

Alberta Darling

Wisconsin State Senator

Co-Chair, Joint Committee on Finance

TESTIMONY BEFORE THE SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES

Senate Bill 353

Senator Alberta Darling

Wednesday, January 6 at 1:00 PM

Thank you Chairman Vukmir and committee members for holding a public hearing on Senate Bill 353. 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.

Senate Bill 353 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 Senate Bill 353. 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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WISCONSIN STATE REPRESENTATIVE

41ST ASSEMBLY DISTRICT

SB 353: Pupil Records Disclosure
Testimony of State Representative Joan Ballweg
Senate Committee on Health and Human Services
January 6, 2016

Thank you, Chair Vukmir, and members of the Committee on Health and Human Services for holding this public hearing.

Senate Bill 353 and its assembly companion were 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.

The bill 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.

Date: January 6, 2016

To: Members, Senate Committee on Health and Human Services

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

RE: Senate Bill 353 – Disclosure of Pupil Records

Thank you Chair Vukmir and members for holding a hearing on Senate Bill 353 (SB 353), authored by Senator Darling and Representative Ballweg. My name is Dee Pettack, the Legislative Liaison for the Department of Public Instruction. 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. SB 353 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. SB 353 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.

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To: Members, Senate Committee on Health and Human Services

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

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