



Special Committee on Foster Care Oversight

October 21, 2020

School Records of Youth in Care

Presented by:

Tanya Keys

Deputy Secretary

Kansas Department for Children and Families

Ethan Belshe, Government Relations Manager
DCF Administration Building, 6th Floor
ethan.belshe@ks.gov
www.dcf.ks.gov

Testimony of:

Tanya Keys, Deputy Secretary

Kansas Department for Children and Families

Chair Concannon, Vice Chair Baumgardner, and Members of the Committee:

Thank you for the opportunity to present testimony on education issues related to children in foster care.

Ensuring educational stability and positive educational outcomes for children in foster care is a high priority for DCF, as reflected in practice, policy, and implementation of applicable law. DCF recognizes the importance of education and educational stability for children in foster care as crucial to the long-term well-being and success of all youth.

As their legal guardian, the state bears a heightened responsibility to ensure foster youth are receiving a quality education. DCF strives to ensure this responsibility is met by putting in place policies and procedures that lead to positive education outcomes for youth in care. Relevant outcomes include but are not limited to: youth remaining in the same school when possible, seamless transition between schools, youth being ready to learn, equal access to school experience, addressing school dropout, truancy and disciplinary actions, involving and empowering youth, and supporting obtaining post-secondary education. I will begin this testimony by focusing on one of those outcomes in particular: a seamless transition between schools. One of the biggest factors in determining whether a youth's transition is seamless is whether the youth's school records were transferred to their new school in a timely fashion. If they are not then it is likely that student will not be enrolled in the correct classes in a timely manner, negatively impacting their education.

DCF has put into place policies and procedures to try and ensure timely records transfers. These policies and procedures are guided by requirements in federal law.

The United States Code (U.S.C.) Title 20 sets out provisions related to education in what is commonly known as the Family Educational Rights and Privacy Act (FERPA). The Uninterrupted Scholars Act, signed into law in January 2013, amended FERPA's provisions related to the disclosure of education records of students in foster care. The changes were intended to improve educational and developmental outcomes for children in foster care by providing child welfare agencies access to school records as needed to ensure the provision of early intervention or educational services. The law permits disclosure of personally identifiable information from the education records of

students in foster care, without parental consent, to an agency caseworker or other representative of DCF, such as a case management grantee.

The Every Student Succeeds Act (ESSA), enacted in 2015, included provisions to further increase educational stability for children in foster care. It included core protections for school stability and school access for youth in foster care to ensure their educational experience is no different than their peers and requires that DCF, a youth's case management grantee, and a youth's school district work together to ensure the child's educational needs are being met. One of the core principles of ESSA was that foster youth shall be maintained in their own school whenever possible and that placement decisions should take into consideration the child's proximity to their school of origin.

With ESSA's enactment, there was a need to address education issues more broadly to ensure Kansas' compliance. In 2015, an Every Student Succeeds Act workgroup was established to guide and support the implementation of ESSA in the state. This workgroup developed policies, processes, and practices to ensure that ESSA was successfully implemented in Kansas. One of the most important of these was the Best Interest Determination (BID) process. A Best Interest Determination is held whenever a foster youth is changing placements and a change in school may be required. This meeting is staffed by, at a minimum, the youth's case management grantee and the school district. Additional persons with knowledge of the youth's case such as foster parents, the Guardian Ad Litem, DCF staff, CASA, etc. may also be invited to participate. A meeting is held to determine whether it is in the best interest of a youth to remain in their school of origin or move to a new one. Length of time enrolled in school of origin, learning behaviors, safety factors, distance of new placement from school, and child preference, among others, are all factors considered in determining whether the youth will change schools. If it is determined to be in the best interest of the youth to stay at their school of origin, then the school district and the case management grantee will develop plans to provide cost-effective transportation for the student to remain in the school.

Should it be determined that it is in the youth's best interest to leave their current school, then DCF policy and procedure, as developed by the ESSA workgroup, state that the case management grantee is to alert the youth's new school. The new school should then immediately enroll the child and request records from the school of origin. The case management grantee is to provide the new school with the youth's information including their name, enrollment information, and information on the last two schools they attended to ensure the youth can be enrolled in a timely manner. Once the move is complete the case management grantee must ensure the youth's IEP or 504 Plan is transferred to the new school.

The ESSA workgroup later changed its name to the current title of Education Stability for Children in Foster Care Workgroup. The workgroup continues to meet regularly, usually at a minimum of every other month. Members include DCF staff (program and legal), DCF grantee staff (all 4 case management grantees are represented), and Kansas Department of Education staff (program and legal). Representatives from other agencies have attended as needed. The workgroup continues to address issues, processes and needed policy revisions. It has also created a network between members which promotes and allows for resolving issues, both systemic and case specific, that arise between meetings. DCF's representative on the workgroup suggested the group would be happy to provide annual reports or testimony to the legislature if requested.

I should also note that there is no legal barrier to the timely transfer of foster youth school records. The workgroup has found there are areas of the state where records transfers appear to be occurring efficiently while other areas report challenges that need to be addressed. DCF's representative on the workgroup suggested that processes in place are good, but that there may be a need to ensure they are being followed across the board. This is complicated by the fact that each school district may do records transfers differently. While some schools use an electronic system to transfer records, the system is not universal and some schools transfer records via fax.

There has been a question about whether schools receive funding to facilitate the transfer of records. DCF does not provide funding to schools or school districts for this purpose. DCF's understanding from KSDE is that school districts do not receive funds specifically earmarked for data/records exchange, but that records exchange is an allowable expense for most federal funds.

Communication and collaboration between DCF, DCF case management grantees, the Kansas State Department of Education and local school districts is essential to ensuring that adequate policies and procedures are in place to support the education of youth in state custody. It is imperative that the school records of youth in care are transferred efficiently and timely. DCF is committed to continuing to work with our partners to ensure that timely records transfers are a reality for all students in foster care.

Beyond the issue of the transfer of records, students in foster care can face barriers to success that many of their peers do not. As such, we have worked with partners to implement a number of services and programs that support the success of students in foster care.

One such program is Gear Up, a US Department of Education-funded program administered by Wichita State University. The mission of Gear Up is to increase the

number of students graduating from high school who are prepared for enrollment in post-secondary education. Gear Up only serves youth who have experienced foster care custody. Program components include tutoring, educational workshops, summer programs, ACT/SAT test preparation, mentoring, career exploration, college scholarships, and cultural activities. Gear Up provides support at DCF Independent Living events, including Regional Youth Advisory Councils, the annual Kansas Youth Advisory Council youth conference, and Independent Living retreats.

Keys to Networking has a subcontract through Gear Up. Keys for Networking's iGrad program targets secondary school age youth who are in state custody. iGrad collects grade cards and transcripts at each youth's change of placement or semester (whichever occurs first) and utilizes a risk assessment to prioritize students most at risk of not graduating. Staff then establish person-to-person connections with educators, the youth, and their case management grantee to assure the youth is on track to graduate with their peers and accumulates each school's expected credit requirement by subject area per semester.

Jobs for America's Graduates- Kansas (JAG-K), who you will hear from shortly, is another program supporting foster student success. JAG-K partners with at-risk students to overcome barriers to graduation from high school and prepare them for college or career pathways that will help them reach their full potential. JAG-K teaches students job readiness skills, evaluates potential future career options and how to work toward those goals, teaches varieties of life skills, and aims to provide internships, job shadowing, and volunteer opportunities. JAG-K follows up with graduates for one-year post-graduation. The JAG-K Transition Services program serves youth in foster care who are behind in credits or need extra support. JAG-K partners with child welfare case management grantees and the school to provide supports including offering online credit recovery where available, transcript reviews, and continued support after placement or school changes.

Another initiative providing support to students in foster care is the Mental Health Intervention Team Program (MHIT), which you heard about at the committee's first meeting. This program provides students with behavioral health services with an emphasis on supporting youth involved with or receiving services from DCF.

DCF is committed to continuing to support students in foster care. We will continue to look for opportunities to do so through innovation, enhanced communication, and collaboration with stakeholders. Thank you for the opportunity to address this very important issue. I am happy to answer any questions at the appropriate time.