sets an important example for others such as judges, attorneys, guardians ad litem, child welfare workers, foster parents, schools, and other advocates in the child welfare and education systems, who work on behalf of these children, and their families, to prioritize educational outcomes as significantly important ends. This agreement lays the foundation for everyone involved to work towards improved academic and positive lifelong outcomes for children living in foster or residential care by assuring student specific information is shared between OCS and Alaska public school districts.

Sharing applicable student-specific information is required under federal law and ensures each child receives the support he or she needs from the education and child welfare agencies[4]. Personally identifiable information (PII) will only be shared as required and permitted by law with school district staff who have a right to know the information, and will be treated confidentially[5].

In addition, OCS and Alaska public school districts may share, track and study aggregated information (not personally identifiable), both quantitative and qualitative[6]. Such sharing is vital to developing a comprehensive picture of educational problems that children in out-of-home care face and the policies and supports they need. The aggregated data shared between the agencies will not contain PII regarding specific children unless such identifying data is permitted under federal and state law.

Authority:

---

[4] USA P.L. 112-278
[5] Ibid.; Alaska Statute 47.10.093(4);
[6] USA P.L. 112-278

In order to meet early intervention or educational needs of students, the Uninterrupted Scholars Act (USA) amended FERPA on January 14, 2013 by permitting education agencies to disclose a student's education records, without parental consent, to a caseworker or other representative of a child welfare agency or tribal organization authorized to access a student's case plan "when such agency or organization is legally responsible, in accordance with State or tribal law, for the care and protection of the student[7]." The USA also allows educational agencies to disclose education records pursuant to a judicial order without requiring additional notice to the parent by the school in specified types of judicial proceedings in which a parent is involved, such as a Child in Need of Aid (CINA) proceeding[8]. A record of all disclosures of personally identifiable information must be maintained by the education agency, which is also outlined in the Individuals with Disabilities Education Act (IDEA) and the USA[9].

OCS, Alaska's child welfare agency, is charged with supervising and providing for children the court has determined to be a CINA, including providing for temporary or permanent placement in an appropriate and supportive setting[10]. Such settings may include placement in a parent home on trial home visits (THV), foster care, unlicensed relatives, group homes, or residential placement. OCS, and any individual with whom OCS has entrusted the care of a child, has the legal right and duty to provide for the welfare of the child, including the child's education[11].

Why:

- A quality education can help a child in out-of-home care achieve and maintain permanency.
- Schools can be instrumental in providing educational stability and supportive services that will improve a child's life circumstances[12].
- Collecting and sharing data can be a driving force in improving the education, and lives, of children in the child welfare system.

What and How:

- OCS agrees to send, at least monthly, a list of children in custody, and/or out-of-home care. Information shared is included in the box below. Information will be sent to the district-designated contact.
- Alaska public school districts will share information with OCS case workers through their normal procedures for communicating such information to parents, or upon specific request by OCS case workers as needed.
- Alaska public school districts will not share any information provided by OCS to any agency outside the school district, including contractors, without OCS having received notification of the action 30 days prior to the information being shared. OCS may deny the sharing of information provided by the OCS to agencies outside the school district.

---

[7] 20 U.S.C. § 1232g(b)(1)(L); IDEA Part B 300.611(c)
[8] 20 U.S.C. § 1232g(b)(2)(B)
[9] FERPA 99.32
[10] Alaska Statute 47.05.065
[11] Ibid.
[12] Fostering Connections Act, Pub L. 110-351

- Alaska public school districts will assure information listed below is disseminated as agreed upon by school districts and the local OCS office for the purpose of providing services to the child/youth in state custody.
- OCS and Alaska public school districts recognize that sharing of information by the districts for students age 18 and older depends upon: 1) student consent or 2) the existence of circumstances that permit sharing without student consent, as set forth in FERPA and IDEA[13].
- Information can be used to inform a child's educational placement decisions and transition goals, and ensure that remedial and supplemental services are available to the child.
- Both OCS and the schools agree to work together to assure the privacy of students and parents, and limit access to only those individuals or officials who "need to know" and have a legal right to know the information to serve the best educational interests of children. In compliance with the Uninterrupted Scholars Act public school districts will limit the sharing of information obtained from OCS to only those school officials having a "legitimate educational interest" in the information.

[13] FERPA 99.32; IDEA Part B 300.611(c)

Information to be exchanged

OCS to Schools:	School District to OCS:
• Child or youth name • Date of birth • Date of removal from the home • Contact information for foster parent (including address) • Contact information for OCS case worker • Date placement began • Changes in placement • Termination of parental rights • List of children in OCS custody in both in-state and out-of-state residential facilities • List of children in emergency or transitional shelters • Emergency placements and those that may be eligible for McKinney-Vento services[14] • Children in OCS custody on the run • Information required to keep the child safe • Information required to keep other children safe • Other information critical to providing services • Children on Trial Home Visits (in OCS custody but placed with a parent)	• Child or youth name • Date of birth • School enrollment (name and address of school) • Attendance data • Program participation (in specific remedial, vocational, or other program) • Developmental screening results • Receiving special education services • IEP's (upon request) • Current grade level • Student academic records, including course grades and state assessment proficiency information • Grade Retention • Graduation (expected graduation, graduation status, type of diploma, etc.) • Information as needed for the purpose of case planning • School district point of contact • Information normally disseminated to a parent will be disseminated to the foster parent(s) • Information related to significant concerns for safety to the student or to others must be disseminated to the foster parent(s) and the student's OCS case worker

C. Lawton

Christy Lawton
Director, Office of Children's Services

8/19/14
Date

Susan McCauley

Dr. Susan McCauley
Director, Teaching & Learning Support

8/13/14
Date

[14] McKinney-Vento Homeless Assistance Act of 1987, as amended, Title VII, Subtitle B; 42 U.S.C. 11431-11435