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WISCONSIN STATE REPRESENTATIVE

41ST ASSEMBLY DISTRICT

AB 478: Pupil Records Disclosure
Testimony of State Representative Joan Ballweg
Assembly Committee on Children and Families
January 6, 2016

Thank you, Chair Rodriguez, and members of the Committee on Children and Families for holding this public hearing.

Assembly Bill 478 was brought to my office by the Department of Children and Families (DCF). Along with the Department of Public Instruction, DCF has been working to improve the educational outcomes of children in the child welfare system. One critical component is having timely and accurate data on the educational activities of children in the child welfare system so that their educational needs can be identified and appropriate interventions are undertaken on a timely basis. This includes information such as school mobility, attendance, and suspensions.

AB 478 incorporates into state law new federal provisions, known as the Uninterrupted Scholars Act. The bill permits a school board, on request, to disclose pupil records that are pertinent to addressing a pupil's educational needs to a DCF child welfare worker, a county department, or a tribal organization that is legally responsible for the care and protection of the pupil, if the caseworker or other representative is authorized by DCF, that county department, or that tribal organization to access the pupil's case plan. It also permits a school board to enter into a MOU with the Bureau of Milwaukee County Welfare, a county department, or tribal organization to permit the disclosure of pupil records.

This legislation enables the child welfare and educational systems to identify problems and intervene on a timely basis to address the educational needs of those in the child welfare system, which will enhance their prospects for academic success.

Here with me today are representatives from both departments. Thank you for your time.

Alberta Darling

Wisconsin State Senator

Co-Chair, Joint Committee on Finance

TESTIMONY BEFORE THE ASSEMBLY COMMITTEE ON CHILDREN AND FAMILIES

Assembly Bill 478

Senator Alberta Darling

Wednesday, January 6 at 10:00 AM

Thank you Chairman Rodriguez and committee members for holding a public hearing this morning on Assembly Bill 478. The legislation before you is crucial to the academic success of children in the child welfare system.

As many of you know, national research indicates that children and youth in the child welfare system have lower educational outcomes compared to those of the general student population. Not only do children in the child welfare system typically have higher rates of school mobility, but they also have lower graduation rates and significantly higher rates of suspensions and expulsions.

Wisconsin needs to focus on solutions to diminish this gap between children in the child welfare system and the general student population. This bill is an important step in the right direction to better the academic outcomes of these at risk youth.

Assembly Bill 478 will give caseworkers access to the educational records of the children that they are legally responsible for. These records will include information such as class performance, grades, and attendance. Access to this information is vital to the caseworkers' comprehensive knowledge of the children's needs and development of their case plan.

This legislation will amend Wisconsin law so that it incorporates the federal government's Uninterrupted Scholars Act. The Uninterrupted Scholars Act allows pupil records to be disclosed to caseworkers who are legally responsible for a child so long as the disclosure is consistent with state laws regarding the confidentiality of student records.

Additionally, this bill supports growing research on trauma informed care. Allowing caseworkers more comprehensive access to information about the children they must legally care for will allow them to make decisions and case plans that are much more trauma informed.

Finally, I want to thank Representative Ballweg for co-authoring Assembly Bill 478. I have been so fortunate to get to work with a colleague who shares my passion for bettering the lives of Wisconsin's children.

Thank you again committee members for your time and consideration.



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Governor Scott Walker
Secretary Eloise Anderson

Secretary's Office

Date: January 6, 2016

To: Members of the Assembly Committee on Children and Families

From: Fredi-Ellen Bove, Administrator for the Division of Safety and Permanence

Re: Department Position on 2015 AB 478 – In Support

Representative Rodriguez and members of the Assembly Committee on Children and Families,

Thank you for the opportunity to testify on AB 478. My name is Fredi-Ellen Bove and I am the Administrator for the Division of Safety and Permanence within the Wisconsin Department of Children and Families (DCF). With me is Wendy Henderson, the Director of the Office of Youth Services at DCF.

AB 478 provides important new tools to improve educational outcomes for children in the out-of-home-care system. In Wisconsin, the out-of-home care system serves approximately 7,000 school aged children (6 and older) each year. When a child is placed temporarily in an out-of-home care setting for safety reasons, the child welfare system strives to maintain children in their current school, but is not always able to do so. As a result, many of these children experience school changes related to their placement in foster care. School placement changes can negatively impact a child's educational outcomes, particularly when information sharing and communication is not timely and effective between child welfare caseworkers and school personnel.

On January 14, 2013, a new federal law, the Uninterrupted Scholars Act (USA Scholars Act) was enacted which amended the federal education privacy law, Family Education Rights and Privacy Act (FERPA). The federal Uninterrupted Scholars Act is intended to improve educational outcomes for foster children by strengthening the information flow between the child welfare and school systems. Specifically, the USA Scholars Act permits educational agencies to disclose a student's education records, without parental consent, to a state or local child welfare agency or tribal organization authorized to access a student's case plan when the agency is legally responsible for the care and protection of the student, *if permissible by state law*. AB 478 would make such a disclosure permissible by Wisconsin law, enabling our state to use this important new tool to improve the educational outcomes of our foster children.

Currently school boards do not have the ability to consent to this type of disclosure; it is permissible by federal but not state law. Practically, this delays the transfer of information from a school to the local child welfare agency. In most cases the birth parents of children in foster care

do sign releases of information for information sharing, but in the circumstances where birth parents are unavailable or not engaged, consent can be difficult or impossible to obtain. While the child welfare worker is attempting to secure consent, the child may be attending a new school without the case worker being able to help with transition to school by understanding the child's past and present school performance.

According to the National Center for Education Statistics, Wisconsin is third in the country in its high school graduation rate, at 88%. In contrast, high school graduation rate for Wisconsin foster youth is 57%, significantly behind the statewide average. Given that high school graduation is the foundation for future success in the workforce or further post-secondary education, failure to graduate high school has lifelong consequences for foster youth. The gap between foster youth graduation rates and the Wisconsin average is in part due to barriers in communication between the child welfare and school systems.

The Department of Children and Families and the Department of Public Instruction have been working for the past five years to improve educational outcomes of children in the child welfare system. The two departments have identified that one of the critical steps to improving educational outcomes is enabling child welfare workers to have timely and accurate data on the educational activities of children in the child welfare system so that child welfare workers and teachers can collaborate effectively to have foster children's educational needs identified and supported in a timely manner.

Information sharing under this bill relies on the approval of local school boards, or state agency agreements. Information shared with case workers engaged in the child's education may not be further disclosed to other entities except as ordered by a court, which can order disclosure to a court or to a person who is engaged in addressing the educational needs of the child.

In summary, this bill mirrors recent federal law by permitting Wisconsin state and local education and child welfare agencies to strengthen information sharing and collaboration and thereby help children in out-of-home care to succeed educationally.

The Department thanks Senator Darling and Representative Ballweg for authoring the bill and thanks the Chair for holding this hearing. We thank the Committee for your consideration of the Department's comments. I am pleased to answer any of your questions.

Date: January 6, 2016

To: Members, Assembly Committee on Children and Families

From: Dee Pettack, Legislative Liaison, Department of Public Instruction

RE: Assembly Bill 478 – Disclosure of Pupil Records

Thank you Chair Rodriguez and members of the Assembly Committee on Children and Families for holding a hearing on Assembly Bill 478 (AB 478), authored by Representative Ballweg and Senator Darling. My name is Dee Pettack, the Legislative Liaison for the Department of Public Instruction (the department). With me today is Nic Dibble, Education Consultant – School Social Work, who oversees child welfare and student records for the department.

The Department of Public Instruction and the Department of Children and Families have actively been working to identify steps to improve educational outcomes for children in the child welfare system. AB 478 updates Wisconsin statutes to reflect changes made to the Family Education Rights and Privacy Act (FERPA) by the Uninterrupted Scholars Act (USA Scholars) and will enable child welfare workers to receive information on the educational needs of children in out-of-home placement in a more timely and efficient manner.

This change is intended to eliminate a communication barrier, and to make collaboration and the sharing of important educational information between child welfare workers, teachers, and school professionals easier with the goal of helping children in out-of-home placement achieve better educational outcomes. AB 478 only permits educational agencies to disclose a student's education records, without parental consent, in the instances where the legal responsibility for the care and protection of the student is the responsibility of a state or local child welfare agency. Sharing of information is further permitted only when consistent with the local school board's adopted policy or through an agreement between state agencies.

The Department of Public Instruction supports this important update to state statute to align with FERPA, the federal educational privacy law. Allowing child welfare workers to have more timely and accurate data on important education matters will create a valuable tool that they can use to better support the education of children in out-of-home placement.

Thank you again for your time, we are happy to answer any questions you may have.