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November 28, 2016

Re: Education Records Transfer for Youths in Foster Care

Dear Point of Contact,

On behalf of the Kansas State Department of Education (KSDE) and the Kansas Department for Children and Families (DCF), thank you for the great work you do each and every day to educate Kansas students. They are our most valuable resource, and your investment in them does not go unnoticed.

As you know, students who are in foster care face some unique challenges. When children in foster care move from one placement to another, the move can occur with little to no notice to school districts and sometimes even foster families. Because of these issues related to placement changes, school records for youth in foster care are at times not transferred quickly enough to aid in enrollment, prepare receiving schools, get students in the right classes, etc.

This is where you come in! Your help is needed to assist us in ensuring that school records are transferred expeditiously.

KSDE and DCF convened and facilitated a working group comprised of staff from both agencies, a school district superintendent, staff from DCF's contracted foster care providers, a foster parent, and Governor's Office staff. This working group set out to achieve the following goal: **"When children in foster care move to a new placement, schools of origin/school districts of origin transfer relevant student records (transcripts, grade cards, attendance records, IEPs, etc.) to the receiving schools/school districts by the next business day."** Although this is admittedly a lofty goal, the working group members felt that it was a good target to guide our work. We collaborated to develop a process that caseworkers and school district staff could follow in an effort to achieve this objective.

Please see below for a description of that new process, information on the KSDE Student Record Exchange (SRE) tool for securely transferring education records, and some background on federal legislation on this topic.

New Process:

Business As Usual – Currently, there are a number of different ways that involved parties are notified of the impending move of a child from one placement to another placement.

- When the contractor must move a child in foster care to a new placement, contract staff sends either a 30-day notice of move to the child’s current placement parents (required by statute when the child has been in the placement for six months or longer, unless the move is to the selected pre-adoptive family) or a two-day notice of move to the child’s current placement (when possible, if the child has not been in the current placement for six months or longer).
- Alternatively, when the current placement decides that it must disrupt the placement for one reason or another and the child needs to move to a new placement, the current placement should send the contractor a 14-day notice of move (when possible).

New Notification Process/Initial Communication – In either situation (or in other cases not described by the above scenarios), the contractor is aware of the need to find a child in foster care a new placement. This awareness should trigger the following action by the contractor:

- The caseworker should immediately send a high-priority initial communication (hereinafter “initial communication”), most often via email, to the school of origin (and the anticipated receiving school, if this information is known). This initial communication should contain, at a minimum, the former placement location and school of origin information, as well as the new placement location and anticipated receiving school information (if these are known). The initial communication is meant to inform the school of origin that it should begin to compile the education records of the youth in foster care, as they will need to be forwarded to the receiving school in the near future.
 - The caseworker should note when he/she sends the initial communication and track the time needed to send it (compared to when the contractor was aware of the impending move). The school of origin should note when it receives the initial communication and prepare relevant school records for transfer (unless the child will not be changing schools when he/she moves to the new placement, per current contractor information). These tracking responsibilities will ensure accountability and help to improve processes.

EEIF and IEP Transmission – Once the child has officially moved to his/her new placement, the caseworker should send a second notice (hereinafter “EEIF” [Educational Enrollment Information Form]) to the school of origin and the receiving school. The EEIF will contain, at a minimum, the old placement location, school of origin information, new placement location and receiving school information. The EEIF may also contain additional helpful information about whether the child has an Individualized Education Program (IEP), 504 plan, educational advocate, and/or intact parental rights. The EEIF is meant to confirm to the school of origin and receiving school that the youth in foster care has indeed moved and that the receiving school must request the education records from the school of origin as soon as possible.

- The caseworker should ensure that, if the child has an IEP, the IEP is transferred to the receiving school as well. Given that IEPs are required to be reviewed at least annually, caseworkers should also ensure that they are forwarding the most current and complete IEP available.
 - The caseworker should note when the EEIF and IEP are sent, and track the time needed to send these documents (compared with when the move actually takes place). The school of origin and receiving school will both note when they receive the EEIF, and the receiving school will note when it receives the IEP. These tracking responsibilities will ensure accountability and help improve processes.

Records Request – Once either the EEIF is received or enrollment in the receiving school takes place (with or without the appropriate documentation, per federal law), the receiving school will officially send a request for relevant education records (hereinafter “records request”) to the school of origin.

- The receiving school will note when it sends the records request as well as when it receives the education records of the youth in foster care. The school of origin will track the time needed to send the youth’s education records to the receiving school in response to the records request. These tracking responsibilities will ensure accountability and help improve processes.

Securely Transferring Education Records:

The KSDE Student Record Exchange (SRE) is available free of charge to all districts, private schools, service centers, and special education cooperatives and interlocals to facilitate secure and efficient electronic exchange of student records, as students move between schools in Kansas. SRE takes advantage of KSDE’s common authentication system and a method for encrypting information over the internet to provide an efficient, safe and secure way to send and receive student records. The Family Educational Rights and Privacy Act (FERPA) does allow the disclosure of education records by a sending school to a receiving school. As part of the request process within SRE, both a prior school and an enrolling school will be required to certify that a records request meets specific elements as it pertains to a student transfer.

The Directory Updates system contains an SRE Contact for each building in each district. The email for the SRE Contact is where the alert is sent indicating that activity has occurred in SRE for that building. The receiving school can log into the SRE system and initiate a request. The SRE sends an email notice to the school of origin. The school of origin can send records outside the system or uploads the records into the SRE system, and then marks the request status as “Request Responded.” The receiving school downloads the records if they were uploaded or receives the records outside the system, and then marks the request status as “Request Completed.” If there are problems with the records or additional records are needed, the receiving school can update the original request with “Request Updated,” and a notice is sent back to the school of origin. The SRE also allows a school to search for a particular student in the KIDS system. The school needs either the KIDS ID or the student’s first and last name, gender and date of birth to search for a student and generate reports with information from the KIDS system. Reports include enrollment history, student courses and student records.

More information about SRE can be found on the KSDE website at www.ksde.org/Agency/Fiscal-and-Administrative-Services/Information-Technology-IT/Student-Record-Exchange-SRE-, or by contacting the SRE helpdesk email account sre@ksde.org or the KSDE Help Desk at 785-296-7935.

Background:


In January 2013, Congress passed the Uninterrupted Scholars Act (USA), which amended the Family Educational Rights and Privacy Act (FERPA) to permit educational agencies and institutions to disclose, without parental consent or the consent of an eligible student, education records of students in foster care to state and tribal child welfare agencies. This legislation helps ensure privacy protections for children and families and to facilitate more efficient data-sharing pertaining to children in foster care between child welfare and educational agencies—a critical component to ensuring school stability for these youth.

Over the last several years, particularly following the passage of the Fostering Connections Act, progress has been made at the state and local levels to better support the education of children in foster care through increased collaboration between child welfare agencies and educational agencies. In December 2015, Congress passed the Every Student Succeeds Act (ESSA), which reauthorized the Elementary and Secondary Education Act of 1965 (ESEA), and built on the legislative successes outlined above by instituting new protections for children in foster care. These provisions, which take effect on Dec. 10, 2016, complement those in the Fostering Connections Act and require SEAs and LEAs to work with child welfare agencies to ensure the educational stability of children in foster care.

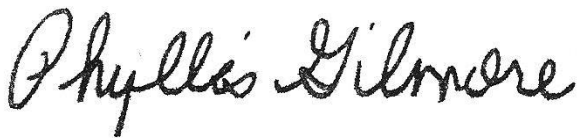
We believe the process outlined in this letter complies with the spirit and letter of federal law on provisions related to records transfer. Additionally, the process described above does not require schools to disclose education records to contracted caseworkers. Instead, it provides for a streamlined notification system wherein contracted child welfare staff quickly notifies schools when placement changes are necessitated for students in foster care. This, in turn, should lead to faster transfers of education records between school districts.

For any questions regarding this letter, please contact DCF Client Services Director Randall Lind at 785-296-4684 or by email at Randall.Lind@ks.gov. You can also contact KSDE Assistant Director Doug Boline at 785-296-2600 or by email at DBoline@ksde.org. We appreciate your assistance and collaboration as we seek to better serve our state's children!

Sincerely,

A handwritten signature in black ink, appearing to read "Randy Watson". The signature is fluid and cursive, with a long horizontal line extending to the right.

Randy Watson
Commissioner
Kansas State Department of Education

A handwritten signature in black ink, appearing to read "Phyllis Gilmore". The signature is cursive and elegant, with a prominent initial "P".

Phyllis Gilmore
Secretary
Kansas Department for Children and Families