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November 27, 2024

Brandon Metzler
Clerk of the Nebraska Legislature
Room 2018
State Capitol
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Mr. Metzler:

Nebraska Revised Statute §79-303.01 provided an opportunity for the Nebraska Department of Education, the Department of Health and Human Services, the Office of Probation Administration, and the State Court Administrator to explore how our agencies might better serve the educational and data needs of students under the jurisdiction of the juvenile court.

Per Nebraska Revised Statute §79-303.01, please find enclosed the final report detailing the recommendations of the consultant and any policies and procedures that are being considered for adoption.

Sincerely,

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Improving Data Sharing for Youth Under the
Jurisdiction of Nebraska's Juvenile Courts:
Nebraska Department of Education Final Report
Pursuant to Nebraska Revised Statute §79-303.01

November 25, 2024

Introduction

Nebraska Revised Statute §79-303.01 required that the State Department of Education, the Department of Health and Human Services, the Office of Probation Administration, and the State Court Administrator (collectively the “MOU Partners”) shall enter into a memorandum of understanding (“MOU”) for the sharing of data relevant to students who are under the jurisdiction of the juvenile court. The statute also required the NDE to contract with a consultant to provide expertise in the development of policies and procedures.

The NDE contracted with Bellwether, a national nonprofit, to analyze student experiences, examine issues across the system inhibiting continued quality education, and provide recommendations. The purpose of this document is to report on final details and recommendations of the consultant as well as policies and procedures being considered for adoption. The full Bellwether report produced as a result of the engagement (the “Report”) can be found in Attachment A.

Policy Context and Approach

After passage of LB705 (2023), the NDE worked swiftly to convene the MOU Partners to enter into a preliminary MOU by September 2023. Additionally, the NDE created a request for proposal for consultancy services in Fall 2023 as required by the law, and selected Bellwether. These consultants began background research with a project leadership team (“Leadership Team”) in February 2024, and proceeded to hold stakeholder listening sessions with more than 75 agency staff of MOU partners, direct care staff, staff at agencies outside the MOU interacting with data, parents, and advocates. Additionally, Bellwether visited seven juvenile justice facilities and conducted interviews with 37 students and 24 site-based staff. Statewide surveys were conducted and national experts were consulted. More details can be found in the Report, pages 4-12.

Bellwether convened the Leadership Team in person for five half-day meetings between March and August 2024 to review data, unearth research and best practice, brainstorm and prioritize solutions, and review four report drafts.

In the context of the Report, the target student population is those youth who are by statute under the jurisdiction of the juvenile court, which includes those involved in the juvenile justice system, child welfare systems, and other categories defined by Neb. Rev. Stat. §43-247.

The Current State of the System

With the guidance of Bellwether, MOU stakeholders identified several key barriers to high-quality, uninterrupted education experiences for youth. These findings are detailed in the Report on pages 30 to 66, including anonymous composite examples of students in the system and their experiences created from actual student interviews conducted by the Bellwether (called “Use Cases”). Briefly, challenges to systems involved student educational experiences include:

1. Statutes, Policies, and Rules Governing Data Sharing - lack of clarity and the perceived legal complexity of what can be shared to whom. Varied laws governing each entity (e.g., FERPA, HIPAA, court records), and misinterpretations of exceptions around these laws.
2. Existing Data Platforms - Each MOU partner uses varied data platforms to support the tracking and progress of students. These data systems often do not “speak to one another.”
3. Data Elements - Similarly, the statutory requirement to uncover the “education data” collected and to be shared was not universally or uniformly defined.
4. Credit Transfer - School liaisons are largely responsible for deciding how educational work completed in students’ previous placements contribute to their overall credit accumulation. These decisions are often inconsistent and have no centralized governance or standard to guide the determination.
5. Data-Sharing Challenges - Data sharing in the current system is largely person-dependent leading to delays, inconsistencies and inability to deliver coherent and high-quality services to students.

Recommendations and Next Steps

The MOU Partners appreciated the consultancy from Bellwether, and the thoroughness of the report and subsequent tools. The process used for the engagement yielded a high degree of consensus from the MOU partners about Bellwether’s recommendations. Below are key next steps and recommendations from partners:

1. Create a permanent cross-agency working group to support the development and implementation of the Report recommendations.
2. Revise MOU - Bellwether provided draft recommendations for a revision to the MOU between partners (See Attachment B). Partners broadly agreed with the recommendations for the MOU updates, and NDE continues to pursue its execution.
3. Legislation - Bellwether provided potential legislative recommendations found on pages 67 to 101 of the Report, and legislation is being drafted to accomplish several components of the recommendations including:

- a. Establish NDE as the Central Hub for Systems-Involved Youth Education Data. The first and most critical recommendation involves the consolidation of responsibility and authority for education data for systems-involved youth. To actualize this recommendation, the Report suggests the creation of “registrar” positions to operate a centralized record system housed within NDE. These positions would have five key functions with regard to systems-involved youths’ educational data:
 - i. Compile and confirm credits;
 - ii. Collect and confirm IEP and 504 plans;
 - iii. Confirm enrolled district;
 - iv. Produce a transcript of credits; and
 - v. Track progress toward completion of state-mandated minimum graduation requirements.
- b. Authority for NDE - In addition to capacity through the registrar positions, NDE needs further authority to execute the transfer of records throughout the system including transfer to and from districts, interim programs, etc. Furthermore, registrars would coordinate and be the final authority on credit transference and matriculation across settings.
- c. Clarify Commissioner’s Authority to Offer Statewide Diploma - The Report recommends the creation of a statewide diploma aligned to the state’s minimum graduation requirements.

Bellwether outlines a phased approach to implementation of recommendations, several of which do not require legislation. The Nebraska Department of Education is committed to continuing to collaborate with MOU stakeholders to improve the system, and respectfully requests additional conversation with legislators to pursue activating legislation and funding to continue the momentum and service for systems involved youth.

Attachment 1:
Bellwether Report

Data Sharing for Youth Under the Jurisdiction of the Juvenile Court

NRS §79-303.01 Report | September 2024



Executive Summary

In Nebraska, students under the jurisdiction of the juvenile court are educated in diverse settings such as public schools, interim-program schools, special purpose schools, and non-public schools. Historically, these students have underperformed academically compared to their non-juvenile-court-involved peers and are disproportionately students of color, students with disabilities, and students from low-income families.

A key condition for positive educational outcomes for youth under the jurisdiction of the juvenile court is the efficient transfer of education records between placements. Currently, Nebraska faces significant challenges in this area, as identified through extensive interviews, focus groups, and stakeholder meetings. The obstacles to effective data sharing include delays, mistrust, lack of system integration, reliance on low-tech solutions, privacy concerns, and inadequate knowledge. These inefficiencies contribute to negative outcomes for youth, causing them to miss crucial instructional time or be subjected to redundant coursework. This often results in disengagement, frustration, and drop-out.

To address these issues, Bellwether, in collaboration with a team of state leaders, has developed a comprehensive set of recommendations that propose establishing a centralized records service under the Nebraska Department of Education (NDE). This system aims to centralize education data collection and distribution using highly trained registrars to ensure data accuracy, resolve discrepancies, and create comprehensive student records. This centralized service would streamline the data-sharing process and ensure compliance with privacy regulations. Beyond the centralization of records, the recommendations also advocate for improvements in governance design to enhance efficiency, consistency, and accountability. Additionally, the introduction of a statewide basic high school diploma aims to increase graduation rates for youth under the jurisdiction of the juvenile court.

If enacted comprehensively, these reforms will make Nebraska a national model for education data sharing that will positively impact the educational experiences and outcomes of youth under the jurisdiction of the juvenile court, providing them with a more cohesive educational experience.

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THIS REPORT IS IN FOUR PARTS: THE INTRODUCTION PROVIDES THE HISTORY, CONTEXT, AND PURPOSE OF THE REPORT. THE NEXT SECTION PROVIDES A FACTUAL BACKGROUND OF NEBRASKA'S STUDENTS UNDER THE JURISDICTION OF THE JUVENILE COURT. THAT IS FOLLOWED BY THE THIRD SECTION, DETAILING THE CURRENT STATE OF EDUCATION DATA SHARING FOR THOSE STUDENTS, INCLUDING COMPREHENSIVE FINDINGS IDENTIFYING THE PATTERNS OF FAILURE. THE FOURTH SECTION PROVIDES RECOMMENDATIONS TO ADDRESS THESE CHALLENGES.

I. Introduction

Nebraska, like all other states, provides temporary care for a small proportion of young people who cannot safely remain in their homes with their families of origin. The state also provides services for youth who remain in their homes but need additional support. These young people are commonly referred to as "systems-involved" to indicate their connection with one of the state's child-serving systems (typically provided by foster care and/or a juvenile justice agency). Youth who are systems-involved retain all their rights to education, including their entitlement to general and special education services under state and federal law. Providing those education services at a high level of quality is complex and challenging, as students are often highly mobile, have concentrated needs, and may have missed significant stretches of instructional time. One foundational aspect of a successful approach to educating systems-involved youth is the ability to effectively move education records – such as transcripts, attendance records, and assessments – between schools as quickly as the youth themselves are moving.

For the purposes of this education data-sharing statute and the following recommendations, the definition of "systems-involved" will be bounded to include just those students under the jurisdiction of the juvenile court. That jurisdiction is expansive in Nebraska and includes supervision of students who are homeless, in the custody of the Department of Health and Human Services (DHHS), or fall into several other categories defined by Nebraska Revised Statute §43-247.¹ In some cases, students under the jurisdiction of the juvenile court remain in the home with their family of origin. Nebraska's students under the jurisdiction of the juvenile court are educated in a wide range of settings, including traditional community-based public schools managed by school districts, though they may be placed in specialized settings if deemed appropriate.²

Some students under the jurisdiction of the juvenile court (particularly those with adjudicated juvenile justice cases) may receive education services within 22 interim program (Rule 18), special purpose (Rule 10), or non-public schools.³ These schools aim to deliver educational programming in a residential setting for students who are unable to attend a traditional school. Generally, the core educational purpose of these schools is to ensure that students accrue appropriate academic credit and progress toward high school graduation.⁴ Historically, students who attend these schools have poorer academic outcomes than their peers.⁵ This

population is also disproportionately made up of students from low-income families, students of color, and students with disabilities.⁶

“Due to the complexities of court-involved or systems-involved youth and their high mobility, disruptions to their education occur, which leads to delayed education paperwork transfer, duplicated coursework, and/or undocumented coursework due to various transitions in and out of various out-of-home placements in-state and sometimes out-of-state. Unfortunately, many court-involved, systems-involved youth who enter the child welfare and juvenile justice system have education deficits and delayed paperwork; duplicated courses and/or undocumented coursework may aggravate such deficits and leave a systems-involved person feeling frustrated and helpless.”⁷ –LaDonna Jones-Dunlap, Systems-Involved Youth Specialist, Nebraska Department of Education (NDE)

Notably, some young people are served by multiple public agencies simultaneously, as they may have more than one active case in the juvenile court. Students with two concurrent adjudications are often referred to as “crossover” or “dual jurisdiction” youth and face additional complexity. Specifically, “data sharing is poor when students are dual-involved.”⁸

Ineffective data sharing is enormously consequential for young people who may be missing critical instructional hours or be placed in repetitive courses. Youth may feel frustrated, disheartened, or detached from their education and act out, skip classes, or drop out.

“I’ve been to five different high school programs because I have no steady place to stay or because of things I’ve done. A lot of my credits were lost in these transitions. When I went from one placement to another, they wouldn’t accept my credits. I’ve done everything and all my credits have been lost, so I’ve just given up. The lack of communication and disorganization is bad.”⁹

These consequences come at a cost beyond the harm done to the individual. When youth experience a disruption like foster care or incarceration, state agencies pay an immediate and direct cost in terms of both the provision of care, treatment, and other supports for the young people as well as the long-term public service expenses incurred and lost wages over a lifetime. A 2021 Bellwether analysis estimated that this cost is roughly \$612,000 per person.¹⁰ As this report will demonstrate, the gaps in data sharing among Nebraska’s child-serving agencies are

similarly costly, leading to wasted funds and resources, overlapping or duplicative services, and gaps in support for young people. Based on our comprehensive findings, Bellwether recommends centralizing all education data-sharing functions for students under the jurisdiction of the juvenile court within NDE. Detailed recommendations can be found in Part IV.

Legislative and Policy History

In 2019, conditions at the Youth Rehabilitation and Treatment Center (YRTC) in Geneva (a Special Purpose Rule 10 school) drew legislative attention, along with the conditions at facilities serving youth under the jurisdiction of the juvenile court, including those who are committed under Nebraska Juvenile Code.¹¹ A 2020 report to the Nebraska Legislature on the Youth Rehabilitation and Treatment Centers, led by the Health and Human Services Committee, described hazardous living conditions and limited educational instruction at YRTC-Geneva.¹² Ultimately, the facility was shut down.

For a brief time in 2020, the DHHS had a contractual relationship with NDE to maintain oversight of educational programming at YRTCs. “Before [this contractual relationship], when students were placed in YRTCs, home school districts were very hands-off and didn’t provide services. Collaboration between the agencies helped improve that process, but there’s still room to grow.”¹³ In July 2020, NDE contracted with Dr. Lynette Tannis, a juvenile justice education expert, to provide recommendations for improving the educational model of YRTCs, showcasing the state’s increased interest in educational programming for youth under the jurisdiction of the juvenile court. The report noted that YRTCs received limited to no data from previous schools students had attended related to their educational progress, transcripts, Individual Education Programs (IEPs), and other vital information. This hindered the ability of sites to deliver effective and appropriate educational programming.

“Providing appropriate instruction is also difficult when students’ paperwork is missing or not updated. Participants disclosed, ‘Unfortunately, there has been a huge delay in receiving that [IEP] paperwork. ... We know they have an IEP but ... haven’t received it. ... [And] sometimes their advancement plans are not updated or complete.’”¹⁴

Challenges in tracking any one student’s academic history, attendance, and services are not unique to YRTCs and are not a new problem in Nebraska. “For decades, we’ve been picking up the phone and calling for records or having to visit a school to track down information. This has been a consistent practice.”¹⁵ Whether youth under the jurisdiction of the juvenile court are enrolled in a Rule 10 or Rule 18 non-public school, or a community-based public school, the data-sharing process is complicated, involving multiple agencies and data systems. The

effectiveness of data sharing also varies across school districts and service providers. As a result, providers are typically unable to access the up-to-date records they need to deliver coherent and high-quality services. Ultimately, students may experience the effects of this through under-informed placement decisions, delayed school enrollment, redundant coursework, unsuitable accommodations or services, missed instructional time, and minimal credit accrual. For the purposes of this report, “placement” refers to where the child resides, such as a foster or group home, residential program, rehabilitation and treatment center, or other setting.

In the past, state agency and local leaders convened to discuss data sharing and cross-agency coordination, but these attempts at collaboration did not always amount to changes in the system. Some of these efforts included:

- A team of DHHS, Courts and Probation, and NDE staff engaging in a Georgetown University data-sharing program, with follow-up meetings, identifying elements to share.
- A legislatively mandated sharing of information workgroup with the Foster Care Review Office and Courts and Probation.
- A legislative review of Iowa’s centralized information system.
- Community-based efforts to create data-sharing infrastructure between Omaha Public Schools and Probation.
- Previous legislative attempts to share data across large agencies.
- Data-sharing pilot program spearheaded by Boys Town to support transfer to youth under the jurisdiction of the juvenile court data attending school in out-of-home placements.

With many changes to the juvenile code across the past two decades of legislative sessions, the system has had difficulty catching up, adapting to the changes, and producing outcomes that state policy intends to accomplish. In addition to failed legislation, limited funding at the agency level has stalled collaboration efforts at the “Who is going to fund this?” phase. The “fear of giving up funding from different agencies” has been a significant recurring barrier to collaborative reform.¹⁶

From 2020 to 2023, momentum to address data sharing for youth under the jurisdiction of the juvenile court grew until LR438 was introduced by the Health and Human Services Committee and LB708 by the Education Committee in January 2023.¹⁷ Testimony from both LR438 and LB708 offers strong evidence of the gaps in data sharing across settings that serve youth under the jurisdiction of the juvenile court.

“Ultimately, the primary need for this data sharing is to support youth and to better facilitate their education path toward graduation. It is imperative that the youth are being placed in the proper courses and that their education progress is available as they move into and out of the YRTC school system and schools back in their communities.”¹⁸ –Larry Kahl, Former COO, DHHS

“[W]hat we’re trying to do as part of LB708 is to expedite ... and to make sure we have as much comprehensive information as possible so courts can make informed decisions concerning the youth.”¹⁹ –Deb Minardi, State Probation Administrator

“There are many barriers to data sharing that include the legal responsibilities, practical application of data sharing, and, in many ways, the cost of implementing different systems.”²⁰ – Matt Blomstedt, Former Commissioner, NDE

By June 2023, the Legislature passed Nebraska Revised Statute §79-303.01 (LB705), calling for the development and execution of a data-sharing Memorandum of Understanding (MOU) between the NDE, DHHS, the Office of Probation Administration, and the State Court Administrator to share data relevant to students who are under the jurisdiction of the juvenile court.²¹ A preliminary MOU was drafted in September 2023.

The law also calls for a consultant with expertise in educating court-involved students to help develop policies and procedures related to comprehensive and secure data sharing. Bellwether was chosen as this consultant through a competitive request for proposal (RFP) process.

Purpose of This Report

This report is the synthesis of Bellwether’s work on the sharing of education data for youth under the jurisdiction of the juvenile court in Nebraska. Its purpose is to:

- Share key takeaways from statutes, policies, and rules that govern education data sharing across Nebraska.
- Provide an overview of the population of students under the jurisdiction of the juvenile court, including demographics and placements, as well as information on staff and service providers who interact with those youth at any given time.
- Highlight existing education data-sharing practices and barriers to more effective information sharing.
- Lay out evidence-based recommendations for updating policies and practices based on vetted design principles and policy approaches.

Notably, this analysis is bounded in three important ways: First, it covers only education data sharing and does not address educational services' quality. Second, it is limited to the sharing of education data and not other types of individualized youth case data. Third, it is limited to a defined population of youth. In practice, these constraints necessarily limit the recommendations to a set of changes that are meaningful, but not sufficient to meet the needs of all systems-involved youth in Nebraska.

Approach

Bellwether began this statutorily mandated process in February 2024 with background research and an initial landscape assessment of Nebraska’s systems serving youth under the jurisdiction

of the juvenile court, as a foundation on which to build deeper knowledge through stakeholder interviews.

Stakeholder Engagement

From March through July, Bellwether conducted interviews and focus groups with more than 75 public agency staff and other Nebraska professionals, including:

- Staff and leaders within the MOU agencies (i.e., Department of Education, Courts and Probation, Department of Health and Human Services).
- Direct care staff (e.g., Department of Health and Human Services caseworkers, probation officers, data specialists, juvenile judges, educators).
- Staff at agencies and entities outside of the MOU that interact with data on youth under the jurisdiction of the juvenile court (e.g., county attorneys, community-based organizations, school district officials).
- Volunteers and advocates who work with the courts.

Bellwether also visited 7 juvenile facilities and conducted interviews and focus groups with 37 students and 24 site-based staff. These facilities included:

- Douglas County Youth Center, Omaha
- Youth Rehabilitation and Treatment Center, Hastings
- Lancaster County Youth Services Center, Lincoln
- Northeast Nebraska Juvenile Center, Madison
- RADIUS, Omaha
- Uta Halee, Omaha
- Nebraska Youth Academy (Whitehall), Lincoln

In addition to stakeholders in Nebraska, Bellwether also interviewed more than a dozen national experts on the topics of state longitudinal data systems, cross-agency data sharing agreements, and federal privacy laws. Experts represented organizations like Actionable Intelligence for Social Policy, Annie E. Casey Foundation, Coleridge Initiative, Data Integration Support Center at WestEd, Data Quality Campaign, Florida Department of Juvenile Justice, Kentucky Center for Statistics, National Center for Youth Law, Maryland State Longitudinal Data Center, Oregon Youth Authority, and the United States Department of Education Student Privacy Policy Office. These interviews supplemented peer state research in 13 states (Alaska, Arkansas, Colorado, Florida, Iowa, Kentucky, Maine, Michigan, Mississippi, Missouri, New Hampshire, Oregon, and South Dakota) to explore what has worked when it comes to data sharing, what hasn't, and why.

Finally, to maximize the possibility of receiving a wide range of stakeholder input, Bellwether also offered the following touchpoints:

- Weekly one-hour virtual meetings, held on Zoom from May 16 to August 29, open to the public for feedback and questions
- A parents- and families-only virtual meeting held on Zoom on June 11

- A virtual survey available to all stakeholders in both English and Spanish
- A virtual survey for district- and school-based staff in public schools and out-of-home placements on their experiences with sharing data on youth
- A widely circulated monthly newsletter providing progress updates and opportunities for engagement

All of these engagement strategies were frequently advertised to the leadership team, steering committee, and interviewees during the first two phases of the work. Leadership team and steering committee members were given fliers with more information on the survey and open meeting opportunities to distribute to their staff and those they serve.

This report features anonymized quotes throughout, as well as major themes and key takeaways from the stakeholder engagement process. The findings are not attributed to any specific individual or group in order to honor the confidentiality of the conversations.

Partnering With Nebraska's Leaders

To complete the work delineated in Nebraska Revised Statute §79-303.01, Bellwether elected to use a human-centered design approach and facilitated the leadership team through a purposeful, scaffolded process.²² Each step was conducted in partnership with the leadership team, from understanding the current state, to agreeing on shared commitments, to articulating design principles and policy approaches, to ultimately solidifying a suite of recommendations represented within the body of this report. Table 1 lists the members of the leadership team and steering committee.

Table 1. Leadership Team and Steering Committee Members

| Role | Name | Agency |
|--------------------|----------------------|----------------------|
| Leadership Team | Jill Aurand | NDE |
| | Tammy Barry | NDE |
| | Neleigh Boyer | DHHS |
| | Jarren Breeling | DHHS |
| | Lane Carr | NDE |
| | Dr. Micki Charf | NDE |
| | Dr. Hazel Delgado | Judicial |
| | Allyson DenBeste | NDE |
| | Scott English | DHHS |
| | Hon. Larry Gendler | Judicial (Retired) |
| | Monika Gross | FCRO |
| | Hon. Roger Heideman | Judicial |
| | LaDonna Jones-Dunlap | NDE |
| | Angela Miles | DHHS |
| | Amy Rhone | NDE |
| | Kari Rumbaugh | Judicial (Probation) |
| | Deb VanDyke-Ries | Judicial |
| | Kathleen Stolz | DHHS |
| Dr. Kristin Yates | NDE | |
| Steering Committee | Dr. Alyssa Bish | DHHS |
| | Dr. Deborah Frison | NDE |
| | Brian Halstead | NDE |
| | Deb Minardi | Judicial (Probation) |
| | Corey Steel | Judicial |

Bellwether facilitated five leadership team meetings between March and August 2024:

March 21, 2024. In March, a project kickoff was held, bringing together stakeholders, including the leadership team and state agency colleagues, to learn more about the project and provide initial feedback.

May 30, 2024. In May, the leadership team first focused on developing a shared understanding of the current state of data sharing by describing how it currently operates and its historical context. After that, the group was presented with a series of use cases (fictionalized stories of students affected by relevant problems) to contemplate the tradeoffs that emerge when solving complex problems. The meeting closed with a brainstormed description of an ideal future state to create a foundation of design principles.

June 21, 2024. The focus of June’s meeting was to reach an agreement on a set of shared commitments, articulate a set of design principles, and generate initial thinking for policy approaches to address the gaps uncovered throughout the stakeholder engagement and the landscape scan process.

July 26, 2024. In July, the leadership team was presented with an updated version of the recommendations developed during brainstorming sessions on different policy approaches discussed at previous meetings. Team members had the chance to prioritize and workshop targeted recommendations to add detail and specificity.

August 22, 2024. August’s meeting was the final opportunity for the leadership team to refine and finalize the full suite of recommendations provided in this report.

In addition, the leadership team and steering committee were invited to review four sequential drafts of this report to validate, add to, and/or correct Bellwether’s existing knowledge of the current landscape of data sharing in Nebraska.

II. Nebraska's Education Landscape for Youth Under the Jurisdiction of the Juvenile Court

This section provides a descriptive overview to establish a shared understanding of the landscape of education for youth under the jurisdiction of the juvenile court in Nebraska. It includes descriptions of the specialized schools that these youth may attend, data about the population of youth under the jurisdiction of the juvenile court, and information on the service providers from each agency that interact with the youth, which meets the requirements of NRS §79-303.01(2)(a) and (2)(d).²³

Nebraska's educational landscape extends beyond traditional community-based public schools, with 22 additional educational settings designed primarily for at-risk students. These specialized schools focus on youth under the jurisdiction of the juvenile court, which encompasses those involved with juvenile justice, child welfare, and other categories as outlined by Nebraska Revised Statute §43-247.²⁴ Educational services for these students are delivered in various environments, including detention centers, residential programs, correctional facilities, rehabilitation centers, and traditional public schools, and extend to youth adjudicated in Nebraska but placed out of the state.

There are notable disparities in representation among youth in out-of-home care. Black youth are overrepresented in probation and crossover categories, indicating a higher likelihood of being placed in these specific programs. There is also a significant concentration of older youth in these categories, contrasting with the prevalence of younger age groups in the child welfare system. Males are predominantly represented in out-of-home probation.²⁵ The educational outcomes of this subset of the population of youth under the jurisdiction of the juvenile court lag far behind their non-juvenile-court-involved peers.

Key Definitions

This report includes terms drawn from legislation, state statutes, federal laws, and stakeholder engagement. As there is often competing vocabulary across agencies, the terms are defined below to offer clarity for readers and improve the use of shared language among stakeholders. Note that additional terms are also defined in the body of the report.

Table 2. Key Definitions of Common Terms

| Term | Definition |
|-----------------------------------|--|
| 3A case | <ul style="list-style-type: none"> A 3A juvenile court case refers to Nebraska Revised Statute §43-247 (3)(a) and applies to children lacking proper parental care due to the fault or habits of their parents, guardians, or custodians, or due to the parents' neglect or refusal to provide necessary care, education, or support.²⁶ These cases fall under the purview of DHHS. |
| 3B case | <ul style="list-style-type: none"> A 3B juvenile court case refers to Nebraska Revised Statute §43-247 (3)(b). In simplified terms, it refers to situations where minors 11 years old or older are determined to not be controlled by their parents, guardians, or custodians; deport themselves in such a way as to seriously injure or endanger themselves or others; or are habitually truant from home or school.²⁷ |
| Best interest determination (BID) | <ul style="list-style-type: none"> A best interest determination is the process of making decisions regarding court, placement, or service provision that prioritize the child's safety, well-being, and long-term stability. This includes considering factors like the child's physical and emotional needs, family relationships, and overall safety to ensure outcomes that best support the child's future. |
| Bridge to Independence | <ul style="list-style-type: none"> Under Nebraska Revised Statute §43-4504, the Bridge to Independence program is available to certain youth under the jurisdiction of the juvenile court to assist them with transitioning to independent living.²⁸ The program offers services such as financial assistance, housing support, and educational guidance to help them achieve self-sufficiency and success in adulthood. |
| Data platform | <ul style="list-style-type: none"> Synonymous with data system. |
| Data system | <ul style="list-style-type: none"> A state agency data system is a specialized software platform or application used by state agencies to manage, store, and analyze data related to their specific functions and responsibilities. |
| Direct care staff | <ul style="list-style-type: none"> Direct care staff members are individuals who deliver direct services and support to youth in the child welfare and juvenile justice system. This can include a range of roles, such as counselors, caseworkers, therapists, educators, or probation officers. |
| Education data | <ul style="list-style-type: none"> The Family Educational Rights and Privacy Act (FERPA) defines education data as records that are directly related to students and are maintained by an educational agency or institution or a party acting for or on behalf of the agency or institution. These student records include but are not limited to grades, transcripts, class lists, |

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| | <p>course schedules, health records (at the K-12 level), financial information (at the postsecondary level), and discipline files.²⁹</p> |
| Educational neglect | <ul style="list-style-type: none"> • Educational neglect is a form of child neglect that occurs when a parent or guardian fails to ensure that their child is receiving an adequate education. |
| Education program | <ul style="list-style-type: none"> • An education program within a residential placement for youth under the jurisdiction of the juvenile court in Nebraska refers to structured academic services provided to the youth while they are living in a facility, treatment center, or group home. |
| Facility | <ul style="list-style-type: none"> • For the purposes of this report, a facility is a building in which youth are housed and receive services in a structured and supervised residential congregate care environment. It is designed to provide care, treatment, and rehabilitation services for youth who are involved in the juvenile justice system or under child welfare supervision. Facilities include residential treatment centers, group homes, and other institutional settings where youth receive support for behavioral issues, legal matters, or protective needs under the supervision of a juvenile justice or child welfare agency. |
| Facility-based school | <ul style="list-style-type: none"> • A facility-based school is an educational institution located within a residential setting, such as a treatment center, juvenile justice facility, or group home, specifically designed to deliver an education program to youth residing in that facility. |
| Foster home | <ul style="list-style-type: none"> • A foster home is a residence where children who cannot remain in their own homes are cared for, offering 24-hour care and support as an alternative to their usual parental care. This care can be provided through DHHS, a contracted foster care agency, or a probation office. |
| Home district | <ul style="list-style-type: none"> • A home district is the most recent school district in which a student was enrolled prior to coming under the jurisdiction of the juvenile court. For students who remain at home, this is likely to be their district of attendance. |
| Home school | <ul style="list-style-type: none"> • A home school is the most recent school in which a student was enrolled prior to coming under the jurisdiction of the juvenile court. For students who remain at home, this is likely to be their school of attendance. |
| Educational Service Unit (ESU) | <ul style="list-style-type: none"> • Under NRS §79-1204, Educational Service Units (ESUs) provide a set of core services for member school districts, including services that “are difficult, if not impossible, for most individual school districts to effectively and efficiently provide with their own personnel and financial resources.” Among other statutory requirements, ESUs must provide core services “in a manner that |

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| | <p>minimizes the costs of administration or service delivery to member school districts.”³⁰</p> |
| Individual Education Program (IEP) | <ul style="list-style-type: none"> • An Individualized Education Program (IEP) is a document mandated under federal and state law that outlines the special education services and supports required for a student with disabilities to succeed in school. It is tailored to the individual needs of the student and is developed collaboratively by educators, parents, and specialists to ensure the student receives appropriate educational accommodations and modifications. |
| Placement | <ul style="list-style-type: none"> • Synonymous with residential placement. |
| Resident district | <ul style="list-style-type: none"> • Synonymous with home district. |
| Residential placement | <ul style="list-style-type: none"> • A residential placement is an arrangement in which a youth is placed in a structured, supervised congregate care living environment outside their home. This type of placement is typically used when youth require a higher level of care or supervision due to behavioral issues, legal violations, or therapeutic needs. The placement may be in one of many different kinds of facilities. |
| Service provider | <ul style="list-style-type: none"> • A service provider is an entity, such as a public agency or a nonprofit organization, that is responsible for delivering direct services and support to youth in the child welfare and juvenile justice system. |
| Specialized school | <ul style="list-style-type: none"> • A specialized school is a Rule 18 interim-program school or a Rule 10 special purpose or non-public school. |
| Stakeholder | <ul style="list-style-type: none"> • In this report, a stakeholder is an individual or group with an interest in or concern about data sharing for youth under the jurisdiction of the juvenile court. Stakeholders in this work include service providers, agency staff, families, and young people. |
| State Ward Education Fund | <ul style="list-style-type: none"> • The State Ward Education Fund was established so that DHHS can support the educational needs of children who are wards of the state. This fund helps cover educational expenses for children in foster care or other state-supervised placements, including costs related to school supplies, extracurricular activities, and tutoring. |
| Student information system (SIS) | <ul style="list-style-type: none"> • A student information system (SIS) is a comprehensive software platform used by schools, districts, and other educational institutions to manage and track education data. This includes information on enrollment, attendance, grades, and academic performance. Examples of SIS platforms include PowerSchool, Infinite Campus, and Synergy. |

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| Ward of the court | <ul style="list-style-type: none"> For residency determination purposes only under Nebraska Revised Statute §79-215, a ward of the court is a youth on probation in an out-of-home placement. This term is considered out-of-date but still appears in some statutes and continues to be used.³¹ |
| Ward of the state | <ul style="list-style-type: none"> A ward of the state is a minor who has been placed under the legal guardianship of the state. The DHHS Division of Children and Family Services (DHHS-CFS) assumes responsibility for the child's care, custody, and well-being. This term is considered out-of-date and has been replaced by "under the jurisdiction of the juvenile court"; however, it continues to be used. |
| Youth under the jurisdiction of the juvenile court | <ul style="list-style-type: none"> This term refers to youth involved with the juvenile justice system, child welfare system, and several other categories defined by Nebraska Revised Statute §43-247.³² |

It is important to note that the understanding of these terms may differ by agency and/or service provider – recommendations further on in this report will speak to the importance of conducting training and having shared language when working with youth under the jurisdiction of the juvenile court.

Schools

In addition to the conventional community-based public schools that serve students within their geographic school districts, Nebraska has 22 additional educational settings: 14 interim program schools, seven special purpose schools, and one non-public school, primarily serving at-risk students, that are approved and accredited by NDE as facility-based schools.³³ In Nebraska, Chapter 18, Chapter 10, and Chapter 14 are also referred to interchangeably as Rule 18, Rule 10, and Rule 14. Some of these schools have a SIS, or have access to the local district's SIS, while others do not. For example, Youth Rehabilitation and Treatment Centers (YRTCs) use PowerSchool, and Douglas County Youth Center (DCYC) has access to the Omaha Public Schools' Infinite Campus platform, but Uta Halee maintains its own student information through files on SharePoint.³⁴ With facilities having varied access to platforms that organize and export student data, there is no standardized way to collect, store, and share data. Students often move across several residential placements during an academic year, leading to necessary changes in school enrollment. When this occurs, schools may have to expend significant time and effort locating the resident district or the facility where the student was last enrolled and manually obtaining the relevant attendance and academic records.³⁵

The following section describes the purpose and accreditation structure of Rule 10, 14, and 18 schools. However, parsing out the governance structure of each facility – which was necessary to identify the mechanisms for change – proved to be a complex task, as each one appears to be highly idiosyncratic, with opaque and complex contractual and fiscal agreements in areas including hiring, payroll, and accountability. In particular, it was not always clear (or even

immediately known) to the facility staff responsible for the hiring and oversight of their educators. For example, it appears that Lincoln Public Schools is the employer of the education staff at the Rule 18 facility school of Lincoln-Lancaster, but the county operates the facility. There is no obvious way that Lincoln Public Schools could or would provide any oversight of that school. The education staff members at DCYC are employed by Douglas County and operate under a collective bargaining agreement negotiated by the county and the Youth Center Education Association.³⁶ At Whitehall, the teachers noted that they are a part of the State Code Agencies Teachers Association and use NDE's teacher appraisal form but receive a paycheck from DHHS – meaning that the tools for accountability are likely entirely disconnected from their employment status.³⁷ In all instances, every school is required to report limited data (e.g., enrollment, attendance, courses, programs, and discipline) to the state, but the effect of such convoluted governance is that the ability to enforce the rules is highly constrained.

Interim-Program Schools (Rule 18)

Interim-program schools, referred to as Rule 18 schools based on the NDE rule that regulates their operation, are created to ensure continuity of instruction for students who cannot attend public school for reasons of health or safety while in a temporary residential placement (see Table 3). These schools also ensure that such students receive academic credit from the approved or accredited schools to which they transfer and make continued progress toward grade promotion or graduation.³⁸

According to Rule 18, interim-program schools may alternatively seek approval under Rule 14 or accreditation under Rule 10.³⁹ Private and parochial (non-public) school systems may operate as approved schools by complying with the provisions of Rule 14. Although interim-program schools can be approved under Rule 14, they do not appear to serve students under the jurisdiction of the juvenile court. Rule 18 establishes minimum standards for the operation of non-public schools and is intended to support the mission and goals of non-public education in Nebraska – including by ensuring a high level of educational quality and equality in educational opportunities.⁴⁰

Table 3. Rule 18 Interim-Program Schools⁴¹

| School Name | Facility | Facility Type | Location |
|---|---|------------------------------------|-----------|
| Boys Town Intervention and Assessment School | Boys Town Intervention and Assessment Program | Juvenile Emergency Shelter | Boys Town |
| <i>No school name</i> | Douglas County Youth Center | Detention Center (Secure) | Omaha |
| Pathfinder Education Program | Lancaster County Youth Services | Detention Center (Secure) | Lincoln |
| <i>No school name</i> | Northeast Nebraska Juvenile Services, Inc. | Detention Center (Secure) | Madison |
| <i>No school name</i> | Patrick J. Thomas Juvenile Justice Center | Detention Center (Secure) | LaVista |
| Residential Treatment Center School Alegent | Immanuel Hospital Residential Treatment Center | Residential Program | Omaha |
| Boys Town Residential Treatment Center School | Boys Town Residential Treatment Center | Residential Program | Boys Town |
| Boys Town Interim-Program School | Boys Town Child & Adolescent Psychiatric Inpatient Center | Residential Program | Boys Town |
| Child Guidance School | HopeSpoke Therapeutic Group Home | Residential Program | Lincoln |
| Nebraska Youth Academy | Lincoln Regional Center - Whitehall | Residential Program | Lincoln |
| Morton School | Lincoln Regional Center - Whitehall | Residential Program | Lincoln |
| NOVA Alternative School | NOVA Treatment Community | Residential Program | Omaha |
| Omaha Home for Boys School | Omaha Home for Boys | Group Home / Child Caring Agencies | Omaha |
| Uta Halee Academy | Rite of Passage | Group Home / Child Caring Agencies | Omaha |

Interim-program schools may be operated by county detention facilities. These schools also serve facilities that provide temporary 24-hour physical care and supervision in crisis situations and when no appropriate foster care resource is available. Additionally, an interim-program school may be operated in a public or private facility (if not owned or operated by a public school district) that provides a residential program and regular or special education services.⁴² Also included within this category are residential non-public schools and Boys Town, which

operates the Residential Treatment Center School and Child & Adolescent Psychiatric Center School.

Chapter 18 of Nebraska Administrative Code Title 92 provides “a method of approval for interim-program schools located in or operated by county detention homes, institutions and juvenile emergency shelters.”⁴³ Approved interim-program schools have met all the requirements of Rule 18 (synonymous with Chapter 18). In fact, all schools that provide elementary or secondary instruction for children up to age 21 located in or operated by county detention homes, institutions, or juvenile emergency shelters must be accredited by Chapter 18 or Chapter 10, or be approved under Chapter 14.

The schools accredited by Rule 18 are required to provide services and support for enrolled students, but students maintain home district residency and are counted toward those districts’ and schools’ state and federal accountability standards. In some Rule 18 schools, either staff from a student’s resident district come to the school to provide special education services, the services are contracted with a different district, or the services are provided by facility staff.

Chapter 18 lays out procedures for the approval and loss of approval of facility-based schools (also known as accreditation). It lists requirements for interim-program schools, including special education requirements and regulations pertaining to elementary, middle, and high school instructional programs.⁴⁴ Under Chapter 18, interim-program schools are not able to issue diplomas.⁴⁵ Instead, these schools send information on credits students earn back to their home district for incorporation into that district’s educational recordkeeping. Students in Rule 18 schools who earn enough credits to graduate are granted a diploma by their resident school district.

Similarly, Chapter 14 of Nebraska Administrative Code Title 92 details the regulations and procedures for the legal operation of approved non-public schools, including procedures for the approval and loss of approval of facility-based schools. Chapter 14 also lays out requirements for all schools and regulations for elementary, middle, and secondary school instructional programming.⁴⁶ Interim-program schools may alternatively seek approval under Chapter 14 rather than Chapter 18.

Public Special Purpose Schools (Rule 10)

Public special purpose schools are distinct from Rule 18 and Rule 14 interim-program schools, as they are operated expressly for students with disabilities or within the confines of correctional facilities and are covered by NDE Rule 10 (see Table 4).⁴⁷

Table 4. Rule 10 Special Purpose Schools⁴⁸

| School Name | Facility | Facility Type | Location |
|--|--------------------------------------|---|-----------|
| NCYF Community High School | Nebraska Correctional Youth Facility | Adult Corrections (for youth adjudicated as adults) | Omaha |
| NDCS High School & Adult Education Program | 9 Prison Sites | Adult Corrections | Lincoln |
| West Kearney High School - Kearney | YRTC Kearney* | DHHS YRTC | Kearney |
| West Kearney High School - Lincoln | Lincoln Youth Facility* | DHHS YRTC | Lincoln |
| West Hastings High School | YRTC Hastings* | DHHS YRTC | Hastings |
| Pine Ridge Job Corps Center | | USDA Federal Special Purpose School | Chadron |
| Boys Town Schools | Boys Town | Residential Non-Public Schools | Boys Town |
| University of Nebraska High School | | Non-Residential Special Purpose School | Lincoln |
| *Female youth at YRTC Kearney and YRTC Hastings may attend Lincoln Youth Facility. | | | |

Public special purpose schools may be operated by the Nebraska Department of Correctional Services (NDCS) for youth adjudicated as adults, by DHHS for youth needing rehabilitation or treatment, or by the United States Department of Agriculture (USDA) for youth engaged in career training opportunities. Also included within this category is the University of Nebraska High School, an accredited online high school. Note, students under the jurisdiction of the adult court are not covered under NRS §79-303.01, as that is limited to students under juvenile court jurisdiction; however, this population of students experiences many of the same data-sharing challenges, particularly due to the higher likelihood of their having multiple previous facility placements.⁴⁹

Chapter 10 (synonymous with Rule 10) provides regulations and procedures for the accreditation of schools. Although public special purpose schools are only called out explicitly once within this Chapter, all of the requirements, regulations, and procedures for accreditation apply. The only exception is if a special purpose school system can “demonstrate that a requirement of this Chapter is not educationally necessary or appropriate for the students in attendance or is in conflict with state or federal laws or regulations governing facilities operation.”⁵⁰ YRTCs are unique in that both the treatment facility and the educational programming are operated by DHHS. When a young person is placed in a YRTC, their parent

retains educational decision-making rights and would, for example, still be responsible for signing an Individual Education Program (IEP) under the Individuals with Disabilities Education Act (IDEA), but DHHS becomes the legal custodian.

Other Schools

Some Nebraska youth also receive education services outside of these approved and accredited facility-based schools:

Out-of-state placements. Some youth under the jurisdiction of the juvenile court in Nebraska may be placed out of state and attend school in a residential facility run by a contracted service provider. This is referred to as an out-of-state placement. Common out-of-state placements include but are not limited to facilities in Arizona, Iowa, and Wyoming.⁵¹ These out-of-state placements typically provide the same services as in-state facilities (e.g., rehabilitation and treatment centers, corrections facilities, and group homes) and may be used when in-state placements are at capacity or do not have the supports a young person might need for treatment, or if the young person has a high likelihood of running.

Tribal jurisdiction. Native American tribes in Nebraska have their own code, which may not align with state statute. The Indian Child Welfare Coalition exists to support native children, and a tribal court serves a similar purpose to juvenile courts. Tribes have jurisdiction over youth who live on their reservation or are enrolled (or eligible to be enrolled) members of their tribe.⁵² Although this population falls out of the scope of NRS §79-303.01, youth under the jurisdiction of the tribal court may face similar challenges and outcomes to those under the jurisdiction of the juvenile court.⁵³

Understanding the Purpose of Education in Out-of-Home Placements

There is a clear dichotomy of perspectives among Nebraska stakeholders and service providers about the purpose of providing high-quality education programs for youth under the jurisdiction of the juvenile court.

"I think education can fix a whole bunch of evils. I can work with a student who is incarcerated, and just because you're incarcerated doesn't mean I can't get you a quality education. I don't know if this in reverse is as strong if the focus is the corrections component with education on the side. You should get more education if you need it."⁵⁴

While some agency and program staff emphasize the educational program as a cornerstone of their model, others take a more correctional or exclusionary approach to serving young people, viewing education as a secondary or deprioritized service.

"I'm not sure how much folks think of education as a core part of prevention or rehabilitation."⁵⁵

The latter orientation, more common among some agencies than others, inhibits the ability of the state to deliver a rehabilitative program that is aligned with research and legal purpose. Precedent-setting legal cases like *Goss v. Lopez*, *In re Gault*, and *Roper v. Simmons* recognize that education is critical to the development of youth and suggest a higher likelihood of rehabilitation and developmental potential among juveniles than adults.⁵⁶ The Office of Juvenile Justice and Delinquency Prevention, as well as organizations like the NAACP, the IRIS Center, and the United States Department of Education, emphasize the importance of providing youth with high-quality educational services during incarceration to improve recidivism rates, the transition back to school, graduation rates, employability, and other future outcomes.⁵⁷

If education is not viewed as a primary and life-changing component of their out-of-home placement, students are unlikely to receive the support they need – part of which is the sharing of education data.

"I don't know if some agencies view education as part of the program or treatment. That's where the kids are most of the day, though. If we view education as part of the treatment program, we are going to be more willing to cross-share information."⁵⁸

Student Population

In the context of this work, the population of students contemplated by the statute is youth under the jurisdiction of the juvenile court, which includes youth involved with the juvenile justice system, child welfare systems, and several other categories defined by Nebraska Revised Statute §43-247.⁵⁹ As a result of their court involvement, these youth receive education in a variety of settings, such as detention centers, residential programs, rehabilitation and treatment centers, and traditional public schools. They include youth adjudicated in Nebraska and placed out of state.

It is important to note that the broader category of "systems-involved youth" does not perfectly correspond to the statutory language of "youth under the jurisdiction of the juvenile court" in Nebraska Revised Statute §43-247.⁶⁰ Where there are discrepancies, they have been noted with

justification. Specific examples of students currently excluded from the reach of this statutory authority include youth aged 18 and under (or otherwise legally entitled to education services) who are under the jurisdiction of the adult court and youth served by tribal courts.

Despite their different paths to juvenile court, all youth under the jurisdiction of the juvenile court face similar difficulties as a result of poor education data sharing. Nebraska's school districts are designed with the assumption of population stability and longevity of attendance and are therefore not prepared to meet the needs of highly mobile students – and mobility is a defining attribute for many youth under the jurisdiction of the juvenile court.⁶¹ This population of students tends to be highly transient, and the challenge appears to be even more acute for those who change placements most frequently, as their data has to move more often and pass between more hands in a shorter amount of time – often multiple times within a single school year.

“They are maybe enrolled for six months, and then you won’t know where the child is for one to two months. Families might leave and come back. This makes it challenging to get children engaged.”⁶²

Demographics

The student data in this report is neither complete nor comprehensive. Of the myriad problems created by the lack of effective data-sharing policies and practices, a critical one for policymakers is that there is no single set of high-quality data describing the population of youth under the jurisdiction of the juvenile court. Instead, there are many competing datasets with independent definitions, collection methods, visualization structures, sources, and intervals. As a result, the available data presented here should be understood as a best effort, with the caveat that it is not feasible to determine whether there are duplications within the data, if it is complete and accurate, or if it is fully representative.

One especially potent use of high-quality, accurate data is to better understand and address demographic disproportionality – both within the population served and between youth and their service providers. Many stakeholders noted that their perception of disproportionality, especially along lines of racial identity and disability, are not accurately reflected in the data, and therefore the challenges cannot be addressed. For example:

“Nebraska is not reporting disproportionality correctly and what’s happening to kids – a majority of the kids harmed [by the system] are kids of color and kids who have disabilities.”

“There is insufficient data that is transparent. The community has little contact with white administrators.”

“There have been whole systems created because of racism. It’s hard to have that conversation in a room full of white people.”

“Education is already complicated, but it is especially hard when the child is Black or Brown and they’re trying to navigate these systems and get their credits.”

“Sometimes specific [facility staff members] don’t have sympathy for these kids and do poke or aggravate them. They don’t understand their experiences.”⁶³

Without comprehensive data on the demographics of the staff of the child welfare and juvenile justice systems, it is difficult to come to an exact conclusion about these differences. However, education scholarship has shown that when adults do not share the same identities and experiences as the students they serve, the students are more likely to experience negative outcomes. Research shows that youth without role models of a similar race face threats based on stereotypes, internalize negative beliefs about their ability, and are more likely to face disciplinary measures.⁶⁴

Recommendations that appear later in this report will describe the importance of having one single, accurate, unduplicated count of students under the jurisdiction of the juvenile court.

Nebraska is home to 1,978,379 people, 24.5% of whom are under the age of 18.⁶⁵ As of the 2022-23 school year, there were 328,722 students enrolled in Nebraska’s public schools.⁶⁶ As a state, Nebraska has seen an influx of immigrants from countries including Afghanistan, Sudan, and El Salvador, contributing to the diversification of the population and student bodies. Table 5 below details demographic information on all youth in out-of-home care, probation youth only, child welfare youth only, and crossover youth from the Foster Care Review Office’s data dashboard.⁶⁷

Table 5. Demographics of Youth in Out-of-Home Care

| Demographics | All Youth in Out-of-Home Care | Probation Only | DHHS/CFS Only | DHHS/CFS and Probation |
|---|-------------------------------|----------------|---------------|------------------------|
| Race | | | | |
| White | 42.4% | 39.4% | 43.5% | 33.3% |
| Black | 18.1% | 22.1% | 16.9% | 25.4% |
| Two or More Races | 9.7% | 3.3% | 10.8% | 10.9% |
| American Indian | 3.3% | 5.0% | 2.7% | 6.5% |
| Asian/Native Hawaiian | 1.3% | 2.9% | 1.1% | 2.2% |
| Other or Unknown | 1.7% | 2.7% | 1.6% | N/A |
| Ethnicity | | | | |
| Hispanic | 23.4% | 24.6% | 23.4% | 21.7% |
| Non-Hispanic | 68.3% | 72.9% | 67.4% | 69.6% |
| Unknown | 8.3% | 2.5% | 9.1% | 8.7% |
| Age Groups | | | | |
| 0-5 Years | 30.6% | 0% | 37.1% | 0% |
| 6-12 Years | 28.4% | 1.5% | 34.2% | 0.7% |
| 13-18 Years | 40.9% | 98.5% | 28.7% | 99.3% |
| Gender | | | | |
| Male | 53.3% | 74.4% | 49.5% | 58.0% |
| Female | 46.7% | 25.6% | 50.5% | 42.0% |
| Data as of 03/31/2024 Foster Care Review Office ⁶⁸ | | | | |

Table 6 below presents demographic information on all students enrolled in Nebraska’s public schools and a subset of youth under the jurisdiction of the juvenile court (defined as those placed in schools that primarily serve at-risk students). Table 6 shows that the educational outcomes of this subset of the population of youth lag far behind their peers. Stakeholder interviews suggest that most youth in juvenile justice settings were originally students in Omaha or Lincoln Public Schools.⁶⁹ In addition to the above data, the 2023 Voices for Children report contains detailed data that further describes the demographics of youth under the jurisdiction of the juvenile court.⁷⁰

Table 6. Student Demographics⁷¹

| Demographics | All Students | Systems-Involved Students |
|-------------------------------------|--------------|---------------------------|
| Race | | |
| White | 36.3% | 25.6% |
| Black/African American | 11.7% | 28.0% |
| Hispanic or Latino | 41.0% | 31.7% |
| Two or More Races | 5.9% | 7.9% |
| Asian | 2.0% | 2.4% |
| American Indian or Alaska Native | 2.9% | 3.0% |
| Native Hawaiian or Pacific Islander | 0.2% | 1.2% |
| Special Populations | | |
| Special Education | 20.0% | 31.1% |
| English Learner | 20.4% | 6.1% |
| Free or Reduced Lunch | 73.5% | 75.6% |
| Homeless | 3.5% | 4.3% |
| Highly Mobile | 5.9% | 13.4% |
| Gender | | |
| Male | 63.2% | 74.4% |
| Female | 36.8% | 25.6% |
| Outcomes | | |
| 4-Year Graduation Rate | 87.0% | 15.6% |
| Dropout Rate | 1.4% | 8.0% |
| Chronic Absenteeism Rate | 28.6% | 68.5% |
| Scored Proficient on ACT ELA | 46.9% | 6.3% |
| Scored Proficient on ACT Math | 43.1% | 3.6% |

Data as of SY2022-2023

*In data provided by NDE, the population is listed as “systems-involved,” rather than “youth under the jurisdiction of the juvenile court,” which may be a broader category of students. Differences between the subgroup categorizations in Tables 5 and 6 maintain the accuracy of definitions within each original data source.

Key Service Providers for Youth Under the Jurisdiction of the Juvenile Court

Youth under the jurisdiction of the juvenile court interact with several state agencies, including NDE, the Office of Juvenile Services within DHHS, the Judicial Branch (including the Courts and

Probation), as well as non-governmental or community-based organizations and private providers. Table 7 below lists the direct care staff, grouped by service provider, who come into contact with Nebraska’s youth under the jurisdiction of the juvenile court.

Table 7. Key Direct Care Staff by Service Provider

| Service Provider | Staff |
|--|--|
| Education | District Administrators |
| | Educators |
| | Principals |
| | School District Attorneys |
| | School Resource Officers |
| | Superintendents |
| | Systems-Involved Student Reporting Group |
| Health and Human Services | APEX Coordinators |
| | Behavior Analysts |
| | Case Workers |
| | Counselors |
| | Educators at Facilities |
| | Lawyers |
| | Site Principals |
| | Therapists |
| | Youth Program Specialists |
| | Youth Security Supervisors |
| Judicial: Courts, Probation, Corrections | YRTC Superintendent |
| | Judges |
| Child Welfare, Foster Care | Probation Officers |
| | Case Workers |
| | Foster Care Review Office Staff |
| | Foster Parents/Families |
| Other | Guardians Ad Litem |
| | Court Appointed Special Advocates |
| | Community Service Providers |
| | County Attorneys |
| | Educators at Facilities |
| | Law Enforcement Officers |
| | Lawyers |
| | Out-of-State Providers |
| | Tribal Service Providers |

The direct care staff listed above are often involved in entering, updating, and sharing data related to youth under the jurisdiction of the juvenile court. Further information on the data systems, platforms, and documentation used by each agency is given in the next section. These providers may be aided by administrative assistants or others in similar roles to manage capacity when it comes to tracking down or sharing data:

“Registrars and guidance counselors are probably who we will go to for info. It is really a people-powered system.”

“For the Nebraska Probation Application for Community Safety (NPACS) platform, a lot is entered by probation officers, but also support staff in probation districts – administrative assistants or secretaries enter initial info like demographics, address, employment, education info that we have. Takes that work off officers’ plates.”

“All information sharing I receive comes from someone directly in the school. Most often a social worker, sometimes guidance counselor, sometimes principal.”

“Sometimes an officer uses an assistant to send the information.”⁷²

Depending on where in Nebraska the service provider operates, resources may be more limited and relationships among agency staff members may differ. Service providers in smaller, more rural school districts find that it is easier to maintain relationships with one another, while those in large metropolitan areas with larger school districts believe it is more difficult to have such direct connections:

“At the local level, we have fantastic relationships with DHHS and with educators because we have to build those relationships to function.”

“Being in a smaller, rural district, we have quite the rapport with schools. There’s often one person ... it’s a simple email asking for attendance and grades, and I’ll get a response in like 30 minutes. Even contact with law enforcement, there’s rapport. Having rapport with different agencies is how we get the information.”⁷³

With high turnover for entry- and intermediate-level positions within agencies, it becomes harder to maintain consistent relationships: “Just like everybody else, we’ve had a lot of vacancies, so folks have high caseloads, which is a barrier to ongoing communication.”⁷⁴ However, larger districts have more resources and specific positions dedicated to data privacy and sharing than smaller ones: “We have access to attorneys that small districts don’t have, and we use them often, but small districts don’t have the same access.”⁷⁵

III. The Current State of Education Data Sharing for Youth Under the Jurisdiction of the Juvenile Court

This section outlines the current landscape of education data sharing in Nebraska, fulfilling the requirements of NRS §79-303.01 (2)(b), (2)(c), and (2)(e).⁷⁶ Drawing from evidence gathered from extensive stakeholder engagement and facility site visits, this information highlights how systemic gaps negatively impact youth under the jurisdiction of the juvenile court.

Nebraska's education data-sharing system is a complex, multi-agency endeavor involving NDE, DHHS, and the Judicial Branch, including Probation and the Courts. Each agency operates under its own federal and state laws, policies, and rules governing data sharing. Despite these safeguards, federal and state guidance emphasizes the need for timely and accurate transfer of educational records within the juvenile justice setting.

Agencies maintain distinct data-sharing platforms and train their staff accordingly. Nebraska's 244 school districts also play crucial roles, making daily decisions that affect youth under the juvenile court's jurisdiction, including decisions about data sharing, credit transfer, and graduation requirements. School liaisons at out-of-home placements independently manage students' credit accumulation and class assignments and are responsible for translating and securing academic credits for work completed at placement facilities.

Several causes of poor education data sharing have been identified through interviews, focus groups, site visits, and leadership meetings. Direct care staff often rely on youth and their guardians for historical information, leading to delays in data delivery. The lack of an integrated data system necessitates informal data collection methods, resulting in the recurring question, "Whose kid is this?" Six main factors contribute to this failure: delays, mistrust, lack of system integration, low-tech solutions, privacy concerns, and missing knowledge. Use cases, derived from real stories, illustrate the significant gaps in the data-sharing process and demonstrate how critical transition points in a young person's life can be disrupted.

Statutes, Policies, and Rules Governing Data Sharing

Multiple agencies share data on youth under the jurisdiction of the juvenile court, each with its own statutes, rules, policies, and data platforms governing the data-sharing process. Because each agency is authorized differently, with DHHS under the Executive Branch and governor’s leadership, Courts and Probation under the Judicial Branch, and NDE under an elected state board, the ways in which data sharing is governed may be affected by various incongruous factors. On top of state laws and agency policies, federal laws also protect student data privacy. Table 8 below provides descriptions of the numerous statutes, policies, and rules that govern data sharing in Nebraska.

Table 8. Statutes, Policies, and Rules That Govern Data Sharing

| Name | Description |
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| Federal | |
| Family Educational Rights and Privacy Act (FERPA) ⁷⁷ | <p>FERPA binds education providers and outlines all situations in which students’ education records can be shared and with whom, and if there must be parental or student consent. For example, parents may request their child’s record at any time before the child turns 18; a school may send records to another school without consent when a student enrolls at the new school; and records may be shared with contractors that perform the typical duties of school officials. The act applies to all schools that receive federal funding.</p> <p>Federal guidance specifies that:</p> <ul style="list-style-type: none"> • Student records may be disclosed without consent to local or state juvenile justice agencies if the state has passed a law authorizing disclosure when the records may impact an agency’s ability to serve the student.⁷⁸ • Student records may be disclosed without consent to contractors, consultants, and volunteers who perform the regular functions of school officials and require the records to fulfill their responsibilities; this also includes threat assessment teams.⁷⁹ • Student records may be disclosed without consent to any party who requires the information to protect a student or others during a significant health or safety emergency.⁸⁰ • Student records may be disclosed without consent to juvenile justice facilities that serve as schools.⁸¹ • Student records may be disclosed without consent to “authorized representatives of the Comptroller General of the U.S., the Attorney General, the Secretary of Education, and state or local educational authorities” to evaluate state or federally funded programs.⁸² |
| Health Insurance Portability and Accountability Act (HIPAA) ⁸³ | <p>HIPAA’s Privacy Rule protects individuals’ personally identifiable information in health records that are held by healthcare providers, health plans, and healthcare clearinghouses. Covered entities may disclose protected health information under certain circumstances, such as when ordered by a court to provide information during judicial proceedings.</p> |
| National School Lunch Act under Title 42 ⁸⁴ | <p>The National School Lunch Act limits the sharing of school lunch eligibility information. However, Section 9 allows names and basic eligibility status to be shared without consent to state or local education programs and full eligibility information to be shared without consent to administrators of programs authorized</p> |

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| | under the act, such as the National School Lunch Program and the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC). |
| Individuals with Disabilities Education Act (IDEA) ⁸⁵ | IDEA expands FERPA to apply to students with disabilities who are referred to private, non-federally funded schools by public agencies and to agencies that provide education-related services to students with disabilities. It also subjects state and local education agencies that hold students' personally identifiable information to FERPA provisions and ensures that individuals with disabilities receive a free appropriate public education until the age of 21, including when they are in an adult correctional facility or extended foster care. |
| Substance Abuse and Mental Health Services Administration (SAMHSA) CFR 42 ⁸⁶ | SAMHSA CFR 42 outlines when patient records related to substance use can and cannot be disclosed. |
| State | |
| Nebraska State Constitution | Article V-27: Juvenile courts; authorization. ⁸⁷ |
| Nebraska Revised Statutes Chapter 84 | NRS §84-712.05 (1): Records that may be withheld from the public; enumerated. ⁸⁸ NRS §84-1201 to 84-1227: Records Management Act. ⁸⁹ |
| Financial Data Protection and Consumer Notification of Data Security Breach Act of 2006 | NRS §87-802 to 87-807: Notifications in the event of a data breach. ⁹⁰ |
| Nebraska Department of Education | |
| Nebraska Revised Statutes Chapter 79 | <p>School Files or Records</p> <ul style="list-style-type: none"> • NRS §79-2,104: Access to school files or records; limitation; fees; disciplinary material; removed and destroyed; when; sharing of student data, records, and information.⁹¹ • NRS §79-2,105: School files or records; provided upon student's transfer.⁹² • NRS §79-318 (5) (e): State Board of Education; powers; duties.⁹³ • NRS §79-760.05: Student achievement; student discipline; statewide systems for tracking individual students; State Board of Education; duties; school districts; schools; provide data; analysis and reports.⁹⁴ • NRS §79-539: School board; board of education; official policy respecting personnel files and student records; rules and regulations; adopt; publish; restrictions.⁹⁵ • NRS §79-262: School board or board of education; rules and standards; establish; distribute and post; review with county attorney; behavioral intervention and management.⁹⁶ <p>School District Residency (wards of state or court, students in residential settings)</p> <ul style="list-style-type: none"> • NRS §79-215: Students; admission; tuition; persons exempt; department; duties.⁹⁷ <p>Out-of-State Students</p> |

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| | <ul style="list-style-type: none"> • NRS §79-5,103: Pupil; attend school in adjoining state; records; costs; determination.⁹⁸ |
| <p>Nebraska Administrative Code Title 92</p> | <p>92 Neb. Admin. Code, Ch. 6:</p> <ul style="list-style-type: none"> • §003: Required types of information that each school district shall designate as “directory information.” • §004: Sharing of personally identifiable student records among school districts, learning communities, educational service units, and the department.⁹⁹ <p>92. Neb. Admin. Code, Ch. 10:</p> <ul style="list-style-type: none"> • §005: Statewide system for assessment of student learning and reporting the performance of school districts. • §010: Accountability reporting for school systems and accountability system for public schools and school districts.¹⁰⁰ <p>92. Neb. Admin. Code, Ch. 14:</p> <ul style="list-style-type: none"> • §004: Requirements for all schools.¹⁰¹ <p>92. Neb. Admin. Code, Ch. 18:</p> <ul style="list-style-type: none"> • §004: Requirements for all interim-program schools.¹⁰² <p>92. Neb. Admin. Code, Ch. 19:</p> <ul style="list-style-type: none"> • §003: Enrollment requirements.¹⁰³ <p>92 Neb. Admin. Code, Ch. 27 § 004.03E: Professional Practices Criteria, Principle III, Commitment to the Student: Shall keep in confidence personally identifiable information that has been obtained in the course of professional service, unless disclosure serves professional purposes, or is required by law.¹⁰⁴</p> <p>92 Neb. Admin. Code, Ch. 51, § 009.03: Regulations and standards for special education programs, procedural safeguards, opportunity to examine records.¹⁰⁵</p> <p>92 Neb. Admin. Code, Ch. 51, § 009.03: Regulations and standards for special education programs, procedural safeguards, opportunity to examine records.¹⁰⁶</p> <p>92 Neb. Admin. Code, Ch. 27 § 004.03E: Professional Practices Criteria, Principle III, Commitment to the Student: Shall keep in confidence personally identifiable information that has been obtained in the course of professional service, unless disclosure serves professional purposes, or is required by law.¹⁰⁷</p> |
| <p>Nebraska Administrative Code Title 51</p> | <p>Governs the provision of special education services in Nebraska.</p> <p>Section 92-51-007: Individualized Education Program (IEP)</p> <ul style="list-style-type: none"> • 007.08 Programs for children who transfer school districts or approved cooperatives <ul style="list-style-type: none"> ◦ 007.08C Transmittal of records • 007.09 IEP meeting • 007.11 Children with disabilities in adult prisons¹⁰⁸ |
| <p>NDE Data Access and Use Policy and Procedures¹⁰⁹</p> | <p>Section 1: Policy Statements</p> <p>Section 3: Student Personally Identifiable Information</p> |
| <p>NDE Data Security¹¹⁰</p> | <p>Staff Roles and Responsibilities</p> |

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| NDE Student and Staff Data Privacy and Confidentiality ¹¹¹ | <ul style="list-style-type: none"> A. Confidentiality <ul style="list-style-type: none"> 1) De-Identified Data 2) Personally Identifiable Information Concerning Students in Records of NDE's Own Making 3) Special Education Records 4) Poverty Data 5) Social Security Numbers B. Security/Internal Access to Data C. Data Requests <ul style="list-style-type: none"> 1) Student and Parent Access 2) Data Requests D. Disclosure of Data E. NDE Disclosure Record Keeping Responsibilities F. Masking Policies |
| NDE ADVISER Systems-Involved Student Reporting ¹¹² | <ul style="list-style-type: none"> • Special Purpose Schools • Rule 18 - Interim School • Wards of the Court or State • Students Being Serviced by a Contracted Service Provider |
| NDE ADVISER Who Reports What? ¹¹³ | <ul style="list-style-type: none"> • What Public Districts Report • What Special Purpose Schools Report • What Rule 18 Interim Schools Report • What ESUs Report • What Programs Report • What Contracted Service Providers Report • What Non-Public Systems Report • Other Programs • Exempt School/Home School Reporting |

Nebraska Department of Health and Human Services

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| Nebraska Revised Statutes Chapter 28 | <p>NRS §28-722: Central registry; subject of report; access to information.¹¹⁴</p> <p>NRS §28-725: Information, report; confidential; violation; penalty.¹¹⁵</p> <p>NRS §28-726: Information; access.¹¹⁶</p> |
| Nebraska Revised Statutes Chapter 43 | <p>NRS §43-409: Office of Juvenile Services; access to records; immunity.¹¹⁷</p> |
| Nebraska Revised Statutes Chapter 83 | <p>NRS §83-102: Youth rehabilitation and treatment centers; placement; programming and services provided; accreditation; report.¹¹⁸</p> <p>NRS §83-105: Youth rehabilitation and treatment centers; grievances; reporting system.¹¹⁹</p> <p>NRS §83-109: Patients and residents; admission to state institutions; records; to whom accessible; transfers; investigations; appeals.¹²⁰</p> |
| DHHS Superintendent Letter ¹²¹ | <p>A DHHS Superintendent Letter is not required by law, but is designed to be sent by a DHHS case worker or YRTC to a student's district of residence within one business day of any of the following occurring:</p> <ul style="list-style-type: none"> • A child, birth to 18 years of age, is placed in the legal custody of DHHS Children and Family Services (CFS). • The child changes school districts due to out-of-home placement. |

- The child moves to a different out-of-home placement within the same school district.
- The child enters or exits the Youth Rehabilitation and Treatment Center at Kearney.
- The parent's education decision-making rights for the child are relinquished or terminated, and a surrogate parent is appointed to make those decisions for the student.
- The parent(s) relinquishes parental rights, or those rights are terminated by the court.
- There is a change in the DHHS case manager assigned to the child's case.
- The child is no longer a state ward in the legal custody of DHHS-CFS.

The Superintendent Letter was developed to communicate with local school districts regarding children in DHHS custody, but it is not the notification method for school district change required by NRS §43-285. Schools may use the lack of a Superintendent Letter as a basis to not enroll youth or not be able to provide services, which is not backed up by any statutory language.

Nebraska Judicial Branch: Courts and Probation

Nebraska Revised Statutes Chapter 24

NRS §24-1007: State Court Administrator; compile judicial workload statistics; how; juveniles in Nebraska's justice system; annual report; contents.¹²²

Nebraska Revised Statutes Chapter 28

NRS §28-725: Information, report; confidential; violation; penalty.¹²³

NRS §28-726: Information; access.¹²⁴

Nebraska Revised Statutes Chapter 43

NRS §43-2, 108: Juvenile court; record; case file; how kept; certain reports and records not open to inspection without order of court; exceptions; information accessible through criminal justice information system.¹²⁵

NRS §43-246.02: Transfer of jurisdiction to district court; bridge order; criteria; records; modification.¹²⁶

NRS §43-247: Juvenile court; jurisdiction.¹²⁷

NRS §43-282: Juvenile court; transfer case and records to court of domicile.¹²⁸

NRS §43-2,108: Juvenile court; record; case file; how kept; certain reports and records not open to inspection without order of court; exceptions; information accessible through criminal justice information system.¹²⁹

NRS §43-2,108.03: Sealing of records; county attorney or city attorney; duties; motion to seal record authorized.¹³⁰

NRS §43-2,108.04: Sealing of records; notification of proceedings; order of court; hearing; notice; findings; considerations.¹³¹

NRS §43-2,108.05: Sealing of records; court; duties; effect; inspection of records; prohibited acts; violation; contempt of court.¹³²

NRS §43-702: Custodian of child; records required.¹³³

NRS §43-1310: Records and information; confidential; unauthorized disclosure; penalty.¹³⁴

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| | <p>NRS §43-3001: Child in state custody; court records and information; court order authorized; information confidential; immunity from liability; school records as evidence; violation; penalty.¹³⁵</p> |
| Education Court Report ¹³⁶ | <p>The Education Court Report contains a series of questions designed to provide the judge with pertinent information about the child’s education and development. The extent to which all or only a portion of the questions are explored will vary based on the child’s age and specific circumstances.</p> <ul style="list-style-type: none"> • Use of the Education Court Report promotes the expectation that child welfare and juvenile justice professionals have ongoing communication with the child’s school, preschool, or childcare provider and are prepared to report relevant information to the court. <p>Once completed, the Education Court Report may contain information that is protected under state and federal law and should not be released to uninvolved third parties without the court’s permission.</p> |
| Crossover Youth Policy ¹³⁷ | <p>Nebraska’s dual-system youth collaborative policy was developed by the Administrative Office of the Courts and Probation (AOCP) and the DHHS Division of Children and Family Services to establish policy process points for identification, contact, and communication regarding dual-system youth. DHHS and Courts and Probation have shared policies to coordinate efforts for crossover cases.</p> <p>Local DCFS and AOCP probation districts also maintain a local process documents.</p> |
| Pre-Disposition Education Data Release Form | Form specific to each district. Completed during the pre-disposition phase to gather educational information about youth. |
| Release of Information Form | Paper signed by a parent/guardian to allow education records to be shared. |
| Probation Out-of-Home Alert Letter | <p>The probation letter is a printed alert sent to schools to inform them about students on probation. This list, maintained by the Nebraska Probation Administration Computer System (NPACS), serves multiple purposes: it notifies schools about students who are on probation, are switching schools, or are coming from a Youth Rehabilitation and Treatment Center (YRTC). The probation letter is akin to the DHHS Superintendent Letter but is distributed in a physical format rather than electronically. The report includes the student’s grade level, general offense, and case number, along with the case supervisor’s name. It is sent out every other week.</p> <ul style="list-style-type: none"> • Additionally, there are conflicting reports of a probation alert that is sent whenever a youth in probation is placed in out-of-home care. If and when this does exist, the probation office sends information to the school and NDE to inform them about the change in placement. |
| Truancy Referral Form | <p>Form shared by school districts with county attorneys as a result of a truancy overhaul in the legislature. The form captures necessary data and information on what a school implemented to prevent truancy or address it with a student.</p> <p>The level of detail provided by districts on the referral form appears to have decreased as a result, as well as the number of referrals.</p> |

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| Court Appointed Special Advocate (CASA) Report | A report provided to the court by the Court Appointed Special Advocate. |
| Guardian Ad Litem Report | A report provided to the court by a guardian ad litem. |
| Foster Care Review Office Report | Under NRS §43-1308 (1)(b), the local foster care review board will submit the following to the court within 30 days after the foster care file audit case review: “[F]indings and recommendations regarding the efforts and progress made to carry out the plan or permanency plan established pursuant to section 43-1312 together with any other recommendations it chooses to make regarding the child. The findings and recommendations shall include whether there is a need for continued out-of-home placement, whether the current placement is safe and appropriate, the specific reasons for the findings and recommendations, including factors, opinions, and rationale considered in the foster care file audit case review, whether the grounds for termination of parental rights under section 43-292 appear to exist, and the date of the next foster care file audit case review by the designated local board.” ¹³⁸ |

Misinterpretations of FERPA and Its Exceptions

In addition to the text of statutes, laws, and rules, there is additional federal and state guidance that provides detailed direction regarding the sharing of education data under FERPA for youth under the jurisdiction of the juvenile court. First and foremost, federal and state guidance cautions those responsible for sharing education records to carefully consider children’s and parents’ rights throughout the data-sharing process. However, these rights do not conflict with practices and procedures facilitating appropriate sharing of educational records. In fact, joint guidance from the United States Department of Justice and the United States Department of Education emphasizes the importance of “the timely transfer of accurate education and related records [for students in juvenile justice secure care settings].”¹³⁹ Yet, in interviews with Nebraska stakeholders, staff acknowledged that they were reluctant to share student data, citing both good- and bad-faith misreadings of FERPA and other data privacy restrictions:

“There is such a turf battle over data in this state. Partners that have been partners for a long time don’t share their data. They use HIPAA and FERPA as a shield.”

“People tend to hold up FERPA as a shield, even when it’s not a real barrier.”

“Every district does things their own way. Their lawyers might interpret FERPA differently, and they don’t often look to FERPA for guidance on how we can share data. They’ll use it based on what they want to or don’t want to accomplish.”¹⁴⁰

At the highest level, under FERPA, disclosure of personally identifiable information (PII) regarding a student requires prior signed and dated written consent by a parent (natural parent, guardian, or individual acting as a parent in the absence of a parent or guardian) or eligible

student (age 18 or older or engaged in postsecondary education).¹⁴¹ However, FERPA provides many exceptions to the consent requirement that may apply to data sharing for youth under the jurisdiction of the juvenile court. In fact, every concern that was raised about “student privacy” is, or should be, addressed by at least one of the following exceptions:

1. **Enrollment in school:** “[An] exception to FERPA’s general consent requirement permits a school to disclose PII from a student’s education records, without consent, to another school in which the student seeks or intends to enroll, or where the student is already enrolled, as long as the purpose of the disclosure is related to the student’s enrollment or transfer. ... Under this exception, a school has the discretion to disclose academic, disciplinary, or any other PII from the student’s education records to the new school.”¹⁴²
2. **Directory information:** “FERPA also permits a school to disclose PII from a student’s education records, without consent, when such information has been appropriately designated as ‘directory information’ and the parent has not opted out of the disclosure of such designated information. ... Directory information may include information such as the student’s name, address, telephone number, email address, photograph, date and place of birth, major field of study, grade level, enrollment status (e.g., full-time or part-time), dates of attendance (i.e., the period of time during which the student attends or attended the school), participation in officially recognized activities and sports, weight and height of members of athletic teams, degrees, honors and awards received, and the most recent school attended.”¹⁴³
3. **Disclosure to the juvenile justice system before a child’s adjudication:** “For a school to release a student’s education records under this exception, all of the following conditions must be fulfilled: (a) the child has not yet been adjudicated delinquent under state law; (b) a state law specifically authorizes the disclosure; (c) the disclosure is to a state or local juvenile justice system agency; (d) the disclosure relates to the juvenile justice system’s ability to provide pre-adjudication services to a student; and (e) state or local officials certify in writing that the institution or individual receiving the information has agreed not to disclose it to a third party outside the juvenile justice agency.”¹⁴⁴
4. **Health or safety emergency:** “Schools may release education records without parental consent in connection with a health or safety emergency if the information is needed to protect the health or safety of students or others. To fall under this exception, a situation must constitute an ‘articulable and significant threat’ to a student or other individuals and the information must be needed to protect their health or safety.”¹⁴⁵
5. **Judicial order or subpoena:** “Schools may also release information without written consent to comply with a judicial order or subpoena, but the school must make a ‘reasonable effort’ to notify the parent before releasing the record.”¹⁴⁶

Deep Dive: IDEA and Special Education Data Privacy

The Individuals with Disabilities Education Act (IDEA) does not preclude schools from sharing education information. IDEA contains confidentiality of information provisions that are applicable to the education records of students with disabilities; however, these provisions “generally incorporate the FERPA exceptions to the prior written consent requirement.”¹⁴⁷ Federal guidance on providing high-quality education in the juvenile justice setting encourages the prompt transfer of records, pursuant to FERPA, to ensure that students with disabilities receive a free appropriate public education (FAPE):

- “The failure of a public agency to obtain educational records promptly can interfere with the student’s ability to receive FAPE and to receive credits towards graduation. Therefore, it is critical that public agencies and correctional facilities have systems in place to ensure compliance with the transmittal of records requirements in 34 CFR §300.323(g). Public agencies are encouraged to assign specific staff the responsibility to work with correctional staff to promptly transfer education records to facilitate the student’s timely connection to educational or training activities.”¹⁴⁸
- “Under IDEA, when a student with a disability transfers to a new public agency and enrolls in a new school in the same school year, the new public agency and the previous agency in which the student was enrolled must take reasonable steps to exchange the student’s IEP and other records related to the provision of special education services.”¹⁴⁹

Overall, federal guidance encourages public agencies to have policies and procedures in place to facilitate the quick transfer of relevant records of students with disabilities when they move to and from different placements.

6. **Legally responsible child welfare case worker (Uninterrupted Scholars Act):** The Uninterrupted Scholars Act, an amendment to FERPA, permits education agencies to disclose PII from student education records without parental consent to “an agency caseworker or other representative of a State or local child welfare agency, or tribal organization who has the right to access a student’s case plan, as defined and determined by the State or tribal organization, when such agency or organization is legally responsible, in accordance with State or tribal law, for the care and protection of the student, provided that the education records, or the personally identifiable information contained in such records of the student, will not be disclosed by such agency or organization, except to an individual or entity engaged in addressing the student’s education needs and authorized by such agency or organization to receive

such disclosure and such disclosure is consistent with the State or tribal laws applicable to protecting the confidentiality of a student's education records."¹⁵⁰

At the state level, Nebraska authorizes FERPA through NRS §79-2,104 and specifies that the statute "does not preclude or prohibit the disclosure of student records to any other person or entity which may be allowed to have access pursuant to [FERPA]."¹⁵¹ NDE provides additional data-sharing guidance in the policy documents listed in Table 8. Finally, Rule 6, adopted under NRS §79-2,104, promotes the following aspects of data sharing:

"The Legislature finds and declares that the sharing of student data, records, and information among school districts, educational service units, learning communities, and the State Department of Education, to the fullest extent practicable and permitted by law, is vital to advancing education in this state. Whenever applicable law permits the sharing of such student data, records, and information, each school district, educational service unit, and learning community shall comply unless otherwise prohibited by law."¹⁵²

Although Rule 6 defines what directory information Nebraska schools should include at a minimum, each school can add more items that fall within its own definition of directory information. Federal and state guidelines urge staff to be cautious when it comes to student education data but do not prevent the sharing of data in certain situations where prior written consent could not be attained. Hesitancy to share information out of concern for protecting privacy, as detailed in interviews with Nebraska staff, does not appear to be based on actual legal restrictions but rather on an over-broad misreading of these laws. Ultimately, such misinterpretation (whether in good faith or not) is likely to harm young people under the jurisdiction of the juvenile court who are not receiving the support or academic experiences they need to succeed if their data is not promptly and lawfully shared. Later in this report, Bellwether will share recommendations for addressing knowledge gaps like this through training and other supports.

Existing Data Platforms

Several data platforms exist within the Memorandum of Understanding (MOU) partner agencies (NDE, DHHS, Courts, and Probation, as well as related agencies). These platforms store relevant information about young people but differ in terms of data stored, fields, user friendliness, and access permission. The list of platforms below was developed during the stakeholder engagement process. Although this work focuses mainly on the education data stored in a district's student information system (SIS) and/or held by NDE, other agencies also maintain important records related to youth under the jurisdiction of the juvenile court.

Nebraska Department of Education

- Advanced Data Views Improving Student Educational Response (ADVISER)
- SISs

- Nebraska Student and Staff Record System (NSSRS; no longer used, replaced by ADVISER)
- Consolidated Data Collection
- P-20 data system

Nebraska Department of Health and Human Services

- Nebraska Family Online Credit User System (N-FOCUS)
- Youth Transition Database

Foster Care Review Office

- Foster Care Tracking System

Nebraska Judicial Branch

- Judicial User System to Increase Court Effectiveness (JUSTICE)
- Nebraska Probation Application for Community Safety (NPACS)
- Supreme Court and Court of Appeals Legal Entry System (SCCALES)
- Judge Portal

Other

- Nebraska Statewide Workforce and Educational Reporting System (NSWERS)
- Nebraska Crime Commission Statistical Analysis Center
- Nebraska Criminal Justice Information System (NCJIS)
 - Nebraska Data Exchange Network (NDEN)

Data Elements

NRS §79-303.01 requires that Bellwether provide recommendations defining the specific types of data to be collected and shared among MOU partners.¹⁵³ “Education data” is not a universally or uniformly defined term, and individual student records held by education agencies may also include data that would otherwise be classified as health or court records (e.g., vaccination records, custody orders), but for their being held by an education provider. To understand the relationship between privacy laws and data elements, it may be useful to understand that privacy laws typically govern the *holder* of the data and are agnostic about the specific nature of individual pieces of data. That means that a vaccination record held by an education agency is protected under FERPA, which provides guidance for its sharing and disclosure – even if that same record simultaneously held by the child’s pediatrician would be protected by HIPAA and the pediatrician would be bound by different regulations. NDE’s data reporting requirements serve as a useful minimum for defining the essential education data that MOU partners should share to support youth under the jurisdiction of the juvenile court.

Table 9. Nebraska Department of Education ADVISER Data Elements

| Term | Definition |
|---|--|
| Attendance | Indicates when a student was present on days when school was in session. |
| Courses | Information regarding the courses a student in pre-kindergarten through grade 12 completed during a particular school year, and the teachers they completed the courses with. |
| District/system of membership | The approved or accredited district/system where the student received most of their instruction; includes public districts, non-public systems, and special purpose schools. |
| District of residence | The public school district where the student resides. A resident is a person who has his or her residence in a place. It should be noted that the Legislature has specifically provided in Section 79-215 (1) R.R.S. that, except as otherwise provided in §79-215 R.R.S., a student is a resident of the school district where he or she resides and shall be admitted to such school district upon request without charge. |
| Enrollment | A cumulative set of all students enrolled in a district/system at any time during the school year, representing the students' most current information. |
| Discipline | Data about student disciplinary incidents and the disciplinary actions taken by schools. |
| Nebraska Department of Education student ID | Required for all students attending or receiving services from a Nebraska district/system. |
| Early childhood education | Program provided for students at any time during the school year. |
| Homeless education | Services provided for students at any time during the school year. |
| Rule 18 interim-program school | Services provided for students at any time during the school year. |
| Special education program | Provided for students with verified disabilities on an Individualized Education Program (IEP) or Individualized Family Service Plan (IFSP); includes October 1 point-in-time count and June 30 year-end count. |
| Section 504 program | An indication that a student is receiving services under Section 504 of the Rehabilitation Act of 1973; includes all students receiving services at any time during the school year. |
| Title I program | Information on a variety of Title I services students may have received at any time during the school year. |
| School of membership | For most students, the school where they are enrolled for most of their instruction. For students attending a program (e.g., focus, Rule 18, ESU, alternative program, or career academy), it is the school where they would be enrolled due either to district residence or assignment. |
| School of residence | School where student resides, based on boundaries established by the district of residence. This field is only required for students with contracted in residency status. |
| School year | June 30 used to represent the end of the school year. |

At a minimum, NDE already requires that the following specific education data on youth under the jurisdiction of the juvenile court be shared across school districts, special purpose schools, Rule 18 interim schools, accredited non-public-school residential programs, and contracted service providers.¹⁵⁴ Additionally, NDE provides guidance to school districts on who is responsible for reporting education data to NDE. Below is a detailed list of the key data elements that NDE collects.¹⁵⁵

Credit Transfer

Credits are the units of measurement for course completion and must be accrued in sufficient quantity and type for students to become eligible for high school graduation. When students move from one educational setting to another, their credits must be transferred – a process that is neither straightforward nor simple.

The complicated structure and wide variation of Nebraska’s laws and rules governing the patchwork of education services for youth under the jurisdiction of the juvenile court create considerable problems with credit transfer. These students often lack a single unambiguous and comprehensive official record, and in the absence of that, they often carry the responsibility of chronicling their own academic history. They may be asked to recall which credits they’ve earned and how those credits fit into their previous school’s graduation requirements.

Under the current system, school liaisons are largely responsible for deciding (without any formal policy guidance) how students’ previous placements contributed to their credit accumulation. They must determine how those credits fit into the students’ progress toward graduation and use that information to make class assignment decisions so that the students can earn credits that will count toward graduation. Once a student is ready to return to a traditional school, the liaison must again translate the work the student completed into credits that align with the receiving school’s structure and graduation requirements. Finally, the liaison is responsible for securing academic credit for any work the student completed within the placement facility.

The current state of credit transfer for youth under the jurisdiction of the juvenile court has three specific components, each with its own challenges: variations in graduation requirements, accounting for credits, and awarding credits.

Variations in graduation requirements

According to Nebraska Revised Statute §79-729, students must complete at least 200 credit hours to graduate from high school, with 80% of the hours covering core curriculum courses.¹⁵⁶ Additional credit requirements for graduation may also be imposed by districts beyond the 200 credit hours mandated by the state, with district policies governing the process of evaluating and accepting prior credits. Within the 80% requirement, districts may require different amounts of foreign language, fine arts, or technology credits to graduate.

While Rule 10 governs the overall regulations and procedures for the accreditation of Nebraska schools, Rule 18 requires that interim-program schools work with accredited or approved schools “to secure academic credit leading to grade promotion or graduation for student work completed while in their program.” However, without uniform standards for documenting and reporting students’ academic progress, the process by which interim-program schools should engage in that work with public school districts to secure students’ academic credit is unclear and unenforceable.¹⁵⁷

In addition, meaningful differences in graduation requirements across districts create significant challenges for youth under the jurisdiction of the juvenile court. As these students move between districts when they move placements, translating credits from one system to the next becomes increasingly complex, leading to duplicated coursework, missed opportunities for credit accrual, and students feeling like the goalposts keep moving due to ever-changing requirements. The credit transfer challenges created by the different graduation requirements contribute to the other challenges described below.

Accounting for credits

In addition to differences in graduation requirements, staff must know how each school or district translates instructional units (900 minutes equals one instructional unit) into credits, the units of measurement for transcripts that accrue toward eligibility for graduation. The calculations vary significantly and are not always resolved with simple arithmetic. For example, in Lincoln Public Schools, students must take five social studies courses totaling 30 credits (four courses with five credits each and one course with 10 credits).¹⁵⁸ In nearby Omaha Public Schools, however, seven social studies classes would have seven credits, as each is recorded as a single credit, and in Omaha, students only need to earn 49 total credits to graduate.¹⁵⁹

These discrepancies make it difficult for staff to properly account for and award credits to transfer students who arrive from outside their school or district, particularly midway through the school year. During the admissions process, staff at Rule 18 schools must determine the credits a student has already earned, map them to the classes they provide, and then align that work with the graduation requirements in the district where the student will transfer. At Rule 18 schools, school liaisons must determine how to account for the work students completed at their school and then appropriately translate that to match the receiving school’s method of translating instructional units to credit hours.

There is no formal process supporting these credit calculations and translations, and much of this work is handled through personal relationships among staff members. The informal, ad hoc nature of accounting for students’ credits not only makes the process inconsistent and unreliable, but it also makes it difficult to properly place students and ensure they are enrolled

in credit-bearing, transferrable courses aligned with their future school's graduation requirements.

Awarding credits

As specified in Chapter 18, accredited and approved schools are required to accept academic credits earned at interim-program schools. Yet, youth under the jurisdiction of the juvenile court face considerable challenges when transferring their coursework to receiving schools. Part of the problem lies in the difference between accepting and awarding credit. While receiving schools generally must accept completed course credits, they have discretion over how to award them.

"Failure of accredited or approved schools to accept the academic credit earned at Interim-Program Schools or to issue diplomas to students transferring from Interim-Program Schools who have met the requirements for graduation of their own approved or accredited high school shall be treated as a violation of a requirement for accreditation under 92 NAC 10 or approval under 92 NAC 14."¹⁶⁰

The rule above and Chapter 10 §003.05C make it clear that receiving schools must accept academic credits youth earn at interim-program schools.¹⁶¹ This means that while credits will "count" toward the total required for graduation, the receiving district will almost always have the authority to make determinations about course equivalencies – i.e., how to award credits – and whether certain credits meet the specific requirements for graduation.

For example, Omaha Public Schools' Board Policy 5003 states that the district determines whether accepted credits count toward grade placement and graduation requirements:

"A student who enrolls during the school year shall be given the opportunity to earn credit for the courses in which the student is enrolled during the school year if the student is able to demonstrate mastery of the subject matter and/or completion of course requirements, other than attendance, at a level required for other students to receive credit who have been enrolled throughout the period for which the credit is to be granted. The District may use a review of transcripts from prior schools attended, standardized tests, assessments, and/or teacher evaluations of student competency in the subject matter to make such a determination. Decisions regarding placement and credits for any student who transfers from an accredited or approved school must include consideration of the above."¹⁶²

At Lincoln Public Schools, Board Policy 6230 and Regulation 5110.4, when taken together, allow grade placement and transfer credits to be granted if the credits were earned at another school accredited by the regional accrediting agency or approved by the State of Nebraska (5110.4 (2)(a)). However, in defining course credits, the policy mentions that "District administration is

authorized to investigate and determine which courses would be included in the District curriculum and how much credit would be awarded for each course.”¹⁶³

Some schools – perhaps driven by reasonable concerns over the quality of education provided at Rule 18 schools – may accept the credits but award them as elective rather than core course credits. This can derail grade promotion and progress toward graduation, forcing students to repeat classes and decreasing the likelihood that they will ultimately graduate from high school.

Moreover, Nebraska has no clear policy on accepting and awarding partial course credits. This is a common and acute challenge for youth under the jurisdiction of the juvenile court who frequently move in and out of classes and school systems, as their placements are changed without regard to the academic calendar. Rather than accumulating partial credits that can be combined into full course credits, these students are far more likely to begin courses from the start each time, repeating coursework over and over and falling further behind.

While a Rule 18 school, in consultation with the school the student will return or transfer to after their placement ends, is required to develop an academic placement plan, or a “plan of expected academic achievement in regular education that permits students to earn credit or make academic advancement toward grade level promotion or graduation,” guidance for this relationship is nonexistent. Specifically, what should be included in the plan, how it should be operationalized, and its relationship with credit-bearing courses aligned with graduation requirements are poorly defined.

The responsibility to ensure that students receive and are awarded credit falls largely to school liaisons. According to Rule 18, they work with accredited and approved schools to “secure” academic credits for students. This process appears to be wholly individualized and relies on the ability of individual school liaisons to successfully translate credits from one school to another – and despite being charged with securing credit for youth under the jurisdiction of the juvenile court, liaisons ultimately do not have the authority to accept and award credits, as that power remains with the school districts.

Finally, for those students placed in out-of-state facilities, it is unclear how Nebraska schools award credits for the courses they complete. There appears to be no specific literature or statute outlining this process, nor does it appear to be contemplated in the contracts that govern these placement relationships. The most relevant information comes from Nebraska Revised Statute §43-1103, which authorizes the Interstate Compact for the Placement of Children in Nebraska, and Nebraska Revised Statute §43-1101, which recognizes the Interstate Compact for Juveniles.¹⁶⁴ The former is recognized by the Department of Health and Human Services as assisting in the placement of children from one state to another, and the latter by the Judicial Branch.¹⁶⁵ The statute describes the multiple purposes of the compact, including the following provisions relevant to data sharing:

- “(A) ensure that the adjudicated juveniles and status offenders subject to this compact are provided adequate supervision and services in the receiving state as ordered by the adjudicating judge or parole authority in the sending state.”
- “(E) provide for the effective tracking and supervision of juveniles.”
- “(J) establish a system of uniform data collection on information pertaining to juveniles subject to this compact that allows access by authorized juvenile justice and criminal justice officials; and regular reporting of Compact activities to heads of state executive, judicial, and legislative branches and juvenile and criminal justice administrators.”¹⁶⁶

Specifically, under the Nebraska statute implementing the Interstate Compact for the Placement of Children (§43-1103) Article VII (C) and (D), the public child-placing agency in the receiving state shall “provide timely assessments” and “provide or arrange for timely reports.” Although not incorporated directly by statute, the language of the underlying Interstate Compact requires reporting every 90 days that includes “a summary of the child’s academic performance along with copies of any available report cards, education-related evaluations or Individual Education Program (IEP) documents.”¹⁶⁷ This lays a foundation for cooperation between states serving Nebraska’s youth under the jurisdiction of the juvenile court and includes preliminary data-sharing components. However, given the absence of active guidance or enforcement authority, it is reasonable to conclude that credit transfers from out-of-state placements pose the same challenges.

Data-Sharing Challenges

Nebraska Revised Statute §79-303.01 is intended to address the understanding that the current data-sharing process for youth under the jurisdiction of the juvenile court in Nebraska is not efficient, coordinated, or comprehensive.¹⁶⁸ Leaders are aligned in this perception.

“The problem we’re trying to solve varies depending on each user, with each requiring timely, thorough, detailed information sharing across all stakeholders who work with youth. This information will be utilized differently by each entity. The work we need to do is to consolidate all that information into one central location – not everyone needs every piece, but having it all together is crucial. We have 93 county attorneys, 12 probation districts, and 5 DHHS regions, all of which require the same information simultaneously for them to fulfill their functions. Currently, none of this occurs in a timely manner; it’s largely on paper.”¹⁶⁹

Importantly, this definition highlights that multiple users need to access education information to support youth under the jurisdiction of the juvenile court. Each agency provides different

services for Nebraska’s youth, which may be offered at different points in their system experience and are unique to their needs. Table 10 below highlights the multiple ways users interact with education data.

Table 10. Who Uses the Data and How?

| | | To understand students' history and unique needs | To plan for placement and make a residency or best-interest determination | To plan for student coursework, supports, and credit transfer/accumulation | To contract for or deliver special education services | To ensure efficient re-entry and transition | To track accountability of sites and student outcomes |
|------------------|-------------------------|--|---|--|---|---|---|
| Education | State Administrators | | | | | | |
| | District Administrators | | | | | | |
| | Educators | | | | | | |
| DHHS | State Administrators | | | | | | |
| | YRTC Superintendent | | | | | | |
| | Site Principals | | | | | | |
| | Educators at Facilities | | | | | | |
| | Case Workers | | | | | | |

| | | To understand students' history and unique needs | To plan for placement and make a residency or best-interest determination | To plan for student coursework, supports, and credit transfer/accumulation | To contract for or deliver special education services | To ensure efficient re-entry and transition | To track accountability of sites and student outcomes |
|----------------------|---------------------------------|--|---|--|---|---|---|
| | YRTC Line Staff | | | | | | |
| Child Welfare | Foster Care Review Office Staff | | | | | | |
| | Group Home Administrators | | | | | | |
| | Case Workers | | | | | | |
| | Foster Parents/Families | | | | | | |
| Probation | Probation Administrators | | | | | | |
| | Probation Officers | | | | | | |
| Courts | Court Administrators | | | | | | |
| | Judges | | | | | | |

| | | To understand students' history and unique needs | To plan for placement and make a residency or best-interest determination | To plan for student coursework, supports, and credit transfer/accumulation | To contract for or deliver special education services | To ensure efficient re-entry and transition | To track accountability of sites and student outcomes |
|--------------------|-----------------------------------|--|---|--|---|---|---|
| | County Attorneys | | | | | | |
| | Lawyers | | | | | | |
| Corrections | Corrections Administrators | | | | | | |
| | Educators at Facilities | | | | | | |
| Other | Community-Based Service Providers | | | | | | |
| | Out-of-State Placement Providers | | | | | | |
| | Law Enforcement Officers | | | | | | |

Every decision made using the data in Table 10 has a considerable impact on youth and their educational outcomes. Without relevant historical and up-to-date information about students' unique educational needs, system staff lack a robust evidence base to make well-informed decisions in their best interest. A lack of consistent policies and system-wide coordination to securely share education data among the education, court, child welfare, health, and juvenile justice systems creates barriers to fully serving the needs of this student population.¹⁷⁰

Factors leading to data-sharing failures

Through interviews, focus groups, site visits, and leadership team meetings, multiple causes of poor education data sharing came to light. In some instances, direct care staff rely on youth and their parents or guardians to be the keepers of information on their history, previous coursework, accommodation needs, and other factual details. The information that does exist often does not arrive at a student's new school promptly, because in those entirely people-powered transitions, confusion around the parents' educational decision-making rights, misunderstandings about data sharing rules, insufficient capacity, and many other human errors prevent seamless transitions between schools and lead to delays in the delivery of needed services and educational programming.

Because current data systems lack integration across and within agencies, direct care staff must piece together informal methods of acquiring data, typically through multiple rounds of phone calls, emails, and faxes, to determine residency and gather as much data as they can about students' education history. This piecemeal method of data acquisition was often mentioned in interviews concerning the question, "Whose kid is this?" This question is particularly acute for crossover youth who have been engaged in multiple systems, as staff members must engage in individual investigations to determine which agency is likely to have the most recent information about a child. A significant lack of collaboration and trusting relationships among agencies further hinders comprehensive, efficient data sharing. Six primary widespread factors contribute to data-sharing failures: delays, mistrust, lack of systems integration, low-tech solutions, legitimate privacy concerns, and missing knowledge.

These findings are illustrated in more detail below, described and substantiated with quotes directly from interviews.

Delays: Educational data, and key documents that enable data sharing, are not shared in a timely manner when youth under the jurisdiction of the juvenile court transition between facility-based schools, whether from a traditional public school district or an out-of-home placement.

"Data and information do not go where it needs to go in an accurate and timely manner. It literally takes five people on a phone call to track it down."

"I don't know that I'd point a finger at one entity being the problem. Oftentimes, these were temporary conditions, and the student was going to be at a [placement for a limited amount of time], and by the time we got information to share they were already back, or by the time we got information back from the facility they were there for a couple months."

"The delays of getting transcripts and credit information make it challenging for us to provide programming in a timely manner, which further disrupts education pathways."

"Sometimes districts don't send transcripts right away; they wait until they are requested, which causes delays. It could take a day to get transcripts or two weeks if getting grades and it's taking a while."¹⁷¹

Mistrust: Historically, the relationships among the agencies named in NRS §79-303.01 have been cautious and limited, as have their relationships with school districts.¹⁷² Without trusting relationships to enable effective collaboration among agencies in service of youth under the jurisdiction of the juvenile court, data sharing has become complicated and fraught.

"Sharing across agencies is a stressor for a lot of people. It does happen, but it will take time. We don't have policies in place. There are big separations between agencies."

"Data sharing is poor when students are dual-involved. The transition of documents or movement or records involves DHHS as a middle agency – why can't it go straight from district A to district B via NDE?"

"I think that is a lack of trust between different systems. ... Relationships cannot form, and trust has not been established."

"I think the biggest barrier to data sharing is working with other agencies. Teams are working at 150% capacity, so reaching out to other agencies and saying, 'It would be valuable for our probation officers to get some info pulled into the system so they don't have to enter it' would be great, but we don't have capacity to go out and ask for these changes to be made."

"It's lack of collaboration and knowing what all the players need and when and what is the best place to obtain that information."

Deep Dive: School District Cooperation

School district pushback creates barriers to the timely and successful reintegration of a young person into their public school. Most frequently, this is attributed to the district's position that they lack the necessary resources to fully serve young persons with acute needs – which may or may not be a complete explanation.

"We have historically had a lot of pushback from school districts when trying to re-enroll youth."

"School systems don't always welcome in systems-involved youth due to stereotypes and the perceptions around dangers these kids pose."

"Small school districts have incentives to say, 'We don't have the services to support this kid, send them somewhere else. They need to go to an alternative school.' They don't want these kids because of the 'headache' they cause, the resources they require."

"A school will essentially homebound a kid, with limited instruction, and say that probation has to provide support to the kid. It's not our responsibility to educate. They don't understand we have to work together to provide all the supports."

"It's law that districts have to serve students immediately, but it still can last months because schools won't let them in."

"Pushback comes a lot more when youth have special education needs. Just a matter of fact. It costs more money to serve youth, so districts push back from that perspective. They test the limits if they can push back to ensure the student stays under the purview of the home district for funding. These students also come with a wide range of acute or behavioral needs that can lead to pushback from districts: 'We don't have the capacity to serve this kid and provide for their needs.'"

"Sometimes when an IEP shows up, they might look at the delivery and think that we don't have that there. It can end up being an excuse, even though that's what the student needs to be successful."¹⁷³

Lack of data system integration: Because there is no integration among the many data systems agencies use to serve youth under the juvenile court's jurisdiction, staff need more time to track down educational data and other relevant information to support youth.

"Lack of integration between systems is a huge barrier. Because we don't have the information we need, we cannot share in a timely manner."

"Right now, there is no way in Nebraska that you can track a family from start to finish that has come through Education, DHHS, and the Justice system."

"Because JUSTICE and NPACS don't talk to each other, it is extremely complicated for us to even generate something like recidivism data."

"None of our systems interact with each other. They are all different, for the right decisions. DHHS needs to collect some data that NDE doesn't need. NDE can't and shouldn't have HIPAA data."

"We have a lot of data, but we lack data on any crossover youth. We do a lot of hand counting, and we have to manually enter information on education because we don't have a system that talks to NDE. We have to go into some type of SIS and paste it into our system. We don't likely have accurate or up-to-date information on education."¹⁷⁴

People-powered low-tech systems: Even with data platforms, data is often shared via email or over the phone. Staff members who have developed relationships with their counterparts at other agencies rely on those connections to gather education data and support young people. With any person-powered system, there are risks of poor quality of data entry and slow responses.

"It is a people-dependent system, not a system-system."

"It is hard to get information on everywhere a young person has been. We all rely on this underground network of people we know to call. I literally have a list of who to call at every district."¹⁷⁵

When data does need to be shared, staff are overly reliant on manual data-sharing relationships they've built with registrars, counselors, and other data holders.

"Sharing of data dramatically depends on the school district and locale, but it all has depended on relationships and shared intent to make the kid successful."

"We pick up the phone and build personal relationships. Everything is dinosaur-like in terms of communication. Probation has systems and platforms through the courts that data goes into. We put a lot of data into our systems and other entities have access to some of that."

"People often give verbal information or fax or email."

"Everything we add is manual. We have 10 million systems for different things – you learn a process for your information gathering."

"I saw a kid who had 11 previous placements, but only two of them were actually inputted into our ADVISER system. Our state doesn't know what to do when a child moves around a lot and is only in one place for a few days."

"When credits are missing, it's usually from the same [school district]."¹⁷⁶

And if people are out of office and/or the position has high turnover, responses can be slow.

"[T]here is a lot of info it takes time to get if the case manager is not responsive, which they often aren't because of turnover."

"Case worker turnover is so high that institutional knowledge is not captured – everyone in the system is a revolving door and kids get lost."

"Right now, the education person at [the facility school] emails us this information, but if they are busy or on vacation, there is no information exchanged."¹⁷⁷

Legitimate privacy concerns: Concerned that bad actors might misinterpret or judge students, staff may hesitate to share data on youth under the jurisdiction of the juvenile court.

"There is always concern that data will not be shared in the right ways and will harm students."

"Probation will generally take a list of young people on probation and share it with someone in a school system, but it's limited information because we don't want teachers or administrators to label kids."

"Some schools gatekeep information – they may hold certain information back, because they think it's in the best interest of the youth to do so."

"We have to be cautious, because in the past we've seen mandatory school reassignments or using probation as an excuse to exclude them from extracurriculars when they haven't had issues before."

"Historically we've been reluctant to share data with schools, especially who is on probation. We had a lot of alternative schools pop up, and once schools found out a student was on probation, they were sent to alternative school."

"My officers also don't want to give schools information because they feel like kids are targeted and don't trust that it remains confidential."¹⁷⁸

Missing knowledge: Staff may cause delays in sharing education data or share incomplete data if they have not been properly trained to understand the privacy statutes that allow data sharing.

"One of the barriers is just understanding probation's unique role in the system. There are statutes that apply to state wards and not to probation youth. We can choose to apply them or not and people don't understand that. They don't understand the statutory authority of our systems."

"Nobody knows who the education decision-maker is. DHHS cannot be an education decision-maker, but some think they are because they're the custodian. I don't expect everyone to understand state statute, but somebody has to."

"Too often people think okay, that's federal regulation or law and there's nothing we can do about it. And that's not true at all. I think people have the best of intentions in trying to protect information. People are doing their best to comply with local regulation or building-level. Some people think there are regulations and laws when there aren't."

"Smaller districts don't understand that the Rule 18 kids here are still their kids. ... They are also just glad to get rid of them in certain instances."¹⁷⁹

Some stakeholders demonstrated a misunderstanding of the requirements for providing special education at interim-public and special purpose schools, uncovering a need for training and clarification on IDEA, Rule 10, and Rule 18 special education services.

"Because we're Rule 18, we are more flexible with what we have to provide for special education. We write an IEP based on what we are able to provide, and parents sign off on it. We will write the IEP in here if needed in anticipation of their release. Basically, we will say, 'Oh, from this, here's what we can provide here and here's what we can't.'"

"Rule 18 allows for more leniency around what we can provide for special education."

"I messed up and sent information to a school that was last on the IEP, and it turns out they weren't the right school, so now I just wait for someone to ask me for it instead."¹⁸⁰

Youth, and the staff who are serving them, often experience many or all of the barriers listed above. Each of these factors contributes to the negative outcomes that young people under the jurisdiction of the juvenile court face when they transition between schools.

Consequences of data-sharing failures

Because each agency's data system does not speak to the others or share real-time information about youths transitioning between schools, agencies serving youth aren't able to quickly gather

historical information about district of residency or previous schools. During this time, youth may be missing critical instructional hours or be placed in repetitive courses – an experience that, unfortunately, can occur multiple times throughout their involvement with government systems. Youth may feel frustrated, disheartened, or detached from their education and act out, skip classes, or drop out.

There are three common consequences that can lead to disengagement from education: youth acting as historians, repeating courses, losing instructional time, and, for special populations of students (students with disabilities and English learners), these consequences are heightened.

These findings are illustrated in more detail below, described and substantiated with quotes directly from interviews.

Youth and families acting as historians of information: When data is not shared quickly or comprehensively, young people and their families are often relied upon to be historians of their own information. For any young person, but especially those with a difficult or traumatic history or with multiple and frequent transitions, this is challenging. Relying on young people to provide their oral history can result in gaps in their record and inaccurate education information.

"A difficulty I see for districts is that they don't automatically receive educational information, and they have to look to students to be the historians of their education."

"You may get a kid who just wasn't in school, and their records are sparse. We had a kid here for two or three weeks and he left before we knew anything about him. It's worse if he had no Nebraska residence."

"If there is a delay in receiving school records and there have been a lot of transitions, we would maybe ask the parent about their academic history, but their memory is not always accurate."

"The kids are sometimes the best source of what they've taken before."¹⁸¹

Repeating courses: Youth under the jurisdiction of the juvenile court often experience repetitive coursework because of poor data sharing. When transcripts and credits are not quickly and accurately shared among educational programs, students will be placed in courses that they've already taken, sometimes multiple times.

"The fact that a child could take English 9 three to four times speaks to a data-sharing problem and lack of oversight. That means a real transcript isn't coming from or going to where someone can see that bit of data."

"Students have taken the same class three times, because they'd bounce around different schools and nobody had the time or resources to flag it."

"When systems don't talk to each other, kids have to repeat classes and they get behind in credits for graduation, which is extremely frustrating."

"I work mostly with the older students, and they are often put in the same class they've already taken, which is a wasted effort for the kids, and they can't continue on as they should."

"I know we've had times where kids have already done the coursework before, and they have to do it again with us. There is frustration, quitting: 'I don't care, this is a waste of my time.'"

"As a case worker and probation officer I'd hear young people say, 'I've taken this class already, why do I have to do this again?'"¹⁸²

Losing instructional time: Because data isn't shared in a timely manner, or if an agency and district have trouble receiving a signed release of information, youth may spend time sitting at home not receiving any education.

"A kid is released from a facility but sits at home for two weeks waiting for records to transfer. That timeliness and urgency isn't there. There are bigger districts that have lots of resources but get bogged down in administration work, and there are rural districts that don't have resources and try to get out of serving these kids."

"Emails can sit for weeks. A lot of times the kids are sitting in a foster home or a service provider. A lot of times it's the argument over who is going to pay for the visit."

"Students will be placed before their documents are transferred to the facility. They are tagging along with youth. It produces a lot of frustration for students when they are sitting with nothing to do."

"We have an email they can send, a request for information. The first time they are in the system, they have to complete a signed release from a parent. If that's not in there, we have to request that release form. We send it as quickly as we can. The last thing we want is a student who is behind bars to be sitting there doing nothing at all."¹⁸³

Special populations facing heightened consequences: Findings from interviews with direct care staff members, agency leaders, and experts uncovered multiple gaps for English learners and students with disabilities.

"A lot of kids face negative consequences if their IEPs aren't transferred from their last placement in a timely manner. Even if the IEP was relatively active, more than likely it was old and past time to be revisited, which can take months. It leaves kids in limbo. The rights they have in school are impacted; they may be suspended when they shouldn't because behavioral information is not updated in the IEP."

"A challenge is when a student who is an English learner (EL) is moved around and in multiple placements. Some placements may realize belatedly if there is no record of EL status in the educational records. This status gives students some special supports in school."¹⁸⁴

Use Cases

Although the sharing of education data is just one small part of a larger system serving youth under the jurisdiction of the juvenile court, the consequences when it fails can be life-altering. For young people who have already experienced trauma and marginalization throughout their short lives, further barriers to accessing a high-quality, consistent education make it nearly impossible to secure the social and economic mobility that would allow them to achieve future success.

Youth under the jurisdiction of the juvenile court in Nebraska have individual histories and educational journeys. The following use cases attempt to put names and faces to the experiences of over 4,000 youth in out-of-home care (this number is likely greater if in-home youth are included).¹⁸⁵ These stories highlight the unique and shared experiences of students under the care of the different MOU agencies, and the staff members who interact with them. Each use case is informed by more than 70 interviews with staff at NDE, DHHS, the Office of Probation Administration, the State Court Administrator, and non-governmental organizations, as well as site visits to secure facilities and focus groups with young people.

These use cases are not meant to be comprehensive. Instead, they shed light on the gaps that currently exist in the data-sharing process and illustrate the ways in which key transition points in a young person's life can be derailed by a lack of timely, comprehensive, and integrated data sharing. These six stories encompass a range of data-sharing scenarios, illustrating various contexts, such as educational transitions and touchpoints with social services. The following are abridged versions of the complete use cases available in Appendix A.

Andre (Probation)

Andre was born and raised in Sioux City, Iowa. Throughout his childhood, he experienced emotional and physical abuse related to his father's alcoholism. When Andre was 12, he moved to Grand Island with his mother and sister and had trouble adjusting to the new setting. Initially, he was enrolled at Westridge Middle School. He maintained average grades and consistent attendance. Over the summer before ninth grade, he had a job at the local movie theater and began hanging out with a group of coworkers. When he started high school, his grades began to decline, and his attendance faltered. At 14, he was taken into temporary custody for his first driving under the influence (DUI) offense and returned home. At 15, he was stopped again for a DUI and was sent to the Boys Town Chemical Use outpatient treatment program at a clinic in Lincoln. After inconsistent attendance at the treatment program, he was found to be in violation of his probation and was court ordered to participate in further alcohol treatment programming. He had trouble attending this programming due to a lack of transportation. He was a junior at Grand Island Senior High when he was stopped for a DUI for the third time after a night out with friends. When this happened:

- Andre is taken into custody, and probation conducts his intake process.
- Andre is assessed as high-risk and detained pending a hearing.
- The county attorney files a juvenile petition, followed by the adjudication hearing.
- A pre-disposition investigation is conducted by probation.
- Dispositional hearing.
- Andre is placed at Canyon State, but his transcripts lag, leading to repetitive coursework.
- Andre returns to his home district with delayed updated credits, causing him to fall behind due to missed foundational subject matter concepts.
- Andre becomes frustrated, starts skipping school, re-offends, and is placed at Douglas County Youth Center.
- He is disengaged from school due to missed coursework and unengaging packet work.
- Andre returns to his home district. With additional re-offenses and/or probation violations including a fourth DUI in which he caused a multi-car accident resulting in the serious injury of a bystander, it becomes more likely that Andre will be placed at a YRTC as a last resort. This placement would require additional gathering of Andre's credit information and other personal information to support his care.

Elijah (Probation)

Born to Mexican immigrant parents who struggled with the language barrier and the complexities of the American job market, Elijah had a childhood that was in constant upheaval. His family's frequent relocations in search of work meant that Elijah never stayed in one school for long, leading to a sense of instability and disconnection.

At school, Elijah often found himself isolated and misunderstood. His frustrations boiled over into behavioral problems, leading to numerous altercations with peers and teachers. At nine years old, he was evaluated for special education services at North Park Elementary School and given an IEP for emotional disturbance (oppositional defiant disorder). His accommodations included a 1:1 behavioral aide, preferential seating, and frequent breaks.

However, even with support at school, the lack of a stable support system at home combined with the stress of his parents' struggles and their inability to fully understand his experiences due to language and cultural gaps, pushed Elijah toward delinquency. By his early teens, his temper and the need to defend himself in tough situations led to a propensity for violence, and by the age of 13, Elijah had already been involved in several incidents involving weapons in Broken Bow.

- Elijah is parentally placed in the Boys Town Residential Treatment Center at age 13, where he remains for a year.
- His parents relocate to Chadron, and that is where Elijah transitions. Chadron has no record of Elijah's IEP.
- At 15, Elijah's family moves to Iowa. The new district does not have record of his IEP.
- His family moves to North Platte, and he is not immediately enrolled in high school.
- He is stopped for assault with a deadly weapon. Due to his high-risk status, he is detained at Northeast Nebraska Juvenile Services.
- The county attorney files charges in adult court due to his age and severity of offense.
- Elijah remains in detention pending conviction and is found guilty. In the adult court process, he is ordered a Presentence Investigation by an adult probation officer.
 - *Note that now that Elijah is under the jurisdiction of the adult court, he no longer fits squarely within the definition of NRS §79-303.01, which only addresses data sharing for students under the jurisdiction of the juvenile court.*¹⁸⁶
- At the sentencing hearing, the judge uses the presentence investigation and sentences him to 10 years, served in the Nebraska Correctional Youth Facility until he turns 18 and the remainder of his sentence in an adult facility.
- At NCYF, Elijah is now a student at the NCYF Community High School.
- Because Elijah's records are so limited, it takes a while to discover his IEP.
- Elijah will receive special education services from NCYF.
- By the time Elijah turns 18, he decides to end his education and forgo adult education.
- He is transferred to an adult correctional facility and spends the remainder of his sentence there.

Mikey (Child Welfare)

Mikey was born to teenage parents in McCook, Nebraska, where services are limited. When Mikey was two years old, he did not babble or attempt to say words like other toddlers his age. He was only able to say a few things and had difficulty understanding simple instructions. He did not have much social interaction with other toddlers because his parents could not afford private daycare and were unaware of Head Start.

- Mikey's mother learns of Head Start from his grandmother and he is waitlisted.
- His pediatrician gives his parents information on the Early Development Network (EDN), but his parents do not follow-up to learn more.
- Mikey is offered a Head Start slot after a few months. He is frequently absent due to transportation challenges.
- Head Start also mentions the Early Development Network, but his parents decline due to discomfort of in-home service delivery.
- Mikey's development continues to lag.
- Mikey's aunt notices bruising around his body and calls the DHHS abuse and neglect hotline.
- Child Protective Services and county authorities intervened to ensure Mikey's safety and well-being.
- A petition is filed by the county attorney within 48 hours of Mikey's removal.
- A protective custody hearing is held within ten days.
- An adjudication hearing is held within 90 days of Mikey entering foster care and a dispositional hearing is held within 30 days of adjudication.
- Mikey is placed with a foster family in North Platte, whom the judge determines to be Mikey's surrogate parent.
- Mikey's foster family is offered and accepts EDN services for Mikey. They also enroll him in Head Start in their neighborhood.
- Mikey receives speech and language and occupational therapy.
- With consistent therapy, Mikey is able to expand his vocabulary and interact more successfully with his peers and adults. He is experiencing successful developmental growth in Early Intervention and has an Individualized Family Service Plan (IFSP) until his third birthday, where he then has an IEP.
- Prior to his one-year court date, the Foster Care Review Board schedules a review of his case. They produce a report for board members to review prior to the meeting and invite all legal parties to attend.
- At the hearing, the judge reviews the Foster Care Review Board report and additional information from Mikey's case worker, guardian ad litem, and CASA volunteer.
- When Mikey starts elementary school, he will have educational data associated with his Early Intervention, IFSP, and IEP.

Brianna (Child Welfare)

Brianna's father struggled with substance abuse throughout his life. When Brianna was born, he attempted to get sober to care for her after her mother left. Brianna spent the first eight years of her life couch surfing, living in a motel, or sleeping in a car. This instability meant Brianna rarely attended the same school for more than a few months, making it difficult for her to form lasting friendships and keep up with her schoolwork. Her father often relied on Brianna's grandmother, who lived in Fremont, for help with childcare.

When Brianna was 8 years old, her father found stable work as a mechanic and was able to afford rent in Scottsbluff. This period of stability allowed Brianna to catch up socially and academically. However, a few years later, her father lost his job as a mechanic and relapsed. Her father's appearance and behavior raised red flags among school staff, who noted his incoherence and the telltale signs of substance abuse. Because of mandatory reporting, the school staff contacted the DHHS abuse and neglect hotline after Brianna was dropped off at school multiple times by her father while he was under the influence. At 11 years old, Brianna became a ward of the state.

- Brianna is assigned a DHHS-Children and Family Services case worker, a CASA volunteer, and a guardian ad litem to support her through the court and placement process.
- The juvenile judge overseeing Brianna's case orders Brianna be placed with a foster family that is within driving distance of Scottsbluff Public Schools (SBPS).
- Brianna remains enrolled at Scottsbluff Public Schools. Her father retains education decision making rights. Her DHHS case worker sends a Superintendent Letter to SBPS regarding Brianna.
- At her six-month review, a best interest determination is made that she stays with the foster family to maintain educational stability.
- Prior to her one-year court date, the Foster Care Review Board schedules a review of her case.
- At the time of the hearing, Brianna's father has completed a year of substance abuse rehabilitation and has shown that he is competent to support her care.
- The judge is able to reunify Brianna and her father at this time with the condition that he undergo frequent drug testing.
- Her father violates the conditions of reunification, and she is subsequently placed with her grandmother in Fremont (after a best interest determination).
- Her DHHS case worker sends a Superintendent Letter to FPS regarding Brianna.
- Brianna's grandmother is granted educational rights due to her father's open combativeness.
- When Brianna enters high school, her grandmother passes away unexpectedly. Brianna is sent to the emergency shelter program at Uta Halee while she awaits placement.
- Due to the recent traumatic event, her transition to Uta Halee, and her placement in repetitive coursework, Brianna grows frustrated and withdrawn.
- Brianna is assigned a foster family placement in Omaha, and transitions to Omaha Central High.
- Despite some initial efforts to help her settle, she struggles to connect with her new foster family and classmates. Throughout high school, Brianna's academic performance fluctuates.
- As Brianna approaches her 19th birthday, she is introduced to the Bridge to Independence program, which offers support for young adults transitioning out of foster care.

Amir (Crossover)

Amir was born and raised in Omaha. He entered the foster care system at 10 years old and changed placements for much of his youth. The transition to foster care was difficult for Amir. He tended to run from placements back to his old neighborhood to crash with friends. This group of friends ultimately led to his gang involvement. The gang offered protection, a sense of identity, and a semblance of stability that his foster placements failed to provide. However, it also exposed Amir to violence, illegal activities, and a lifestyle that put him at constant risk. At school, Amir struggled academically, often finding it hard to concentrate in class. The constant upheaval of moving foster homes meant that he missed significant chunks of his education, putting him behind his peers. His attendance was sporadic, and when he did attend, he was frequently distracted, restless, and disruptive.

- Amir is put on a behavior intervention plan, which includes time with a school social worker and behavioral therapist.
- Amir is absent for many days in middle school. The Douglas County attorney receives a truancy referral, and he is charged with a status offense when he is 13.
- He is placed with his elder sister as his guardian and put on probation with school attendance as a condition.
- However, while on probation, Amir is routinely involved in gang activities, and the court places him out-of-home to avoid gang violence around Amir's sister's new baby. Amir was placed at Omaha Home for Boys (OHB) at 14 years old.
- One night, after running from OHB, he is involved in a gang altercation where his cousin is killed.
- Law enforcement takes Amir into custody for aggravated assault with a firearm and contacts probation to request a detention screening.
- They discover that Amir is a ward of the state, and the probation officer attempts to communicate with DHHS to determine who his caseworker is and any background information they might have.
- During the adjudication hearing on the law violation the judge finds Amir to be responsible for his offenses and orders probation to complete a predisposition investigation.
- RADIUS is sent a probation collateral package based on a referral from the court.
- The judge determines the disposition of the case and places him at RADIUS. At this time, Amir is also given out-of-home probation status (ward of the court).
- Amir has very few credits towards graduation and is placed in credit recovery.
- After a few months at the facility, Amir attempts to run to visit his girlfriend. He is picked up by law enforcement and instead placed at DCYC.
- When he does finally get placed into coursework, he is given ninth grade coursework in Portable Assisted Study Sequence (PASS) packets. Because he was used to coursework in Accellus, he does not adjust well and completes credits very slowly.
- If Amir were to continue bouncing around the system between secure facilities, foster care placements, and traditional school districts, the likelihood is high that he will repeat coursework or his credits will not transfer.

Sierra (Crossover)

Sierra's childhood was marked by a series of challenges within her family. She faced many instances when her basic needs for care and support were unmet, and she lacked the stable environment necessary for healthy development. Sierra found school to be a safe haven, and she excelled in all her coursework. Her teachers were supportive and responsive to her needs, oftentimes letting her stay in their classrooms after school. Sierra had an IEP at 13 years old for hearing impairment and was able to receive the accommodations she needed during her time at Madison High School, which included a hearing aid and a seat on the right side of the classroom. Following a period of prolonged neglect, which included a lack of medical care and supervision, a report was made to the DHHS hotline. DHHS and county authorities intervened to ensure Sierra's safety and well-being. When she was 15, the county attorney filed a petition in Madison County and Sierra became a ward of the state. She was entered into the child welfare system in an out-of-home placement.

- Sierra is assigned a DHHS-CFS case worker, a CASA volunteer, and a guardian ad litem to support her through the court and placement process.
- Sierra has been placed in emergency protective custody by law enforcement or by ex parte order prior to the protective custody hearing.
- A petition is filed by the county attorney within 48 hours of Sierra's removal and a protective custody hearing is held within ten days.
- An adjudication hearing is held within 90 days of Sierra entering foster care and a dispositional hearing is held within 30 days of adjudication.
- Sierra's legal team recommends that she remain at Madison High School, as she enjoys her classes and has a strong group of friends.
- When Sierra's case worker goes to find a foster family for her, they are only able to find available placements within the Lincoln Public Schools (LPS) borders. Sierra's new foster family already has multiple children enrolled in LPS and brings up how challenging it would be to drive Sierra 2 hours to Madison Public Schools every day.
- Sierra is enrolled at LPS. DHHS case worker sends a Superintendent Letter (which is included within the best interest determination) to LPS regarding Sierra.
- Sierra is not able to attend school until she is officially enrolled. She sits at home for three weeks before her foster parent, encouraged by her case worker and CASA volunteer, physically walks into the school and enrolls her.
- Sierra is placed in remedial coursework at her new school. She begins to withdraw from her schoolwork and her grades start to suffer.
- After nine weeks, Sierra is discovered that Sierra had an IEP for hearing impairment and has not been receiving any accommodations.
- Sierra remains under the care of her foster family after both 6- and 12-month reviews.
- She begins to shoplift as a distraction. When she is finally caught, she assaults a police officer with a pocketknife in an attempt to flee and is detained.
- Sierra is placed at Uta Halee.
- When Sierra completes her time at Uta Halee, she finds out that her mother has moved out of state. She continues to bounce around from foster home to foster home until her 19th birthday.

IV. Recommendations

The following section proposes both process and substantive recommendations to address the ways in which a lack of data sharing negatively impacts the educational experiences and outcomes of youth under the jurisdiction of the juvenile court. Bellwether worked closely with the NRS §79-303.01 leadership team to walk through the process of developing the recommendations, beginning with the establishment of commitments and alignment on key design principles and closing with the presentation of refined substantive recommendations.¹⁸⁷ Although deeply informed by engagement with the leadership team, these recommendations reflect Bellwether's conclusions based on our understanding of the problem and the opportunities to improve the educational experiences and outcomes for youth under the jurisdiction of the juvenile court in Nebraska.

This section begins with a description of how the recommendations in this report align with the requirements delineated in NRS §79-303.01.¹⁸⁸ Note, the recommendations in Table 11 only represent a subset of this report's recommendations. Next, this report presents **process recommendations**, including four commitments designed to guide the overall work of the leadership team and six design principles that define what an ideal data-sharing approach should look like. Next comes a comprehensive set of **substantive recommendations** anchored by a new approach to data sharing for students under the jurisdiction of the juvenile court, which this report refers to as the NDE centralized records service. This report presents a three-phase implementation plan designed to create the conditions and infrastructure for designing, developing, and implementing the centralized records service. The three-phase implementation plan is intentionally structured in a way that allows for the centralized records service to be expanded to serve additional student groups and provide services beyond education records support. This section also presents a set of **other agency-specific recommendations** that support and strengthen the proposed centralized records service. Although a substantial portion of the planning, implementation, and scaling of the centralized records service will fall on NDE, DHHS, and the Judicial Branch (Probation and the Courts), each of them has a vital role to play in building a better approach to data sharing for students under the jurisdiction of the juvenile court. The process, substantive, and other agency-specific recommendations will form the basis for proposed revisions to the current MOU that exists among partner agencies.

This section concludes by addressing additional findings and **recommendations outside the scope of legislative authority** that resulted from the stakeholder engagement process. These findings and recommendations are vital to bring forth, as they directly affect the educational experiences of students under the jurisdiction of the juvenile court.

Recommendations Aligned With the Requirements of NRS §79-303.01

Table 11. Recommendations Aligned with the Requirements of NRS §79-303.01

| NRS §79-303.01 Requirements ¹⁸⁹ | Overview of Report Recommendations | Report Page Number(s) |
|---|--|--|
| The consultant shall provide recommendations addressing issues that include, but need not be limited to, the following: | | |
| (a) Identifying and defining the population of students whose data should be collected and shared | This report recommends defining the population of students whose data should be collected and shared as students under the jurisdiction of the juvenile court. That jurisdiction is expansive in Nebraska and includes supervision of students who are homeless, are in the custody of DHHS, or fall into several other categories defined by Nebraska Revised Statute §43-247. ¹⁹⁰ | Pages 4-5 |
| | This report also offers a demographic overview of youth under the jurisdiction of the juvenile court, to further describe the population. | Pages 23-27 |
| (b) Defining the specific types of data to be collected and shared | <p>This report recommends using NDE’s data reporting requirements to determine the minimum required education data that MOU partners should share to support youth under the jurisdiction of the juvenile court. In addition to those data elements, this report recommends that NDE begin collecting data on credit accrual by students under the jurisdiction of the juvenile court.</p> <p>The foundation for the substantive recommendations is a new approach to data sharing, an NDE centralized records service, in which only education data is collected, held, and distributed by a central source at NDE.</p> | Pages 41-43 |
| (c) Identifying shared data systems | This report identifies approximately 15 active data platforms that exist across the MOU partner agencies. | Pages 40-41 |
| (d) Identifying the entities and persons for which the data should be accessible | Under the proposed centralized records service, it is recommended that only NDE registrars have direct access to the education data of students under the jurisdiction of the juvenile court. After receiving extensive training on federal and state privacy laws and expectations, NDE registrars will provide access to students’ education data to other agency staff (DHHS and Probation) on an as-needed basis. | Pages 77-81 |
| (e) Identifying both federal and state legal responsibilities and confidentiality parameters | This report details each agency’s statutes, rules, policies, and data platforms regarding data sharing. On top of state laws and agency policies, federal laws also protect student data privacy but allow for certain exceptions to FERPA that are applicable to Nebraska’s youth under the jurisdiction of the juvenile court. | Pages 31-40 |
| | This report offers recommendations for addressing knowledge gaps like this through training and other supports. | Pages 82, 84, 85, 86, 89, 91, 93, 94, 97 |
| (f) Developing a uniform approach for the transfer of educational credits | This report recommends a new uniform approach to data sharing, an NDE centralized records service, using a hub-and-spoke model in which education data is collected, held, and distributed by a central source at NDE. Education data will be sent from school districts and | Pages 73-98 |

placements to NDE, which will staff the service with highly trained registrars to confirm data, identify gaps, resolve inconsistencies, and build complete and comprehensive student records for youth under the jurisdiction of the juvenile court. As needed for service delivery (and in compliance with data privacy regulations), those records can be requested by education placements or other service providers and direct care staff.

Process Recommendations

The process of developing recommendations involved four commitments and six design principles. These commitments and design principles guided discussions and brainstorming sessions with the NRS §79-303.01 leadership team related to this report's substantive recommendations and should continue to be applied during future implementation and execution stages of this work.

Four Commitments

Throughout the monthly convenings of the leadership team, a set of four core commitments was made to anchor the ongoing work of the group. These commitments are applicable beyond the scope of NRS §79-303.01 and can provide guidance for similar complex and purposeful work on behalf of youth under the jurisdiction of the juvenile court.¹⁹¹

- 1. Collaboration:** We commit to breaking out of our silos, collaborating more effectively across agencies, and forging long-term partnerships to better share data on youth under the jurisdiction of the juvenile court, as allowed by law.
- 2. Shared Learning:** We commit to learning more about each agency's work and sharing critical knowledge and guidance about sharing data with each other.
- 3. Centering Youth and Families:** We commit to centering youth under the jurisdiction of the juvenile court and their families and guardians in all decisions.
- 4. Intentional Focus:** We commit to staying focused on the specific needs of young people under the jurisdiction of the juvenile court, while remaining mindful of other youth in the state who might also benefit from improved data sharing.

These commitments created a collaborative and trusting dynamic for the leadership team to work through their understanding of the findings laid out in the report above, agree upon the design principles with the highest impact for potential solutions, and brainstorm, refine, and finalize the solutions featured below.

Six Design Principles

Design principles are high-level descriptors that articulate values and priorities. Bellwether, the leadership team, and the steering committee used six design principles to develop and refine a new approach to data sharing for youth under the jurisdiction of the juvenile court. Design principles are meant to both inspire creative thinking and constrain potential solutions. Effective

design principles establish a shared understanding of what “good” looks like and allow decision-makers to make choices aligned with their values and priorities. These design principles are not, and should not be considered, the full complement of desired attributes; they only represent those qualities that are non-negotiable, which means that they apply to every substantive recommendation.

The design principles below were developed through interviews and focus groups with stakeholders, discussions and activities at leadership team meetings, reviews of the extant literature, and interviews with experts on data sharing from around the country. The list of principles was narrowed and refined to a set of six: accurate, collaborative, mission-focused, rapid, secure, and simple. The principles and their rationales are described below.

1. Accurate: *Shared education data needs to be correct, complete, and comprehensive.*

The chosen approach must allow state staff to consistently transfer accurate, up-to-date, comprehensive information. If an education record is not current or complete, it is not accurate. It should be clear when information (e.g., the name of a student’s home district) was last updated. To help facilitate accuracy, the approach should require no duplicative data entry.

Rationale: The current data-sharing approach frequently results in the transfer of incomplete and inaccurate data.

- One stakeholder noted they are “always worried about incomplete information, always worried if an IEP has been done and is being followed and updated,” while another stakeholder explained that the “quality of the data they receive is rarely high” and it “does not give an accurate picture” of the youth.
- A leadership team member expressed that, at its heart, the problem NRS §79-303.01 “is trying to solve is timely, accurate, thorough info on youth.”
- A stakeholder shared that “ultimately, they make decisions based almost solely on what they learn from youth and family,” because they do not have access to the information they need through a formal channel.¹⁹²

2. Collaborative: *The four state agencies must be allowed, encouraged, and incentivized to cooperate.*

A new approach must not just allow but require that all four agencies continuously collaborate, so they have shared ownership of and responsibility for the approach. All four agencies must have shared governance of decision-making about the uses of data and appropriate input on design decisions. Representatives from the four agencies should meet regularly before and after establishing the approach.

Rationale: Stakeholders, the leadership team, and the literature on other state information systems cited collaboration as a key contributor to success:

- “Collaborative” was the top descriptor chosen by leadership team members when they imagined an ideal future state of data sharing.
- Multiple stakeholders shared that the current lack of collaboration across agencies is a barrier to accessing information. One stakeholder emphasized that state agencies must be “willing to play with one another and share information” to successfully implement a solution, and another suggested that refusing to share data in the past may have “damaged future coordination efforts,” making the commitment to collaboration a key to the success of the new approach.
- Some research suggests that “a collaborative culture” contributes to “strong staff commitment to the work of creating, maintaining and revising” information transfer in states with successful data-sharing approaches.¹⁹³

3. Mission-focused: *Improving the educational experience of youth under the jurisdiction of the juvenile court is the ultimate purpose of a new approach to data sharing.*

The expressed and demonstrated needs of youth under the jurisdiction of the juvenile court and their families must be the prevailing priority in the design of a new approach. While the needs of professional staff should also be considered, the needs of youth must come first.

Rationale: Stakeholders and leadership team members recognize that students are not currently at the heart of most data-sharing decisions and want to change that in the future approach:

- “Student- and/or family-centered” was the second most commonly cited descriptor by leadership team members when they imagined an ideal future state of data sharing.
- Experts from a cross-agency data-sharing center in another state emphasized that asking “How does this tie into our current mission?” helped them solidify their data system design.
- According to the Data Quality Campaign, developing a “defined vision and mission” to guide the work is a key first step in successful cross-agency data sharing and should guide future decision-making.¹⁹⁴

4. Rapid: *Information must be transferred to the appropriate party quickly enough that the student’s educational programming is not interrupted.*

Essential information must be transferred rapidly enough that students can be enrolled in school and placed in the appropriate classes as soon as they arrive at a placement or school as possible. The transfer should be as immediate as is practical, with the goal of reaching real-time information transfer and zero delay in students’ educational programming.

Rationale: Currently, delays in information transfer often result in students missing days to weeks of school:

- One stakeholder remembered a “student who sat for two weeks” at home waiting to start classes after being released from a placement.
- Another stakeholder explained that schools faxing information weekly prevents probation officers from “intervening and being responsive right away” to any issues that arise with students on probation, such as truancy.
- A third stakeholder at a placement described that they sometimes “wait weeks” to receive a student’s IEP information, which means the student cannot receive the services they are entitled to for an extended period of time.

5. Secure: *A new approach to data sharing must ensure that data is only accessed for approved purposes and only by those who need it, when they need it.*

Data sharing must follow all federal, state, and local privacy rules and, by default, err on the side of protecting privacy. The approach should allow appropriate staff access to only the information they need to inform their decision-making at that moment in time.

Rationale: Confidentiality and the rigorous protection of student privacy are required not only by federal and state law, but also by an ethical imperative:

- FERPA, HIPAA, IDEA, and other legislation and state agency rules govern when education records can be shared and who can have access to education data.
- Leadership team members and stakeholders have consistently expressed concern that education data can be misused in ways that harm youth under the jurisdiction of the juvenile court:
 - “[Some people] don’t want to give information to schools because they feel like kids are targeted and they don’t trust it’s confidential and not being spread.”
 - “I’ve sat through meetings where the school is fishing ... [for information that could get systems-involved] kids out of their school.”
 - “I have seen instances where information has been used against youth and hurt their ability to access what they need.”¹⁹⁵

6. Simple: *All staff should be able to consistently put information in and take information out.*

Staff members can be quickly trained to both input information they have and retrieve the information they need to make decisions. The approach should be user-friendly and simple to learn and use so that it does not make their daily work more difficult. Even when staff members can use a complex approach, complicated or tedious processes can disincentivize its use.

Rationale: Simplicity is necessary to ensure that the future approach is used consistently:

- Leadership team members acknowledge that adults being unable to learn an approach is, and could continue to be, a barrier to youth under the jurisdiction of the juvenile court accessing the education they are entitled to.
- Stakeholders expressed that they would not want to learn a new system for data transfer if it was more complicated than their current process.
- A previous effort to create a data-sharing system for youth under the jurisdiction of the juvenile court collapsed because it “got too big and complicated” for staff to use, according to a stakeholder.¹⁹⁶

Substantive Recommendations

This report recommends a package of reforms that, if implemented comprehensively, would establish a new uniform approach to centralize – and improve – many of the education data-sharing functions currently being used in inefficient and duplicative ways by state agencies, school districts, and various placements. Collectively described as the NDE centralized records service, this new approach uses a hub-and-spoke model in which education data is collected, held, and distributed by a central source at NDE. Education data will be sent from school districts and placements to NDE, which will staff the service with highly trained registrars to confirm data, identify gaps, resolve inconsistencies, and build complete and comprehensive student records for youth under the jurisdiction of the juvenile court. Those records can be requested by providers of education placements or other service providers and direct care staff as needed for service delivery (and in compliance with data privacy regulations).

Once fully operational, this system will replace the current ad hoc approach, in which education data is sent and received on a point-to-point basis through a variety of idiosyncratic mechanisms (e.g., phone calls, emails, postal mail, hand-delivered paper documents, faxes) and individual students’ full education records are diffused across many holders.

In addition to the simple aggregation and portability of education records, this suite of recommendations also incorporates many other improvements to Nebraska’s policies and procedures for the education of youth under the jurisdiction of the juvenile court, most notably improvements to the governance design that will create efficiency, consistency, and accountability, as well as the introduction of a statewide basic high school diploma to improve graduation rates.

This section begins with a description of how the development and implementation of the centralized records service has been responsive to the findings described in the prior sections of the report and how it will move Nebraska from the current state of data sharing, with significant delays and disruptions in student learning, to the ideal future state, in which students’ education data is increasingly accurate and available securely and rapidly.

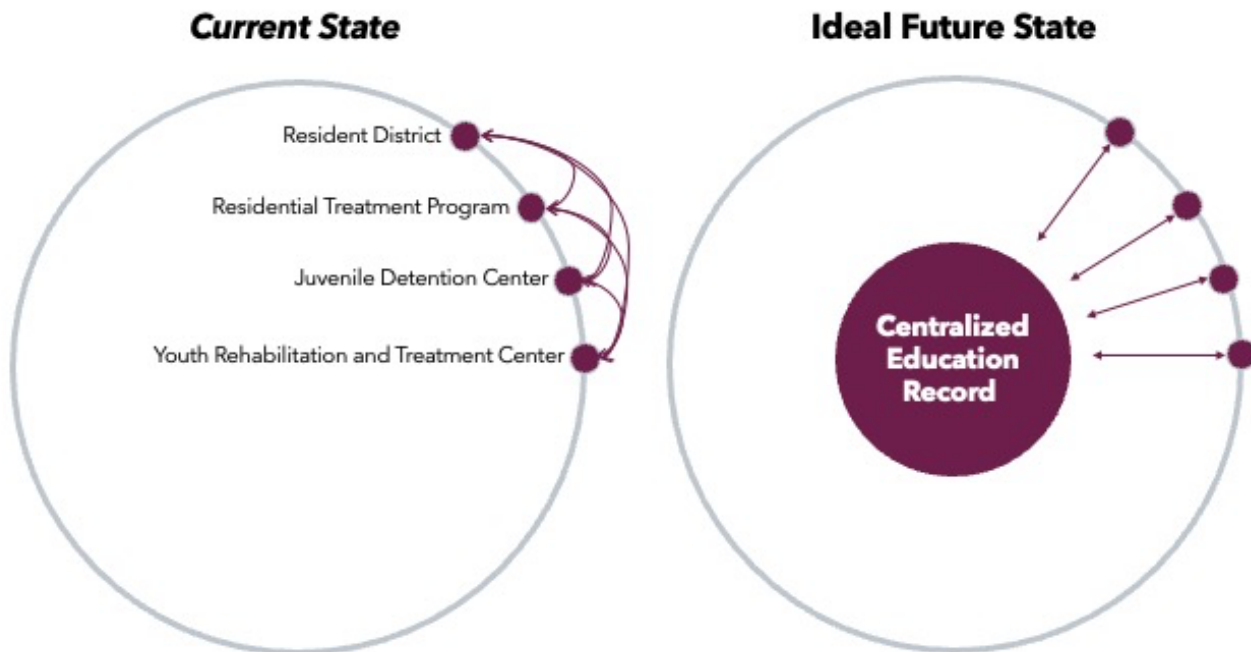
Next, this section provides an overview of the proposed centralized records service, including how it would work and new structures that will need to be in place to ensure that the potential of the service is fully realized.

This section concludes with an elaboration of the 32 specific and mutually reinforcing recommendations, which together will create the conditions and infrastructure needed to support the centralized records service. These individual recommendations are organized in a sequential three-phase implementation plan designed to provide MOU partners with a roadmap for designing, piloting, and fully implementing the centralized records service. Importantly, the design of the centralized records service as well as the associated individual recommendations were developed and refined by applying the design principles and testing them against the use cases presented in the sections above.

From the Current State to the Ideal Future State of Data Sharing

In the current state, there are many different points of contact, each being an entity (e.g., school district, placement) that either sends or receives education data. Student-level education information moves directly from point to point, as illustrated in the image labeled “Current State” in Figure 1. The entity-to-entity data-sharing process becomes complicated very quickly when an entity requests information from more than one other entity, and when data moves back and forth between two or more entities simultaneously. This time-intensive process leads to delays in education records arriving at schools. These delays, and the subsequent disruption to student learning they cause, are exacerbated by the data-sharing challenges described in detail above (see Section III), such as data privacy concerns and a lack of trust among agencies.

Figure 1. Current State and Ideal Future State of Education Data Sharing



In the ideal future state, a student’s education history, including which courses they are in, as well as their academic needs and the supports they are entitled to, can be known by teachers and staff before the student arrives at the new school. The education and credit history that teachers and staff receive will be correct, complete, and comprehensive – lowering the probability that students are placed in the wrong class or forced to repeat a course. As a result, instead of being asked to be historians of their own education history, students can devote more energy and focus to the other aspects of making a successful transition. Perhaps most importantly, students can start receiving educational support and begin credit-bearing, transferrable, graduation-aligned coursework as soon as is feasible. In this ideal future state, data sharing among agencies plays no role in additional disruptions to students’ education caused by the transition into and across schools.

The plan for the ideal future state proposed in this report, anchored by the centralized records service, also addresses many of the existing data-sharing challenges. For example:

Lack of data system integration: In the current state, each school and placement creates its own education records for students, which vary in design and content. The result is multiple incomplete, conflicting, and duplicative education records for individual students. Because public school districts across the state have varying graduation requirements and credit translation practices, it is difficult for staff to properly account for and award credits to students transferring in from other educational placements. The centralized records service would enable one entity, NDE, to create a single education

record for each student. NDE registrars could also engage in investigation over time to resolve ambiguities, settle disputes, and fill in gaps to create complete and comprehensive education records.

Lack of collaboration among entities: In the current state, data sharing and the responsibility for creating complete student transcripts and records are diffused among local staff across hundreds of schools and dozens of placements. High turnover among local staff positions coupled with idiosyncratic recordkeeping and differing credit awarding and translation practices lead to several different versions of student transcripts. Shifting the responsibility for constructing student transcripts to well-trained and accountable NDE registrars would allow the creation of a single source of “truth,” which would accelerate data sharing, minimize prolonged decision-making, and result in students receiving appropriate educational programming faster.

Discrimination, discretion, and pushback: In the current state, there is no accountability for schools or placements that do not comply with or significantly delay the transfer of education records from entity to entity. With the creation of an NDE centralized records service protocol, state authority would take care of local noncompliance. Highly trained NDE registrars would be equipped with statutory guidance when responding to local staff members who are pushing back or unwilling to share student records. Additionally, state guidance would create uniformity in student education records and limit ambiguity.

People-powered opaque system: In the current state, student education information, including outcome data, is diffused across districts and facility-based schools. Additionally, the information and data that do exist are not standardized and are often stored or handled by a single staff member, rendering it useless for research and evaluation purposes. The NDE centralized records service protocol would result in a set of standardized data and information, allowing agency staff and researchers to study issues such as the quality of facility-based schools, credit accrual trends, and long-term outcomes (e.g., high school graduation, postsecondary participation).

Inconsistent privacy protections: In the current state, individuals must contact several agencies to inquire about students and gather education records, which can lead to more people accessing student information than is necessary or lawful. Centralized NDE education records would mean that fewer people have access to sensitive data and can make informed decisions about when, how, and with whom to share that information to maintain consistent and rigorous privacy protections.

Overview of the centralized records service

At the highest level, the mechanics of the proposed centralized records service will include four main steps, illustrated in Figure 2. First, students will become eligible for the centralized records service after the determination is made that they are under the jurisdiction of the juvenile court.

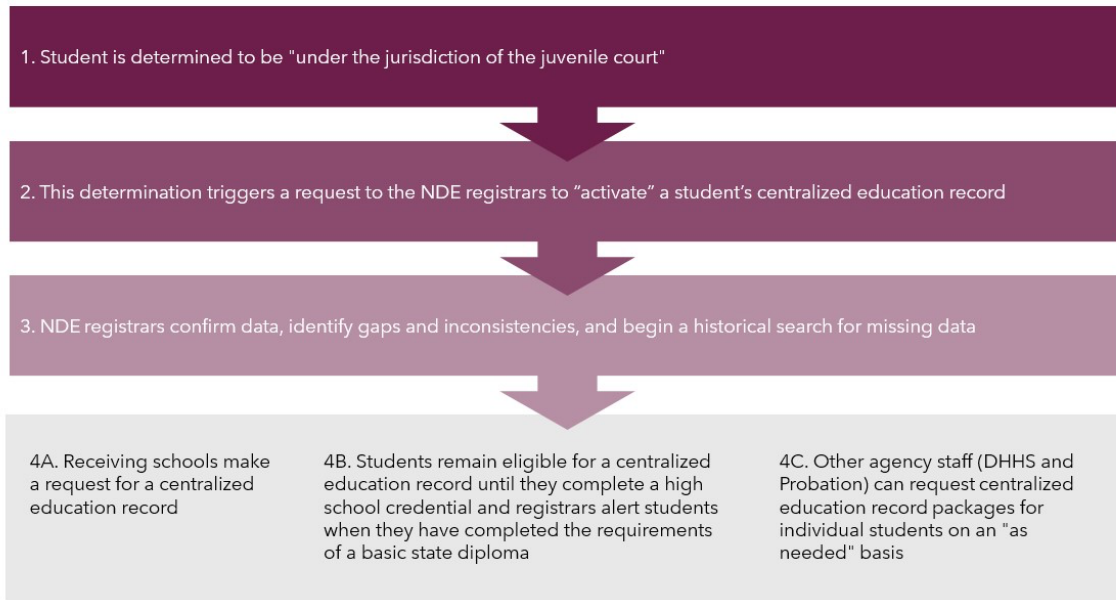
That determination will trigger a request to NDE registrars to activate a student record and begin the process of assembling their transcript. It is essential that this process begin immediately so that it can be well underway before the student is placed in a facility-based school. If the initial steps happen quickly, program leaders and teachers can have access to the student's education records at the moment of enrollment (or shortly after). Having a rapid and efficient process is the single most effective strategy to ensure students are quickly enrolled in the correct credit-bearing courses once they enter a facility-based school or arrive at a new school.

If the extant records are incomplete and there are gaps in the student's education history, NDE registrars would then begin the process of research and investigation to assemble a full and complete record over time, including compiling and confirming credits, confirming IEP and 504 plans, and performing other key functions described in Table 12. This step may also include credit translation, due to a lack of straightforward credit equivalency across Nebraska's 244 school districts. As needed, registrars may review course syllabi and other materials to help them determine whether, for example, a student who repeated the first six weeks of Algebra 1 five times would be eligible for a full credit, or if the Algebra 1 coursework at Uta Halee is equivalent to that at Omaha Public Schools (if not, this may also prompt an investigation into instructional quality). Over time, the collection of course syllabi and comparison across districts and placements could be built into a quick and easy reference database for registrars. In addition, NDE registrars would also ensure that new education data is quickly incorporated as soon as those records are created.

Finally, NDE will share complete education records with (a) receiving schools, (b) students and families (upon request and in allowable circumstances), and (c) other agency staff on an as-needed – and legally appropriate – basis.

It is crucial that eligibility for the centralized records service does not terminate when a student exits the jurisdiction of the juvenile court. Once eligible, all students remain eligible for the centralized records service until they complete a high school credential (e.g., high school diploma, GED), meaning that their records continue to be centrally held and updated. This provides critical continuity of information for students who may exit and re-enter juvenile court jurisdiction multiple times before high school graduation.

Figure 2. Illustration of Proposed NDE Centralized Records Service Protocol



The design of the proposed NDE centralized records service protocol includes more detailed design elements and considerations, described in Table 12. Resolving each of these considerations will be essential to proceed with high-quality design and implementation.

Table 12. Potential Design Considerations for the Centralized Records Service Protocol

| Centralized Records Service Protocol | Potential Design Elements and Considerations |
|--|---|
| <p>1 Student is determined to be under the jurisdiction of the juvenile court</p> | <ul style="list-style-type: none"> • There are several moments in time when students could be designated as being under the jurisdiction of the juvenile court, such as when they make their first court appearance or the moment they are detained. • Eventually, NDE’s centralized records service could be expanded to include different student groups, such as students under the jurisdiction of the adult court who are entitled to K-12 education services and students who are in tribal foster care arrangements. |
| <p>2 This determination triggers a request to the NDE registrars to activate a student record</p> | <ul style="list-style-type: none"> • Several notification approaches could be used to alert NDE that students are under juvenile court jurisdiction, including an automated court notification to NDE, or it could be more diffused (e.g., probation officer can make a request after first contact). • Ideally, this request would be accompanied by verification of parent or guardian consent to data sharing (in exchange for access to NDE’s centralized records service through the completion of a high school credential). |
| <p>3 NDE registrars confirm data, identify gaps and inconsistencies, search for missing data, and award credits</p> | <ul style="list-style-type: none"> • Ideally, NDE registrars would assemble the best current transcripts immediately via school district SISs, while being responsible for assembling complete records over time, as quickly as is practical. • Ideally, NDE registrars would continue to assemble students’ records even if they exit the jurisdiction of the juvenile court. • Ideally, key functions of NDE registrars would include: <ul style="list-style-type: none"> – Compiling and confirming credits – Collecting and confirming IEP and 504 plans – Confirming enrolled districts – Producing an inventory of credits – Tracking progress toward completion of graduation requirements • NDE registrars can use district credit and graduation requirement information to translate student credits between schools and placements. They also can award full and partial credit in a manner consistent with the receiving school’s policies and procedures or any superseding state guidance. <ul style="list-style-type: none"> – To do this, the centralized education records office must collect and annually update the graduation requirements and credit award procedures for all districts in the state. • Eventually, many of the manual tasks completed by NDE registrars could be fully or partially automated, though some elements of search will always be manual (e.g., calling school districts, making out-of-state placements). |
| <p>4A Receiving schools make requests for centralized education records</p> | <ul style="list-style-type: none"> • Ideally, NDE registrars will have sufficient knowledge of upcoming youth placements to send materials ahead (as appropriate). • Eventually, the process of sending and receiving transcripts could be automated, with schools having direct query access via a centralized |

| | |
|---|---|
| | <p>education records portal (with suitable privacy protections).</p> <ul style="list-style-type: none"> Ideally, registrars could track the movement of students receiving special education services to determine whether and how services do or do not move with students. |
| <p>4B Students remain eligible for the centralized record service until they complete a high school credential and NDE registrars alert them when they have completed the requirements for a basic state diploma (described below)</p> | <ul style="list-style-type: none"> Ideally, the centralized records service would provide continuity of information for students who may exit and re-enter juvenile court jurisdictions multiple times before high school graduation. Ideally, students will receive clear guidance about the option to receive a basic state diploma if they decide to opt in. If students do not opt in, they remain eligible to earn a diploma through their enrolled district but could change their mind and choose the basic state diploma at any time. Ideally, to the extent allowable by federal law, any student who receives this diploma can be counted as a graduate by the geographic school district for accountability purposes. |
| <p>4C Other agency staff (DHHS and Probation) can request centralized education records packages for individual students on an as-needed basis</p> | <ul style="list-style-type: none"> To start, these would likely be human-to-human requests so that NDE registrars could confirm that it is permissible to share records with requestors for the stated purpose (because there is signed consent in place and/or an applicable legal exception). Eventually, parts of this process could be automated with appropriate security and permission structures in place. |

Two new – and related – structures are also recommended to support the full potential of the proposed centralized records service, involving the creation of a concurrent statewide ESU within NDE, staffed with registrars who can assemble, translate, and award education credits, up to and including a new state diploma option.

- **Concurrent statewide ESU:** Under this proposal, NDE would not deliver educational services but rather provide back-office functions alongside districts. The functions performed by this new ESU would include collecting education data, assembling transcripts, facilitating credit transfers, and awarding credits toward a proposed statewide diploma. The Nebraska Legislature may need to grant NDE the authority to establish a new ESU and perform these functions.
- **Statewide diploma:** This report recommends that the state create a new diploma option that is aligned with the state’s minimum graduation requirements to accommodate students whose transitions and disruptions have created obstacles to successful and timely completion of their district’s requirements (e.g., a student very close to graduation in one district has their placement moved and the new district imposes additional requirements that will take months or years to complete). This state diploma would be available to students on an opt-in basis to reduce the risk of students being tracked as

stigmatized. A proposed core function of NDE registrars is alerting students when they have completed the requirements for a basic state diploma.

The governance and funding of these centralized functions would be under NDE's authority, as the recommended records service would hold *exclusively education records*. This would not change even if eligibility for the service is expanded to support additional student groups currently outside the limits of legislative authority (e.g., students in adult court, students in tribal foster care).

Proposed Phased Implementation Plan for the Centralized Records Service

The report recommends a three-phase approach to designing, developing, and fully implementing the centralized records service (see Table 13):

- Phase 1: Create supporting structures and infrastructure.
- Phase 2: Develop the centralized records service.
- Phase 3: Pilot, refine, and scale.

Within each phase is a series of individual, mutually reinforcing recommendations that are collectively designed to:

- Continue the momentum of cross-agency collaboration and build on the work of the NRS §79-303.01 leadership team.
- Create a sense of urgency to address both the immediate and long-term negative effects that education disruptions have on youth under juvenile court jurisdiction.
- Gradually change the data-sharing behavior of professional staff through training, education, and new requirements to work differently.
- Generate buy-in among users of the centralized records service by promoting that the approach will result in better use of their time and more efficient use of public resources.
- Produce the support, infrastructure, and funding needed to successfully design, develop, and implement the centralized records service.

If implemented successfully, it is plausible that a mature centralized records service could one day be part of a multi-agency effort to integrate all of the MOU partners' data systems and create a single comprehensive case management system. At this time, the statutory charge of NRS §79-303.01, the complex privacy implications when education data is readily available to non-education staff, and the practical and political limitations of cross-agency data integration necessitates this slow, deliberate approach, in which education data on students under the jurisdiction of the juvenile court is first aggregated into a single system.¹⁹⁷

Table 13. Proposed Three-Phase Implementation Plan for the Centralized Records Service Protocol

| Phase 1 | Phase 2 | Phase 3 | Potential Long-Term Vision |
|--|---|---|--|
| <p>A. Create Supporting Structures</p> <ol style="list-style-type: none"> 1. Create and fund a permanent cross-agency working group. 2. Hold an annual systems-involved student summit. 3. Establish a standard education placement process for youth. 4. Require better data reporting by all placements. 5. Facilitate general, district, and cross-agency training (e.g., FERPA, education disruptions, importance of data sharing). 6. Require schools to accept and award all transfer credits. 7. Require that youth be placed into credit-bearing, transferrable, graduation-aligned courses. <p>B. Create Centralized Education Records Infrastructure</p> <ol style="list-style-type: none"> 8. Hire 2-3 experienced registrars to support the development process and provide initial district support and outreach. 9. NDE is granted the authority to set up a data repository and centralized records service. 10. Establish a list of standardized data requirements for education data. 11. NDE creates data repository that is linked to existing school district and placement SIS infrastructure via an application programming interface (API). 12. NDE becomes a concurrent statewide ESU and receives authority to assemble, translate, and award credits and a state diploma. 13. NDE is granted authority to create and award a state diploma. | <p>C. NDE Develops a Centralized Records Service Protocol, Including the Following Key Components</p> <ol style="list-style-type: none"> 14. Students become eligible for a centralized education record at the moment they are determined to be under the jurisdiction of the juvenile court. 15. This determination triggers a request to the NDE registrars to activate a student record. 16. NDE registrars confirm data, identify gaps and inconsistencies, search for missing data, and award credits. 17. Receiving schools make requests for centralized education records. 18. Students remain eligible for the centralized records service until they complete a high school credential and NDE registrars alert them when they have completed the requirements for a basic state diploma. 19. Other agency staff (DHHS and Probation) can request centralized education records for students on an as-needed basis (e.g., to prepare for court reports or support placement transitions). <p>D. Create Key Process Components</p> <ol style="list-style-type: none"> 20. Create a single, state-approved data-sharing waiver. 21. Require all facility-based schools to adopt and use an NDE-approved SIS. | <p>E. Hire and Train Additional NDE Registrars</p> <ol style="list-style-type: none"> 22. Provide FERPA training. 23. Provide parent rights, student rights, and special education training. 24. Provide credit translation training. 25. Provide district graduation requirement training. <p>F. Pilot, Study, and Refine the Centralized Records Service</p> <ol style="list-style-type: none"> 26. Design pilot program and evaluation plan. 27. Implement pilot program. 28. Analyze results. 29. Refine and improve the centralized records service. <p>G. Fully Implement the Centralized Records Service</p> <ol style="list-style-type: none"> 30. Create and execute a plan for implementation and scale-up. 31. Institute accountability and enforcement mechanisms. 32. Create feedback loops for evaluation and continuous improvement. | <p>Plan for Potential Expansion of the Centralized Records Service Model, Components</p> <ul style="list-style-type: none"> • Fully integrate with other agencies to create a comprehensive case management system. • Merge and manage DHHS Superintendent Letters within the centralized records service. • Create mechanisms that facilitate more timely and efficient flow of education funds, specifically those funds that would support seamless delivery of special education services. |

The sections below present an overview of each phase of implementation, including the rationale for the sequence of events, and detailed descriptions of each individual recommendation in Table 13. Each recommendation includes the following components:

- **Key Components:** Each individual recommendation includes a set of key components that describe the intent of the recommendation and/or specific design elements to consider.
- **Lead:** In some cases, individual recommendations include a lead agency or entity that will be instrumental in leading a specific initiative, providing funding and support, or overseeing governance in some way.
- **Legislation Needed:** In some cases, state agencies may need statutory support to establish new responsibilities, create new programs, or provide the legal foundation for new initiatives.
- **Funding Needed:** In some cases, additional state funding may be needed for staff or resources for the creation, implementation, and maintenance of initiatives.
- **Open Questions:** Each individual recommendation also includes a set of open questions that need to be answered by leaders and staff during its design and implementation.

In all cases, but particularly with respect to the lead agency, the descriptions of the recommendations intentionally leave space for MOU partners to determine the best course of action given their unique understanding of the core mission, functions, responsibilities, and capacity of their state agency (as well as that of their counterparts at other state agencies).

Phase 1: Create supporting structures and infrastructure. This report recommends a two-pronged approach to Phase 1: execute immediate updates to training and processes for direct care staff while simultaneously developing the initial policy infrastructure with NDE to create the centralized records service functions.

First, the supporting structure recommendations aim to shift mindsets and change adult behavior through training, education, and new requirements around course placement, credit translation, and data sharing. Phase 1 also calls for the creation of a permanent cross-agency working group to support the development and implementation of the centralized records service and related issues affecting students under the jurisdiction of the juvenile court. In addition to supporting the centralized records service development and implementation process, these supporting structures have the potential to immediately improve cross-agency data sharing, facilitate more seamless transitions for students between schools and placements, and limit disruptions to students' education.

The second set of recommendations for Phase 1 is intended to create the initial infrastructure to support the centralized records service. The main goal of this set of recommendations – which will require modifications to existing legislation, the creation of new legislation, and/or state funding support – is to grant NDE the authority to establish a centralized records service within a concurrent statewide ESU model that also gives NDE the authority to assemble, translate, and award credits, including toward a newly created state diploma. At this point in time, two or three knowledgeable tenured registrars should be hired to provide user input on the infrastructure design and start to establish clear roles and responsibilities for their position. With this foundation set, NDE can work in partnership with other agencies to fully develop and implement the centralized records service.

Table 14. Phase 1 Recommendations

| Recommendation | Key Components | Lead Agency | Legislation Needed | Funding Needed | Open Questions |
|---|--|----------------------------|--------------------|----------------|---|
| A. Supporting Structures | | | | | |
| 1 Create and fund a permanent cross-agency working group. | <ul style="list-style-type: none"> Includes staff from NDE, DHHS, Courts, and Probation as well as parents and youth. Meets regularly. Mission is to improve educational outcomes (e.g., state assessment proficiency, graduation rates) for youth under juvenile court jurisdiction. | Nebraska Legislature | Yes | Yes | <ul style="list-style-type: none"> What authority should this working group have? To whom does this working group report? Who sets the agenda and leads this group's work? How should membership be determined? Should the group have a sunset date? |
| 2 Hold an annual systems-involved student summit. | <ul style="list-style-type: none"> Hold an annual educational summit on systems-involved students for facility staff, school staff, probation officers, DHHS caseworkers, and other relevant staff. Allow professionals working in juvenile justice and child welfare time to make and strengthen connections among agencies and discuss timely topics at an in-person summit. | Cross-agency working group | No | Potentially | <ul style="list-style-type: none"> Should the summit be a continuation of the Educational Planning for Systems-Involved Youth Conferences happening in the fall of 2024? What agency or agencies should be responsible for hosting, planning, and funding the summit? What training could be provided at the annual summit? |
| 3 Establish a standard education placement process for youth. | <ul style="list-style-type: none"> Process should include DHHS Superintendent Letters, best interest determination meetings, and dispute resolution meetings when needed. Process could clarify school district residency for students. | Cross-agency working group | Potentially | No | <ul style="list-style-type: none"> What is the appropriate timeline to require receiving schools to enroll students in the appropriate courses? What agency should manage this process? How should emergency removals be handled? How should the process be established (e.g., statute, rules)? Who should have input into what the process should be? |
| 4 Require better data reporting by all placements. | <ul style="list-style-type: none"> Adjust Rule 18 so that those schools are required to submit and receive more and better data. | Cross-agency working group | Potentially | No | <ul style="list-style-type: none"> What additional elements should be included in reporting? What accountability measures might be needed? |

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|---|--|----------------------------|-------------|-----|---|
| | <ul style="list-style-type: none"> Require Rule 18 schools to submit the same data as all other schools. Include better data reporting requirements for YRTC, contract service providers, and all other placements. | | | | <ul style="list-style-type: none"> What are the consequences for noncompliance? What resources would be needed to support compliance with new regulations? What needs to be in place to ensure that placements report quality data? |
| <p>5 Facilitate general, district, and cross-agency training (e.g., FERPA, education disruptions, importance of data sharing).</p> | <ul style="list-style-type: none"> Train Nebraska professional staff on when student education data can and cannot be shared under FERPA and with whom it can be shared. Could include training for families, attorneys, foster parents, CASA. | Cross-agency working group | No | Yes | <ul style="list-style-type: none"> Who should provide training? Who should training be mandatory for? Who should pay for the trainings? What additional resources (e.g., guidebooks) are needed to support the trainings? What languages and mediums should the training be in? What funding sources might be available to cover these training costs? |
| <p>6 Require schools to accept and award all transfer credits.</p> | <ul style="list-style-type: none"> NDE registrar's office will have to develop a complete and up-to-date set of graduation requirement and credit translation policies from all 244 districts. NDE could conduct an audit of current credit translation and credit acceptance from any out-of-home placements back to districts to determine the most restrictive districts. | NDE | Potentially | No | <ul style="list-style-type: none"> How will all graduation requirements and credit translation policies be collected? In what recurring timeframe will all graduation requirements and credit translation policies be updated? What credit translation calculation model should be used? Will closing a student's records trigger an alert or notification? To which parties? How should partial credits be addressed to ensure that students continue and complete the appropriate courses? |
| <p>7 Require that youth be placed into credit-bearing, transferrable, graduation-aligned courses.</p> | <ul style="list-style-type: none"> Amend Rule 10 and Rule 18 to specifically require receiving schools to immediately enroll youth under the jurisdiction of the juvenile court into credit-bearing, transferable, and graduation-aligned courses. Schools must maintain clear documentation of courses that enable students to meet any district's graduation requirements. Consider allowing for competency-based credit. | NDE | Potentially | No | <ul style="list-style-type: none"> How will interim-program and special purpose schools identify courses to prioritize for different graduation requirements? How should current curricula and materials be assessed to ensure alignment with Nebraska's graduation standards? |

B. Create Centralized Education Records Infrastructure

| | | | | | |
|---|---|----------------------------|-------------|-----|---|
| <p>8 Hire 2-3 experienced registrars to support the development process and provide initial district support and outreach.</p> | <ul style="list-style-type: none"> • NDE hires 2-3 experienced registrars. • Registrars are trained on key guidance related to FERPA, family and student rights, credit translation, and other foundational job responsibilities. • Registrars support technical architects as they build out centralized records system by providing input on usability. • During infrastructure creation and beyond, registrars start building relationships and supporting districts and facilities. | NDE | No | Yes | <ul style="list-style-type: none"> • How can the expertise of registrars be leveraged during the design and creation process? • How can registrars co-create their job description and responsibilities? |
| <p>9 NDE is granted the authority to set up a data repository and centralized records service.</p> | <ul style="list-style-type: none"> • NDE holds only education records (e.g., credits, attendance records, IEPs, 504 plans). • Data is integrated with all district SISs. • NDE uses state student ID numbers as unique identifiers. | NDE | Potentially | Yes | <ul style="list-style-type: none"> • How many registrars will need to be hired? • Should the centralized records service reside within an existing NDE department? • Should a cross-agency collaborative governing board or advisory board oversee the centralized records service? • What funding will come with this authority? |
| <p>10 Establish a list of standardized data requirements for education data.</p> | <ul style="list-style-type: none"> • This list of standardized data elements eventually becomes the set of data fields in centralized education records. • Representatives from all four agencies give input into what data a standard education record should contain, and amend any contrary policies, as necessary. | Cross-agency working group | No | No | <ul style="list-style-type: none"> • Would some schools be required to change their processes to comply with all chosen elements? If so, how would that be implemented? • Would schools need to use certain SISs? Would any have to change? |
| <p>11 NDE creates data repository that is linked to existing school district and placement SIS infrastructure via API.</p> | <ul style="list-style-type: none"> • Allows education data on eligible students (found via unique state ID) held by any district SIS to be automatically retrieved as soon as student records are activated within centralized education record system. • Facility-based schools that do not use an SIS (e.g., Rule 18 schools) submit data to the centralized records service via flexible mechanisms until they implement an SIS. | NDE | No | Yes | <ul style="list-style-type: none"> • What existing data infrastructure and resources can be leveraged to create this new data repository? • What is the best way to coordinate this approach? |
| <p>12</p> | <ul style="list-style-type: none"> • NDE registrars provide credit reconciliation and award credits. | NDE | Yes | Yes | <ul style="list-style-type: none"> • What existing legislation needs to be modified, or new legislation created, to provide NDE with the authority to assemble, |

| | | | | | |
|--|---|------------|------------|-----------|--|
| <p>NDE becomes a concurrent statewide ESU and receives authority to assemble, translate, and award credits and a state diploma.</p> | <ul style="list-style-type: none"> • NDE would not deliver education services but rather provide back-office functions alongside districts. • NDE registrars collect educational data, assemble transcripts, facilitate credit transfer, and award credits toward a proposed statewide diploma. | | | | <p>translate, and award credits and issue state diplomas?</p> <ul style="list-style-type: none"> • Does NRS §79-1204¹⁹⁸ need to be modified to allow for the type of concurrent statewide ESU proposed in this report? |
| <p>13 NDE is granted authority to create and award a state diploma for students under the jurisdiction of the juvenile court.</p> | <ul style="list-style-type: none"> • State diploma includes minimum requirements that youth under the jurisdiction of the juvenile court can opt into instead of meeting their home district's graduation requirements. • Eligible students can opt into the diploma at any point. • Notify all youth under the jurisdiction of the juvenile court of the diploma and its requirements when they first enroll in a facility-based school after becoming involved with the juvenile court. • The new state diploma should be designed to comport with the requirements of a high school equivalency diploma, as defined in §79-730,¹⁹⁹ in order to be accepted at the University of Nebraska and Nebraska state and community colleges under NRS §79-733.²⁰⁰ | <p>NDE</p> | <p>Yes</p> | <p>No</p> | <ul style="list-style-type: none"> • How could NRS §79-730²⁰¹ be modified to create a state diploma for students under the jurisdiction of the juvenile court? • If students receive a state diploma, would they no longer be in K-12 classrooms at facility-based schools? • How can facility-based schools provide students who receive a state diploma with postsecondary education programming? • What should the requirements of the diploma be? • How rigorous should the requirements be? • What would be the consequences of having lower requirements? • Would students still be eligible for all financial aid? • What outreach strategies will be employed to ensure people are aware of this option? • What additional funding, if any, is needed? |

Phase 2: Develop the centralized records service. The second phase will focus on the development of the centralized records service and its associated processes.

This report recommends waiting to initiate the planning and development work for the centralized records service until Phase 2, as the creation of supportive structures and infrastructure in Phase 1 will determine the opportunities and constraints that the centralized records service will operate under. For example, the final design of the concurrent statewide ESU in Phase 1, including the level of authority NDE is granted to award credits and potentially a state diploma, will determine the design of the credit translation process that NDE registrars engage in, as well as their training in Phase 3. In other words, the Phase 2 recommendations in Table 15 assume that the critical Phase 1 infrastructure will be implemented as proposed. However, MOU partners should revisit the Phase 2 recommendations at the conclusion of Phase 1 to make any necessary modifications based on the work to date.

Finally, Phase 2 also calls for two key process components tied to the design of the centralized records service: creating a single state-approved data-sharing waiver for securing parental consent for data sharing, and requiring all facility-based schools to adopt and use an NDE-approved SIS. The rationale for including these process components in the Phase 2 implementation (rather than Phase 1) is that the design and timing of the state-approved data-sharing waiver will be influenced by when and how students ultimately become eligible for the centralized records service. The rationale for waiting to require all facility-based schools to adopt and use an NDE-approved SIS is that it will give NDE and these programs time to plan for the transition to a new data-sharing system.

Table 15. Phase 2 Recommendations

| Recommendation | Key Components | Lead Agency | Legislation Needed | Funding Needed | Open Questions |
|---|----------------|-------------|--------------------|----------------|---|
| C. NDE Develops a Centralized Records Service Protocol, Including the Following Key Components | | | | | |
| <p>14 Students become eligible for a centralized education record at the moment that they are determined to be under the jurisdiction of the juvenile court.</p> | See Table 12 | NDE | Potentially | No | <ul style="list-style-type: none"> Does this type of cross-agency triggering event need legislation? What are the exceptions that need to be accounted for? |
| <p>15 This determination triggers a request to the NDE registrars to activate a student record.</p> | See Table 12 | NDE | No | No | <ul style="list-style-type: none"> What are the options for different notification processes? When should parent or guardian consent take place? |
| <p>16 NDE registrars confirm data, identify gaps and inconsistencies, search for missing data, and award credit.</p> | See Table 12 | NDE | No | No | <ul style="list-style-type: none"> What mechanism is used to require NDE registrars to continue assembling transcripts when students exit the jurisdiction of the juvenile court? How will registrars document missing information if a record is sealed? |
| <p>17 Receiving schools make requests for centralized education records.</p> | See Table 12 | NDE | No | No | <ul style="list-style-type: none"> What mechanisms should schools use to make centralized education records requests? In what cases can and should NDE registrars send centralized education records before a formal request is made? What explanations should NDE registrars be required to provide for credit translation and award decisions? |

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| | | | | | <ul style="list-style-type: none"> • What avenues do districts and facility-based schools have to dispute credit decisions? |
| <p>18</p> <p>Students remain eligible for the centralized records service until they complete a high school credential and NDE registrars alert them when they have completed the requirements for a basic state diploma.</p> | See Table 12 | NDE | No | No | <ul style="list-style-type: none"> • What platforms can be used to allow students to access their centralized education records while in grades K-12 as well as when they exit the system? • What avenues do students have to dispute credit decisions? • What training is needed for other agency staff to be aware of the processes in place? |
| <p>19</p> <p>Other agency staff (DHHS and Probation) can request centralized education records for students on an as-needed basis (e.g., to prepare for court reports or support placement transitions).</p> | See Table 12 | NDE | Potentially | No | <ul style="list-style-type: none"> • What training will registrars need to ensure they provide the appropriate staff with access to centralized education records? • What qualifies as an as-needed request? • What information should be withheld and under what circumstances? |

D. Create Key Process Components

| | | | | | |
|---|---|----------------------------|-----|----|--|
| <p>20</p> <p>Create a single state-approved data-sharing waiver.</p> | <ul style="list-style-type: none"> • With appropriate tracking of who holds educational rights, create a single state-approved data-sharing agreement to secure family consent for sharing student data across state agencies. • The waiver should specify what agencies or entities would receive data, which pieces of data each entity would receive, and when. • The form should clearly state the benefits and risks of consenting and that consent can be revoked at any time. | Cross-agency working group | Yes | No | <ul style="list-style-type: none"> • When would parents or guardians sign the form? • Who should explain the benefits and risks of consent to parents and guardians? • What happens if parents or guardians refuse consent? • Where should the form get stored or uploaded so that anyone who needs to can reference it? • Should the form expire after a certain period of time? • If parents or guardians want to revoke consent, who should they contact? |
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| <p>21 Require all facility-based schools to adopt and use an NDE-approved SIS.</p> | <ul style="list-style-type: none"> • Require Rule 18 schools, YRTC, and other placements to adopt and implement NDE-approved SIS to allow for real-time data record transfer to NDE registrars. • Create multi-stage plan to transition facility-based schools to new SIS. • Provide resources and implementation support for facility-based schools as they transition to new SIS. | NDE | Potentially | No | <ul style="list-style-type: none"> • What should the timeline be for implementation? • What should be in place to enforce this requirement (e.g., statute, rule)? • What should the consequences be for noncompliance? • What funding sources can be used? • How might districts that choose the same SIS work together to help defray some of the costs? • What can be put in place to help districts see that the benefits outweigh the costs and changes to their current SIS? |
|---|--|-----|-------------|----|---|

Phase 3: Pilot, refine, and scale. The third and final phase will require NDE to hire and train staff, design and implement a pilot program, and refine and improve the centralized records service before full implementation.

This report recommends that NDE wait to hire and train the full amount of registrars (except for the initial two or three who will support the infrastructure design phase) until the infrastructure and the centralized records service are fully developed, as the final design and process will dictate the number of registrars needed to operate the centralized records service, the amount of work the registrars will be engaged in, and the level of training they will need to successfully execute their core functions and responsibilities.

Pilot programs can generate buy-in from key stakeholders, including users of the centralized records service, and produce data and insights that demonstrate the effectiveness of the approach as well as information that can be used to refine and improve the service. As described in Table 16, pilot programs typically have four stages: (a) design, (b) implementation, (c) analysis, and (d) refinement and improvement. Well-design pilots have clear goals and objectives, representative and adequate numbers of participants, and robust analysis plans that directly inform refinement and improvement of the program or service.²⁰²

Finally, this report recommends three main steps for full implementation of the centralized records service: (a) create and execute a plan for full implementation and scale-up across Nebraska, (b) institute accountability and enforcement mechanisms to ensure compliance with new data-sharing requirements across schools and placements, and (c) create feedback loops to ensure that the centralized records service is continuously improved based on data, evidence, and feedback from youth, parents, schools, districts, and agency staff.

Table 16. Phase 3 Recommendations

| Recommendation | Key Components | Lead Agency | Legislation Needed | Funding Needed | Open Questions |
|---|--|----------------------------|--------------------|----------------|---|
| E. Hire and Train Additional NDE Registrars | | | | | |
| 22 Provide FERPA training. | <ul style="list-style-type: none"> Provide extensive training for registrars on FERPA, including guidance on when student records may be disclosed without consent. | NDE | No | Potentially | <ul style="list-style-type: none"> Do new staff or contractors need to be hired to provide this training? Could any existing resources or databases be used in the training? What funding sources could support these trainings? Outside of NDE registrars, should other staff get this training? What skills/competencies are most important for registrars to have to help make this successful? |
| 23 Provide parent rights, student rights, and special education training. | <ul style="list-style-type: none"> Train registrars on the rights of parents in terms of education decision-making, special education rights, education data access, and consent practices for data sharing. | | | | |
| 24 Provide credit translation training. | <ul style="list-style-type: none"> Train registrars on translating education credits from different credit systems. Include translation of duplicative, partial, and out-of-state credits. | | | | |
| 25 Provide district graduation requirement training. | <ul style="list-style-type: none"> Train registrars on how to reconcile differences across district graduation requirements when assembling student transcripts. Train registrars on the process of notifying students when they are eligible for the state diploma. | | | | |
| F. Pilot, Study, and Refine the Centralized Records Service | | | | | |
| 26 Design pilot program and evaluation. | <ul style="list-style-type: none"> Establish roles and responsibilities across agencies. Develop clear goals and criteria for measuring those goals. Create a data collection and analysis plan. | Cross-agency working group | No | Yes | <ul style="list-style-type: none"> Do new staff or contractors need to be hired to design and analyze the results from the pilot program? What funding is needed to support the pilot? What role should MOU partners have in determining the goals of the pilot and how to improve the |
| 27 Implement pilot program. | <ul style="list-style-type: none"> Recruit study sites (i.e., schools and placements) and participants (e.g., students). Implement pilot. | NDE | No | Yes | |

| | | | | | | |
|--|---|----------------------------|----|-----|--|---|
| | <ul style="list-style-type: none"> • Collect data. | | | | | centralized records service based on the results? |
| 28 Analyze results. | <ul style="list-style-type: none"> • Conduct quantitative and qualitative data analysis. • Conduct interviews with staff and youth. • Compile and generate results. | Cross-agency working group | No | Yes | | <ul style="list-style-type: none"> • How should schools, placements, and students be recruited to participate in the pilot, and should it be mandatory or voluntary? |
| 29 Refine and improve centralized records service. | <ul style="list-style-type: none"> • Determine steps to refine and improve the centralized records service. • Determine the timeline and who is responsible for executing next steps. • Determine the process for ongoing evaluation and feedback loops to ensure that the centralized records service is continuously improved. | Cross-agency working group | No | Yes | | |

G. Full Implementation of the Centralized Records Service

| | | | | | | |
|---|---|----------------------------|-------------|----|--|---|
| 30 Create and execute plan for implementation and scale-up. | <ul style="list-style-type: none"> • Create a communication and outreach plan. • Create a phase-in approach by which new schools and placements are gradually brought into the centralized records service in a scale-up process. | NDE | No | No | | <ul style="list-style-type: none"> • What should the timeline be for full implementation? • What role should MOU partners play in communication and outreach? |
| 31 Institute accountability and enforcement mechanisms. | <ul style="list-style-type: none"> • Determine the consequences for schools or placements that do not comply with centralized records service requirements. | NDE | Potentially | No | | <ul style="list-style-type: none"> • What enforcement mechanisms should be in place for noncompliance (e.g., statute, rule)? |
| 32 Create feedback loops for evaluation and continuous improvement. | <ul style="list-style-type: none"> • Create ongoing data collection mechanisms to track key outcomes. • Develop a plan for continuous data analysis to improve the centralized records service. • Determine the role MOU partners should play in making changes and improvements to the centralized records service. | Cross-agency working group | No | No | | <ul style="list-style-type: none"> • What NDE staff should be responsible and have the capacity for supporting continuous improvement efforts? |

Potential long-term vision for the centralized records service

The three-phase implementation plan has been intentionally designed to leave open the potential for the centralized records service to be expanded to include different groups of students. This would include students under the jurisdiction of the adult court and students under tribal jurisdiction. The centralized records service could also theoretically be expanded to include all students in Nebraska, which would limit education disruptions for any student who switches schools, comes from out of state, or is highly mobile for any other reason.

The centralized records service could also expand its functionality to include:

- Full integration with other agencies to create a comprehensive case management system.
- Merging and management of DHHS Superintendent Letters within the service.
- Mechanisms that facilitate more timely and efficient flow of education funds, specifically those funds that would support seamless delivery of special education services.

MOU partners, and any cross-agency working group that is formed to support this work, should keep this long-term vision in mind when designing the centralized records service and creating its supporting infrastructure to ensure that these future possibilities are not inadvertently foreclosed.

Other agency-specific recommendations

As the legislative focus of NRS §79-303.01 is education data, a large part of the planning, implementation, and scaling of the recommended centralized records service initially falls to NDE.²⁰³

NDE's responsibilities, however, do not preclude the other MOU partners – DHHS and the Judicial Branch (Probation and the Courts) – from working to create a more efficient and comprehensive data-sharing system for youth under the jurisdiction of the juvenile court. The following agency-specific recommendations are meant to supplement and fortify the changes facilitated by the larger centralized education records service and address gaps that were consistently noted throughout the stakeholder engagement process. As appropriate, these recommendations will be confirmed as commitments in the forthcoming language recommended for a revised MOU.

Table 17. Other Agency-Specific Recommendations

| Probation | DHHS | Courts | Activity |
|-----------|------|--------|---|
| X | X | | Incorporate education training into direct care staff onboarding and training: NDE experts provide training for caseworkers and probation officers on student education so they can be better advocates for youth in their care and inform parents when they have questions. From stakeholder engagement, one interviewee felt that “many caseworkers and probation officers need to have at least a working knowledge of the education system, which should be introduced during onboarding and yearly refresher training.” Another argued that this type of onboarding training “would go a long way in making sure students receive the services they are entitled to.” ²⁰⁴ |
| | | X | Incorporate education training into judicial orientation, continuing education, and other specialized training opportunities: Juvenile court judges have access to documentation like Education Court Reports, which contain relevant educational information about young people, yet even with this information, they may lack context or background on educational needs and services: “We’ve heard that judges have a limited understanding of what services are available where.” ²⁰⁵ Improving judges’ ability to interpret the report, understand the different needs of young people, and be more aware of services through training with juvenile justice education and child welfare education specialists could help facilitate better outcomes for young people. |
| X | X | X | Confirm data elements each time a student is in court: During predisposition investigations, and continuing into hearings and rulings, probation, court, and legal teams should cross-reference and confirm the accuracy of existing directory and education data and address any missing or incorrect information. |
| | | X | Make select juvenile court records non-public by default: All juvenile court records in Nebraska are currently available publicly unless specifically designated by the court, including health and education records. This subverts the privacy protections of federal and state laws, as it converts otherwise protected records into unprotected records. Requiring that a select set of highly private juvenile court records be non-public could prevent those records from hindering education, employment, and housing prospects and would align with best practices nationwide. |
| X | X | | Create requirements for data-sharing moments and expectations: Collaboratively create a set of binding and public requirements that outline when data should be shared, who it should be shared with, what data elements should be included in the transfer, and timelines for how quickly data should be shared. Include information on relevant laws (e.g., FERPA, HIPAA) that guide when data can and cannot be shared. These requirements would be separate from data reporting guidelines. |
| X | X | X | Make requirements for education data sharing explicit in Interstate Compacts regarding youth under the jurisdiction of the juvenile court: Amend NRS §43-1101 and §43-1103 to specify DHHS and the Judicial Branch |

(Courts and Probation) as placing agencies under the law. Establish rules to ensure that youth education records are received not sooner or more frequently than 90 days and that the courts and relevant Interstate Commission personnel monitor such activities.²⁰⁶

Collaboration among NDE, DHHS, and the Judicial Branch is essential to create an effective data-sharing system for youth under the jurisdiction of the juvenile court. Together, the efforts listed above and the recommended larger centralized education records service will help to ensure that all agencies involved are better equipped to support the educational and broader needs of the young people they serve. Ongoing improvement efforts by all agencies are encouraged and should continue beyond the scope of NRS §79-303.01 to continue to address barriers to successful educational and life outcomes for young people involved in the juvenile justice and child welfare systems.²⁰⁷

Findings and Recommendations Outside the Scope of Legislative Authority

The legislative authority for this work is specific in scope, and this report is responsive to the requirements laid out in NRS §79-303.01. It would, however, be a disservice to Nebraska's young people, and those who serve them, to not include a small set of high-priority out-of-scope findings regarding elements that also interfere with students' opportunity to access equitable and high-quality educational experiences.²⁰⁸ In the more than 150 touchpoints that Bellwether offered throughout the course of the work, stakeholders who had experience with education for students under the jurisdiction of the juvenile court understandably did not limit their disclosure to stories, perceptions, and frustrations specific to data sharing.

Educational services are universally low quality. The quality of education that is delivered to youth under the jurisdiction of the juvenile court placed in out-of-home facilities, including juvenile detention centers, group homes, and treatment facilities, is poor. Students in these facilities shared their experiences with completing coursework at a far-too-rapid rate, with little to no support from the education staff.

"The work here is lonely. I barely get any help, and when I do, I'm just given a cheat sheet. I want to really learn the material. It will be hard to go back to school and I'm scared to have to do it all myself again. Right now, I don't interact with others. We can't get the credits we need."²⁰⁹

In some cases, students reported that they received no direct instruction at all and did all of their work in front of a computer – including physical education. In other cases, youth completed packets that were originally designed for migrant workers' children in the 1970s.

*"Portable Assisted Study Sequence (PASS), created in 1978, was designed to assist migrant farm workers' children accumulate high school credits. PASS packets ... cover a variety of English, math, and social studies/history courses, comprised of multiple units, in workbook format, with worksheets for students to fill out. All PASS work is written about two to three years below reading level (e.g., a ninth grade English course is written at the reading level of a sixth or seventh grader)."*²¹⁰

The quality of education is an urgent concern and ought to be a top priority. In order to address this issue, NDE, Courts, Probation, and DHHS must take the need to provide high-quality education services seriously and jointly commit to using practices that protect high-value instructional time. In addition, as the entity that accredits these schools, NDE should conduct a careful review of its accreditation process and engage in significantly more robust evaluation of and support for these facility schools.

Special education services are not moving as intended. Qualitative evidence suggests that special education services may not be following students, nor is there a proper enforcement mechanism to ensure that it does. In Nebraska, funding for special education services is delivered based on a reimbursement system, and who is responsible for delivering special education services is defined by statute depending on the student's ward of the state or court status and where they are placed.²¹¹ Typically, this means that the resident school district is still required to provide or contract out services for these students. With no functional enforcement mechanism to ensure this responsibility is fulfilled, services may not be provided consistently for students who move to different placements or schools.

*"If a student goes to a facility, the money might stay at the district. There isn't a mechanism to trigger the money to go where the student is."*²¹²

Even though interim-program students remain residents of their home districts, which receive funding for special education from the state, there is often still disagreement between districts and placements when coordinating special education services and payments.

"There is confusion about who is paying for the IEP services that leads to funding barriers. It should be the school they came from, not [our

*facility]. Should [the facility] bill the school district for SPED funding?
This is a constant point of contention for us.”²¹³*

Nebraska is required to educate children with disabilities in every educational setting. In fact, recent Justice Department investigations into juvenile justice facilities in Texas provide a clear example of the state’s responsibility to serve students with disabilities at secure facilities.

“States that receive federal funds to help educate children with disabilities are required to use those funds appropriately for the benefit of these children.” ... “Systematically failing to evaluate children suspected of having disabilities inevitably deprives these children of the special education these funds were meant to provide. Texas received funds under the Individuals with Disabilities Education Act but failed to meet their obligation to ensure that children with disabilities would receive adequate education according to their special needs, among other things. Without appropriate services, children with disabilities in Texas juvenile corrections facilities cannot access the general education curriculum, preventing meaningful rehabilitation and progress.”²¹⁴

To improve the delivery of special education services, Bellwether recommends that NDE conduct a detailed special education audit to determine whether and how districts are complying with state and federal laws, as well as the purpose of legislation. This analysis would uncover whether student needs are being met and whether services are moving with students as they transition to ensure continuity of support as intended. In the future, NDE could consider creating a centralized bursar position within the centralized education records service’s registrar’s office and setting aside a resource pool for special education funding specifically for youth under the jurisdiction of the juvenile court while they are in an out-of-home placement to ensure that they experience no gaps in service delivery.

Large-scale analysis is impossible. The availability of data on the population of youth under the jurisdiction of the juvenile court is extremely limited and the quality is low. Data that is publicly available may be difficult to interpret, as definitions of key terms and subgroups may differ for each source.

“I think, when it comes down to it, people don’t want to talk about or publish [data about youth under the jurisdiction of the juvenile court]

*because then they'll actually have to do something about [negative outcomes]."*²¹⁵

Without tracking, analysis, and reporting of data on youth under the jurisdiction of the juvenile court by all agencies, it is much easier to ignore disproportionalities and poor outcomes remain invisible. Therefore, Nebraska's agencies serving youth under the jurisdiction of the juvenile court should prioritize the robust collection, analysis, and public reporting of data. The increased availability of data will enable the state to better understand – and then improve – educational experiences and outcomes.

Some students are excluded. Due to the limitations of the statutory language, youth under the jurisdiction of adult court or the tribal court were not included within the scope of this work. Each of these subgroups may experience similar challenges when it comes to data sharing but may be subject to additional laws and guidance. These subgroups should be included in future conversations about education data sharing.

Appendix A: Use Cases

Probation

Andre

| # | Andre's Journey | Key Service Provider | Data Requirements | Data System |
|---|--|---|---|--------------------------|
| 0 | <p>Background: Andre was born and raised in Sioux City, Iowa. Throughout his childhood, he experienced emotional and physical abuse related to his father's alcoholism. When Andre was 12, he moved to Grand Island with his mother and sister and had trouble adjusting to the new setting. Initially, he was enrolled at Westridge Middle School. He maintained average grades and consistent attendance. Over the summer before ninth grade, he had a job at the local movie theater and began hanging out with a group of coworkers. When he started high school, his grades began to decline, and his attendance faltered. At 14, he was taken into temporary custody for his first driving under the influence (DUI) offense and returned home. At 15, he was stopped again for a DUI and was sent to the Boys Town Chemical Use outpatient treatment program at a clinic in Lincoln. After inconsistent attendance at the treatment program, he was found to be in violation of his probation and was court ordered to participate in further alcohol treatment programming. He had trouble attending this programming due to a lack of transportation. He was a junior at Grand Island Senior High when he was stopped for a DUI for the third time after a night out with friends. When this happened:</p> | | | |
| 1 | <p>Law enforcement takes Andre into custody for a DUI and contacts probation to request Andre is screened for detention, probation is statutorily responsible for the juvenile intake process. This is Andre's second DUI.</p> <p>The probation officer largely relies on law enforcement, Andre and his parent/guardian and asks limited questions about education</p> <p><i>In Nebraska, youth are often entering the system through law enforcement. When they are taken into custody law enforcement has the authority to cite and release to parent or contact probation to request a detention screening.²¹⁶</i></p> <p>The probation officer completes the interview and screening instrument for Andre and determines if he should be detained, an alternative to detention, or release to parents without restrictions. The information gathered is entered into NPACS.</p> <p><i>"If this process is happening in the middle of the night, and, if the family is involved with DHHS, for instance, it is incredibly difficult to get any information to decide if the youth should be removed from the home."²¹⁷</i></p> | <p>Law Enforcement</p> <p>Probation Officer</p> | <p>Any ongoing or past systems-involvement, previous arrest records, previous placement records, ward status (ward of court or state), current probation relationship</p> | <p>NDEN</p> <p>NPACS</p> |

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| | <p>Ultimately, the probation officer makes the intake decision based on the screening instrument and what is learned from youth and family. Due to his previous offenses, Andre is assessed as high risk.</p> <p><i>"We are disadvantaged at first contact with youth and family, because we don't have all that information needed to make an informed decision."²¹⁸</i></p> | | | |
| 2 | <p>As a result of the screen and interview, the probation officer decides to detain him pending the detention hearing.</p> <p><i>If the youth is detained, he is entitled to a detention hearing before the juvenile court judge.²¹⁹</i></p> <p>The County Attorney decides whether to file a juvenile petition and what the appropriate charges are. The court will appoint an attorney for the juvenile and schedule a first appearance hearing. Procedures may vary by county.</p> | <p>Probation Officer</p> <p>County Attorney</p> | <p>Any ongoing or past systems-involvement, previous arrest records, previous placement records, ward status (ward of court or state), current probation relationship, school records (home district, attendance, grades)</p> | <p>NPACS</p> |
| 3 | <p>During the adjudication hearing the judge finds Andre to be responsible for his offense per NRS §43-247 and orders probation complete a predisposition investigation.²²⁰</p> <p>Prior to the dispositional hearing, a probation officer completes a comprehensive investigation including completion of the Authorization for Release of Information to gather information from multiple collateral sources including the schools: Andre's family is ordered to the probation office to sign a consent form to release Andre's school information. The probation officer then places a phone call to the records department at Grand Island Public Schools and asks for Andre's enrollment history, attendance, academic performance, IEP, discipline, and data about his extra-curricular interests.</p> <p>The registrar is only able to pull bits and pieces of the requested information and a lot of Andre's file is blank, as the school's legal counsel maintains strict FERPA guidance.</p> <p>Nebraska has mandatory e-filing, so background information on Andre comes from the prosecutor and will be filled in by the court. The judge presiding over Andre's case is given an Education Court Report for</p> | <p>Juvenile Judge</p> <p>Probation Officer</p> <p>School or District Registrar</p> <p>Defense Attorney</p> <p>County Attorney</p> | <p>Enrollment history, attendance, academic performance, IEP, discipline, and data about extra-curricular interests</p> | <p>JUSTICE</p> <p>Judge Portal</p> <p>Grand Island SIS</p> |

| | | | | |
|----------|---|--|--|--|
| | Andre, which is filled out by Andre’s probation officer during the predisposition investigation. To complete the report, the probation officer must have access to Andre’s education data and history, both from his time at Grand Island Public Schools, and any previous facility school placements he might have had. | | | |
| 4 | During the disposition hearing, a judge reviews the plan, hears additional input from prosecution, defense attorneys, and Andre and his family. | Juvenile Judge Defense Attorney County Attorney | | Judge Portal |
| | <p>The judge determines the disposition of the case, and notes that all other community and placement options have been exhausted, that Andre is high-risk, and that there is available space at Canyon State.</p> <p>The probation officer will gather and enter education information on Andre in NPACS, including some general education information (e.g., school, grade, location of school, contact info of school).</p> <p><i>“NPACS stores previous placement locations including when and where a student attended school, how long they were there, where they go after. NPACS also stores information on activity that occurs during placement as well as probation including assessments on youth, such as mental assessments or drug tests.”²²¹</i></p> | Juvenile Judge Probation Officer | | Judge Portal JUSTICE NPACS |
| 5 | <p>Andre arrives at Canyon State. His transcripts from Grand Island Public Schools have not yet been transferred. As a first step, Andre is asked about previous credits he has taken.</p> <p><i>“Oftentimes, youth under the jurisdiction of the juvenile court have jumped around from placement to placement, and their data lags, isn’t updated, or is incredibly difficult to track down.”²²²</i></p> | Principal Administrative Assistant Counselor District or School Records Staff, Counselor, or Social Worker | Transcripts, IEP or 504 accommodations | Grand Island or School SIS Canyon State SIS or Records Management |

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| | <p><i>"If the sites have no knowledge of past credits, a student may face repetitive or developmentally inappropriate coursework. For educators back at the home district, they might see [Andre's] name drop from their SIS and only be able to learn about where he was placed."²²³</i></p> <p>Meanwhile, back at Grand Island Public Schools, Andre's name stays on the roster for a few days and then disappears once he is processed and enrolled in educational programming at Canyon State.</p> | | | |
| 6 | <p>Since the facility doesn't have adequate education information for Andre, a counselor does a screening using the MAP testing tool to understand Andre's competency level in math and ELA within seven days of his arrival.</p> | Counselor | | Canyon State SIS or Records Management |
| 7 | <p>Canyon State staff and education leadership decide to place him in Algebra I and English I. They communicate this with his teacher and, pending education paperwork, Andre is notified that his schedule could change.</p> | Canyon State records staff Canyon State education leadership | | Canyon State SIS or Records Management |
| 8 | <p>While in class, Andre complains that he has already learned what is being taught and becomes bored and withdrawn. He starts to disrupt class more frequently and detracts from his peers' learning.</p> <p>Andre's probation officer might visit him during his time at Canyon State to check-in on his experience and progress.</p> <p>His probation officer will likely only receive information through conversations with Andre, rather than have access to any attendance, grades, or other academic information through a SIS.</p> | Educator in Facility Probation Officer | | Canyon State SIS or Records Management |
| 9 | <p>After a month, Andre's transcripts finally arrive, which are unlikely to contain all up-to-date coursework and credit attainment because of his multiple previous placements. He finishes up his stay at Canyon State taking Algebra I and English I as he prepares to transition back to Grand Island Public Schools.</p> <p>There should also be a probation re-entry plan presented to the court prior to his return to home district.</p> | Administrative Assistant Educator in Facility District or School Records Staff, Counselor, or Social Worker | | Canyon State SIS or Records Management |
| 11 | <p>Andre returns to school, but his teachers are not notified and only become aware of his return when his name pops back up on their student roster. Andre's school is not prepared for his return, as they were unaware of his arrival. While the school attempts to gather his</p> | Grand Island Educator District or School Records Staff, Counselor, or Social Worker | Canyon State coursework and credits. | Grand Island Public Schools SIS |

| | | | | |
|-----------|---|--|---|--|
| | transcripts from Canyon State, Andre is sent home to wait until his course load is developed. | | | |
| 12 | <p>After two weeks, and multiple phone calls from the facility's education representative to the Grand Island point of contact (this could be a school-level counselor, social worker, principal, or secretary or district-level administrator), Andre is placed in Algebra II and ELA II. Because of his disrupted and repetitive learning, he missed key concepts of the curricula and falls behind in his classes. Andre becomes frustrated and starts to skip school.</p> <p>Andre's probation officer does have access to his SIS with a limited administrative view and uses it to check on grades and attendance.</p> <p><i>This access requires a parent or legal guardian signature at the beginning of each school year, and if a student's parent or legal guardian is unreachable, their probation officer might not receive the information they need.²²⁴</i></p> | <p>Educator</p> <p>Probation Officer</p> <p>District or School Records Staff, Counselor, or Social Worker</p> | Real-time attendance and disciplinary records | <p>Canyon State SIS or Records Management</p> <p>Grand Island Public Schools SIS</p> |
| 13 | After a few more months of disengagement from school, Andre re-offends. This time, he is sentenced to time at Douglas County Youth Center. | <p>Law Enforcement</p> <p>Probation Officer</p> <p>Correctional Staff</p> | Any ongoing or past systems-involvement, previous arrest records, previous placement records, ward status (ward of court or state?), current probation relationship | <p>NPACS</p> <p>JUSTICE</p> <p>Grand Island Public Schools SIS</p> |
| 14 | At DCYC he is entitled to educational coursework. Once he completes his five-day COVID isolation, he joins his assigned unit. | DCYC Educator | | |
| 15 | <p>While Andre was in COVID isolation, the DCYC administrative assistant attempted to place an educational records request to Grand Island High School. Although Andre's parents signed his educational records release, the high school has no record of the document and won't allow the sharing until they are able to obtain a copy. Because Andre's probation officer is out of the office, they can't secure a copy until the following week. During this time, Andre does not receive any educational programming.</p> <p><i>"[DCYC] has access to the OPS SIS and can request transcripts from other districts via email. This system is fine. But sometimes districts don't send transcripts right away; they wait until they are requested,</i></p> | <p>DCYC Administrative Assistant</p> <p>District or School Records Staff, Counselor, or Social Worker</p> <p>Probation Officer</p> | Transcripts, IEP or 504 accommodations | <p>Grand Island Public Schools SIS</p> <p>DCYC Records Management</p> |

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| | <p><i>which causes delays. It could take a day to get transcripts or 2 weeks if getting grades and it's taking a while.</i>"²²⁵</p> <p>Student Perspective: <i>"When I arrived, I took an assessment, then a 90-day assessment and they looked at my home district transcript. I think they talk to my home district and tell them what's completed."</i>²²⁶</p> | | | |
| 16 | <p>When he finally does get placed into coursework, he continues with Algebra II and ELA II, which is delivered through Portable Assisted Study Sequence (PASS) packets. Because he missed specific Algebra I and ELA I concepts, and this Algebra II and ELA II coursework is written two years below reading level (Education Rights Counsel Report), Andre is both disengaged with how the lesson is written and delivered, and unfamiliar with what he is learning.</p> <p><i>"Kids might be a little clueless about credits and grade level. If you're 17 with no credits, you can't be a junior."</i>²²⁷</p> <p>Student Perspective: <i>"I could have started school earlier, but I chose to start after 2-4 weeks because I didn't care, but then the teachers motivated me."</i>²²⁸</p> <p><i>"It took one week for me because I came on a Friday and then the weekend delayed stuff."</i>²²⁹</p> | Educator in Facility | | |
| 19 | <p>When Andre completes his time at DCYC, he returns home to Grand Island. Because he is so far behind the curriculum for his age cohort, and because of his probation status, the district places him in an alternative school setting. Because the majority of students in that school environment have also faced difficulties and multiple placements throughout their lives, Andre is negatively influenced. In the end, it is likely that Andre will continue to grow skeptical of adults who are serving him, particularly if/when the credits they say he earned do not transfer or count. He might grow frustrated and drop out of school, which is in violation of his regular school attendance probation condition.</p> | Alternative Educators | | |
| 20 | <p>With additional re-offenses and/or probation violations including a fourth DUI in which he caused a multi-car accident resulting in the serious injury of a bystander, it becomes more likely that Andre will be placed at a YRTC as a last resort. This placement would require</p> | <p>YRTC Principal</p> <p>YRTC Administrative Assistant</p> | <p>Transcripts, IEP or 504 accommodations</p> | <p>Grand Island or School SIS</p> <p>YRTC PowerSchool</p> |

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| <p>additional gathering of Andre’s credit information and other personal information to support his care.</p> <p>The YRTC staff assistant is responsible for sending a Superintendent Letter to his home district within one business day through the Nebraska Crime Commission portal, notifying them of his placement. The typical length of stay is greater than 6 months.</p> <p>A Records Personnel at a YRTC is responsible for gathering transcripts upon his commitment. YRTCs are currently using PowerSchool as their SIS.</p> <p>Because YRTCs are under Rule 10, they are responsible for delivering education services. Andre’s mother still holds educational decision-making rights. Because Andre would be on probation in a YRTC, he would still have a probation officer assigned to him.</p> <p><i>“It’s all about the efficiency about getting information on kids who arrive at a YRTC. The kids who are committed to YRTCs have previously had multiple placements and short duration stays, making it challenge [to track down data] because information is not really tracked well, if at all. It takes staff a long time to track down all that information and make sense of it all.”²³⁰</i></p> <p><i>“The timeliness of receiving transcripts and credit information from home districts and facility-based schools make it challenging to provide programming in a timely manner, which further disrupts education pathways. YRTCs do receive a collateral packet from probation that is pulled from NPACS that may contain some student educational information. By law, this data cannot be shared until a youth is officially committed to a YRTC.”²³¹</i></p> <p>To prepare for Andre’s transition back to Grand Island, there would be multiple conversations between the YRTC and receiving school district. Once a student receives a 60-day notice, the receiving school is notified. At the 30-day notice there are more talks and the planning to receive the youth begins. A DHHS Superintendent Letter is sent to</p> | <p>YRTC Counselor</p> <p>District or School Records Staff, Counselor, or Social Worker</p> <p>YRTC Educator</p> <p>Probation Officer</p> | | |
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| | Grand Island within one business day of Andre's transition out of the facility. | | | |
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Elijah

| # | Elijah's Journey | Key Service Provider | Data Requirements | Data System |
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| 0 | <p>Background: Born to Mexican immigrant parents who struggled with the language barrier and the complexities of the American job market, Elijah had a childhood that was in constant upheaval. His family's frequent relocations in search of work meant that Elijah never stayed in one school for long, leading to a sense of instability and disconnection.</p> <p>At school, Elijah often found himself isolated and misunderstood. His frustrations boiled over into behavioral problems, leading to numerous altercations with peers and teachers. At nine years old, he was evaluated for special education services at North Park Elementary School and given an IEP for emotional disturbance (oppositional defiant disorder). His accommodations included a 1:1 behavioral aide, preferential seating, and frequent breaks.</p> <p>However, even with support at school, the lack of a stable support system at home combined with the stress of his parents' struggles and their inability to fully understand his experiences due to language and cultural gaps, pushed Elijah toward delinquency. By his early teens, his temper and the need to defend himself in tough situations led to a propensity for violence, and by the age of 13, Elijah had already been involved in several incidents involving weapons in Broken Bow.</p> | | | |
| 1 | After many years of disciplinary action in various districts across Nebraska, Elijah is parentally placed in the Boys Town Residential Treatment Center at age 13 (8 th grade). | Boys Town Staff | | Boys Town SIS or Records Management |
| 2 | While at Boys Town, he is moderately engaged academically and participates in a few extracurriculars but is resentful of his family's decision. His parents and a representative from his school met to discuss the services he needs at Boys Town. He remains there for a year | Boys Town Staff Educators | | Boys Town SIS or Records Management |
| 3 | When Elijah is ready to transfer back to public school, his parents have relocated to Chadron. Although his records were able to be transferred, Chadron has no historical records of his IEP from prior school districts and, consequently, does not provide him with accommodations. | Boys Town Staff Counselor District Registrar | Enrollment history, attendance, academic performance, IEP, discipline, and data about extra-curricular interests | Boys Town SIS or Records Management CPS SIS |
| 4 | He is enrolled in coursework that is a continuation from his schooling experience at Boys Town. | Educators | | |
| 5 | <p>At 15 years old, Elijah's family moves out-of-state to Iowa due to housing insecurity and his educational records do not follow him. He is enrolled as a freshman. Chadron shouldn't disenroll until records request is received for IA district.</p> <p>Elijah's IEP becomes invalid – the new district does not adopt the current IEP or develop a new one, as they are unaware of the previous IEP. Because his IEP has not undergone an annual review, it expires.</p> | Iowa Educators Iowa District Registrar | Enrollment history, attendance, academic performance, IEP, discipline, and data about extra-curricular interests | IA District SIS |

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| 6 | Elijah continues to misbehave and receive disciplinary infractions. After two years, his family returns to Nebraska and lives in North Platte. They do not immediately enroll Elijah in North Platte High School. | | | IA District SIS |
| 7 | Elijah is detained for assault with a deadly weapon in North Platte. | Law Enforcement | | NDEN |
| 8 | <p>Law enforcement contacts probation to request Elijah is screened for detention, probation is statutorily responsible for the juvenile intake process</p> <p>The probation officer largely relies on law enforcement, Elijah, and his parent/guardian to gather information and asks only a few education questions, including whether Elijah has any disabilities. Because of his parents' immigration status and limited English proficiency, there is not much disclosed about Elijah's education history and no IEP is mentioned.</p> <p><i>"Ultimately, decisions may be made based almost solely on what is learned from youth and family, especially if the youth is new to the justice system or there is no place to go to find information on their previous services."²³²</i></p> | <p>Law Enforcement</p> <p>Probation Officer</p> | <p>Any ongoing or past systems-involvement, previous arrest records, previous placement records, ward status (ward of court or state?), current probation relationship</p> | <p>NDEN</p> <p>NPACS</p> |
| 9 | A probation officer completes the interview and screening instrument for Elijah and determines if he should be placed in detention, an alternative to detention, or released to his parents without restrictions pending his court appearance. The information gathered is entered into NPACS. Due to the severity of his charges and his age, Elijah is detained while he awaits trial. | Probation Officer | Any ongoing or past systems-involvement, previous arrest records, previous placement records, ward status (ward of court or state), current probation relationship, school records (home district, attendance, grades) | NPACS |
| 10 | While detained at Northeast Nebraska Juvenile Services the facility does not receive any information from Elijah's previous educational placements during the time he is under their care, as they are not able to track down his Iowa schoolwork. Instead, Elijah is given Portable Assisted Study Sequence (PASS) packets as his educational coursework for junior-level content. He does not complete his work. | <p>Educator</p> <p>Iowa District Registrar</p> <p>Administrative Assistant</p> | Enrollment history, attendance, academic performance, IEP, discipline, and data about extra-curricular interests | <p>Detention Facility SIS</p> <p>IA District SIS</p> |
| 11 | The county attorney files Elijah's charges in adult court due to his age and severity of offense | Judge | Enrollment history, attendance, academic performance, IEP, | JUSTICE |

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| | Elijah is held in a juvenile detention center, pending adult court first appearance. Elijah remains in detention pending conviction and is found guilty, in the adult court process he is ordered a Presentence Investigation by an adult probation officer. | Probation Officer School or District Records Staff County Attorney Defense Attorney | discipline, and data about extra-curricular interests | Judge Portal ADVISER |
| 12 | At the sentencing hearing, the judge uses the presentence investigation and sentences him to 10 years, served in the Nebraska Correctional Youth Facility until he turns 18 and the remainder of his sentence in an adult facility. Note that now that Elijah is under the jurisdiction of the adult court, he no longer fits squarely within the definition of NRS §79-303.01, which only addresses data sharing for students under the jurisdiction of the juvenile court.²³³ | Judge County Attorney Defense Attorney | Case information and background | Judge Portal |
| 13 | At NCYF, Elijah is now a student at the NCYF Community High School. The administrative assistant works to contact Elijah's last known placement to gather his educational information. When they contact North Platte High School, they have no record of Elijah being a student. They do not know what district in Iowa Elijah was enrolled in prior to his move to North Platte but are able to see some old records from Chadron Public Schools. Chadron Middle Schools alerts NCYF that Elijah did have an IEP, which hasn't been honored for the past four years. Chadron refuses to share any data without a clear release authorization from a parent or guardian. NCYF claims that Elijah can sign for his own data given he has been tried as an adult. Finally, Elijah's parents sign off on the data release, although it is only current to middle school with no history of his Boys Town or Iowa coursework. <i>"The challenge is sometimes we get out of state students from Iowa. If they come from Nebraska, they remain a resident of the district they were in prior to the facility. Sometimes the district</i> | Administrative Assistant District Registrar or School Records Staff | Enrollment history, attendance, academic performance, IEP, discipline, and data about extra-curricular interests | ADVISER CPS SIS NPPS SIS Boys Town SIS or Records Management Iowa SIS |

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| | <p><i>might tell us that this student hasn't been there for years, but we say it's not our problem, we need to set up this meeting.</i>²³⁴</p> <p><i>"Currently, the public districts responsible for students placed in interim program schools must obtain information from the facility (e.g., courses completed, credits accrued) and submit it to the state through their own systems. This process takes time and often leads to frequent frustrations, miscommunication, and delays in the state's receipt of up-to-date information (SLDS Grant Application, p. 33). Interim program schools serve both long- and short-term youth, and without integration into the ADVISER data system, it becomes difficult to receive current transcripts, IEPs, and other education-related data in a timely manner, making it difficult for interim program schools to support students' academic programming."</i>²³⁵</p> | | | |
| 14 | <p>Because Elijah is placed at a special purpose school, they are responsible for special education services.</p> | <p>Administrative Assistant</p> <p>Teacher of Record</p> <p>District Registrar or School Records Keeper</p> <p>NDE Special Education Admin.</p> | <p>Previous IEPs and updated IEP materials</p> | <p>NPHS SIS</p> <p>CPS SIS</p> |
| 15 | <p>Although Elijah is technically a junior in high school, his credit history leads to his placement in freshmen-level coursework. He experiences both repetitive coursework as well as struggles with gaps in foundational knowledge that he missed as he moved around frequently, and especially without IEP accommodations.</p> | <p>Administrative Assistant</p> <p>Educator</p> | <p>Coursework and credit attainment</p> | <p>NCYF SIS</p> |

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| | <p><i>"Our goal is to earn the trust of these kids and if we say we're helping them earn credits and the district doesn't take it, we are losing their trust."²³⁶</i></p> | | | |
| <p>16</p> | <p>By the time Elijah turns 18 and has the decision-making right to do so, he decides to end his education and forgo adult education. His official records reflect that he has a 9th grade education. He is transferred to an adult correctional facility and spends the remainder of his sentence there.</p> | | | |

Child Welfare

Mikey

| # | Mikey's Journey | Key Service Provider | Data Requirements | Data System |
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| 0 | Mikey was born to teenage parents in McCook, Nebraska, where services are limited. When Mikey was two years old, he did not babble or attempt to say words like other toddlers his age. He was only able to say a few things and had difficulty understanding simple instructions. He did not have much social interaction with other toddlers because his parents could not afford private daycare and were unaware of Head Start. | | | |
| 1 | <p>Mikey's grandmother learns from a poster in their church that the family is likely eligible for Head Start.</p> <p>When his mother calls the Head Start center, she learns that available slots are full for the year. She takes a day off work to enroll Mikey in person, and places Mikey on the wait list.</p> | <p>Parents</p> <p>Family Members</p> | | |
| 2 | <p>Because Mikey hasn't been in a daycare or other setting, his developmental delays are still not addressed. Mikey's pediatrician gives his parents information on the Early Development Network after noticing some delays during his regular check-ups, but his parents do not follow through on the services.</p> <p><i>"There is a big gap [in service attainment] if youth aged 0-5 are not part of a daycare or other reporting institution. Education providers are the number one source of referrals, but if families are not participating in this care, reporting has to come through family members."²³⁷</i></p> | <p>Parents</p> <p>Family Members</p> | | |
| 3 | Mikey is offered a Head Start slot several months later. His grandmother and parents share a car, and it's hard to drop him off and pick him up when his parents are working. He is frequently absent. | <p>Parents</p> <p>Family Members</p> | Background information on living situation, parent names, contact information | |
| 4 | <p>While at Head Start, they mention the Early Development Network to Mikey's parents to receive services and evaluations for their child. EDN will look at delays for speech and language, occupational, physical, and other delays.</p> <p><i>"DHHS staff tries to explain to parents that [EDN] is how they can get caught up with parenting and support their child's needs. EDN classes are run by the education service units across the state."²³⁸</i></p> | <p>Parents</p> <p>Family Members</p> <p>Head Start</p> | | |

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| | Mikey's parents decline the EDN services, as they feel uncomfortable having a person they don't know deliver services in their own home. | | | |
| 5 | Mikey's development continues to lag behind that of his peers. | Parents Family Members Head Start | | |
| 6 | While at a family cookout, Mikey's aunt notices that he has bruising around his body. She approaches his parents about it, and they get into an argument. | Parents Family Members | | |
| 7 | Mikey's aunt calls the DHHS abuse and neglect hotline after hearing about it from a friend. | Parents Family Members | Anecdotal information regarding | N-FOCUS or Hotline Information Tracking System |
| 8 | Child Protective Services and county authorities intervened to ensure Mikey's safety and well-being. Mikey has been placed in emergency protective custody by law enforcement or by ex parte order prior to the protective custody hearing. | Case Worker County Attorney CPS Staff | | |
| 9 | A petition is filed by the county attorney within 48 hours of Mikey's removal. Mikey is assigned a DHHS-CFS case worker, a CASA volunteer, and guardian ad litem to support him through the court and placement process. A protective custody hearing is held within ten days. The juvenile judge overseeing Mikey's case reviews the determination and other relevant information gathered by his team. | Juvenile Judge County Attorney Guardian Ad Litem Case Worker Parents Family Members | | JUSTICE N-FOCUS Judge Portal |
| 10 | An adjudication hearing is held within 90 days of Mikey entering foster care and a dispositional hearing is held within 30 days of adjudication. <i>In 3(a) cases, the child is adjudicated based upon allegations against the parent(s) and the safety and well-being of the child is the primary consideration. Once the child is adjudicated, DHHS</i> | Foster Family Parents Juvenile Judge County Attorney | | |

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| | <p><i>prepares a case plan and court report making recommendations for the judge to consider. The judge makes a decision on whether to continue placement outside the parental home. At each review hearing the DHHS caseworker prepares and submits an updated case plan and court report for the judge's consideration. Guardians ad litem, CASA volunteers, the FCRO, the county attorney, and parents' attorneys may also make recommendations to the court.</i>²³⁹</p> | <p>Guardian Ad Litem</p> <p>Case Worker</p> | | |
| 11 | <p>Mikey is placed with a foster family in North Platte. The judge determines them to be his surrogate parent.</p> <p>Mikey's foster family is offered and accepts EDN services for Mikey. They also enroll him in Head Start in their neighborhood. If Mikey's foster family doesn't hold educational rights, the Head Start Provider and EDN will likely allow them to enroll unless there is an objection from his proper education rights holder.</p> <p><i>"The assigned EDN Services Coordinator will request parent/guardian written permission for evaluations through the Special Education Department of [the home] school district. Evaluations are conducted by a Multidisciplinary Evaluation Team (MDT), consisting of professionals within your school district and [parent/guardian]."</i>²⁴⁰</p> <p><i>The Multidisciplinary Evaluation Team (MDT) determines eligibility for free and appropriate early intervention services/education under state guidelines.</i>²⁴¹</p> <p>Mikey will now receive regular speech and language therapy from a Speech-Language Pathologist. This might include play-based activities, modeling and reinforcement, and training for his foster parents on how to incorporate language development in their daily routine. He also receives some occupational therapy to support with his fine motor skills.</p> | <p>Foster Family</p> <p>Early Development Network Staff</p> <p>School District Special Education Staff</p> <p>Parents</p> | | <p>EDN Data System or School District SIS</p> <p>N-FOCUS</p> |
| 12 | <p>With consistent therapy, Mikey is able to expand his vocabulary and interact more successfully with his peers and adults. He is experiencing successful developmental growth in Early</p> | <p>Foster Family</p> <p>Early Development Network Staff</p> | | |

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| | <p>Intervention and has an IFSP until his third birthday, where he then has an IEP.</p> <p><i>"[Parent/guardian and [their] team will schedule a meeting to ensure that the process of transition goes well for everyone. This meeting should occur at least 90 days prior to your child's third birthday. If desired, the meeting can be held up to nine months prior to your child's third birthday. The team will review [the] child's program options for the remainder of the time they are involved in EDN services, describe how [the] family will participate in the transition process, and develop the transition plan with you."</i>²⁴²</p> | <p>School District Special Education Staff</p> <p>Parents</p> | | |
| 13 | <p>Prior to his one-year court date, the Foster Care Review Board schedules a review of his case. They produce a report for board members to review prior to the meeting and invite all legal parties to attend. They review his background information, including the IFSP and IEP.</p> <p>Foster Care Review staff have access to N-FOCUS as a source of data when reviewing cases. They have their own system called the Foster Care Tracking System which maintains the official record of children in out-of-home care, which can import DHHS NFOCUS data. Part of the review process is to complete an education-focused component of the form.</p> | <p>Foster Care Review Board</p> <p>Case Worker</p> <p>Guardian Ad Litem</p> <p>Parents</p> <p>Foster Family</p> | <p>Behavioral needs, special education information, extracurricular activities, safe and appropriate placement? Is there a plan for reunification? What progress is being made?</p> | <p>Foster Care Tracking System</p> |
| 14 | <p>After the board meeting, the board makes recommendations memorialized in a legal document submitted to the court and legal parties prior to his hearing. The recommendations are that Mikey stays with his foster family through kindergarten.</p> | <p>Foster Care Review Board</p> | | <p>Foster Care Tracking System</p> |
| 15 | <p>At the hearing, the judge reviews the Foster Care Review Board report and additional information from Mikey's case worker, guardian ad litem, and CASA volunteer.</p> | <p>Juvenile Judge</p> <p>Foster Care Review Board</p> <p>Case Worker</p> <p>Guardian Ad Litem</p> <p>Parents</p> <p>Foster Family</p> | | <p>JUSTICE</p> <p>N-FOCUS</p> <p>Judge Portal</p> |

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| 16 | When Mikey starts elementary school, he will have educational data associated with him due to his Early Intervention, IFSP, and IEP. | Foster Family Early Development Network Staff School District Special Education Staff Parents | | School District SIS |
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Brianna

| # | Brianna's Journey | Key Service Provider | Data Requirements | Data System |
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| 0 | <p>Background: Brianna's father struggled with substance abuse throughout his life. When Brianna was born, he attempted to get sober to care for her after her mother left. Brianna spent the first eight years of her life couch surfing, living in a motel, or sleeping in a car. This instability meant Brianna rarely attended the same school for more than a few months, making it difficult for her to form lasting friendships and keep up with her schoolwork. Her father often relied on Brianna's grandmother, who lived in Fremont, for help with childcare.</p> <p>When Brianna was 8 years old, her father found stable work as a mechanic and was able to afford rent in Scottsbluff. This period of stability allowed Brianna to catch up socially and academically. However, a few years later, her father lost his job as a mechanic and relapsed. Her father's appearance and behavior raised red flags among school staff, who noted his incoherence and the telltale signs of substance abuse. Because of mandatory reporting, the school staff contacted the DHHS abuse and neglect hotline after Brianna was dropped off at school multiple times by her father while he was under the influence. At 11 years old, Brianna became a ward of the state.</p> | | | |
| 1 | Brianna is assigned a DHHS-CFS case worker, a CASA volunteer, and guardian ad litem to support her through the court and placement process. | Case Worker CASA Guardian Ad Litem Parent | List of current superintendents | N-FOCUS CASA Information System JUSTICE |
| 2 | <p>Her DHHS case worker must make a formal request to Scottsbluff Public Schools to receive educational data in order to complete her Education Court Report.</p> <p>Brianna's CASA asks her case worker for initial education information, which they pull from N-FOCUS and send via email.</p> | Case Worker CASA Guardian Ad Litem Parent | Any previous or current ward status, school enrollment and records (coursework, strengths, growth areas, attendance, discipline), special education (IEP) status, health factors, extracurricular activities and interests to complete Education Court Report | N-FOCUS District or School SIS ADVISER |
| 3 | The juvenile judge overseeing Brianna's case reviews all relevant documentation, including the Education Court Report and other collateral, and orders Brianna be placed with a foster family that is within driving distance of Scottsbluff Public Schools. Although her grandmother lives in Nebraska, she has been having recent health complications and would not be able to fully take care of Brianna to the extent necessary. | Juvenile Judge Guardian Ad Litem CASA Case Worker Parent | Education Court Report | JUSTICE Judge Portal |

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| 7 | <p>Brianna remains enrolled at Scottsbluff Public Schools. Her father retains education decision making rights.</p> <p>Her DHHS case worker sends a Superintendent Letter (which is included within the best interest determination) to SBPS regarding Brianna.</p> <p>Because she remains enrolled at her district prior to becoming a ward of the state, there is no educational information that needs to be shared between districts. The data transfer that does occur happens between her service providers to get a better sense of Brianna’s needs, any previous placements, if she has an IEP or 504, and other background information.</p> | <p>Case Worker</p> <p>District or School Admin.</p> <p>Foster Parent</p> <p>CASA</p> <p>Parent</p> | <p>DHHS Superintendent Letter</p> | <p>NCC Portal</p> <p>ADVISER</p> <p>SBPS SIS</p> |
| 19 | <p>At her six-month review, the judge, guardian ad-litem, CASA volunteer, parent, and case worker review Brianna’s case and make a best interest determination that she stays with the foster family to maintain educational stability.</p> <p>Her reunification with her father is contingent on his consistent participation in substance abuse rehabilitation programming and sobriety.</p> | <p>Juvenile Judge</p> <p>Guardian Ad Litem</p> <p>CASA</p> <p>Parent</p> | <p>Education data (grades, attendance, discipline), input from foster family on Brianna’s social-emotional state</p> | <p>SBPS SIS</p> <p>CASA Information System</p> <p>N-FOCUS</p> <p>JUSTICE</p> <p>Judge Portal</p> |
| 21 | <p>Prior to her one-year court date, the Foster Care Review Board schedules a review of her case. They produce a report for board members to review prior to the meeting and invite all legal parties to attend. They review her educational and other background information.</p> <p>Foster Care Review staff have access to N-FOCUS as a source of data when reviewing cases. They have their own system called the Foster Care Tracking System which maintains the official record of children in out-of-home care, which can import DHHS N-FOCUS data. Part of the review process is to complete an education-focused component of the form.</p> | <p>Foster Care Review Board</p> <p>Case Worker</p> <p>Foster Parent</p> <p>Parent</p> | <p>School enrollment, academic performance, attendance, behavioral needs, disciplinary record, special education information, extracurricular activities, safe and appropriate placement? Is there a plan for reunification? What progress is being made?</p> | <p>N-FOCUS</p> <p>Foster Care Tracking System</p> |
| 22 | <p>After the board meeting, the board makes recommendations memorialized in a legal document submitted to the court and legal parties prior to her hearing. The recommendations are that Brianna is reunified with her father.</p> | <p>Foster Care Review Board</p> | | <p>Judge Portal</p> <p>Foster Care Tracking System</p> |

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| | | | | N-FOCUS |
| 23 | <p>At the time of the hearing, Brianna’s father has completed a year of substance abuse rehabilitation and has shown that he is competent to support her care.</p> <p>At the hearing, the judge reviews the Foster Care Review Board report and additional information from Brianna’s case worker, guardian ad litem, CASA volunteer, and father.</p> | <p>Juvenile Judge</p> <p>Foster Care Review Board</p> <p>Case Worker</p> <p>Guardian Ad Litem</p> <p>CASA</p> <p>Parent</p> | <p>Foster Care Review Office findings document</p> <p>Education Court Report</p> | <p>Judge Portal</p> <p>N-FOCUS</p> <p>JUSTICE</p> <p>CASA Information System</p> <p>Foster Care Tracking System</p> |
| 24 | <p>The judge is able to reunify Brianna and her father at this time with the condition that he undergo frequent drug testing.</p> | <p>Juvenile Judge</p> | | <p>JUSTICE</p> <p>N-FOCUS</p> |
| 25 | <p>Brianna lives with her father for another semester. Over the summer, her father violates the conditions of reunification, and she is subsequently placed with her grandmother in Fremont (a best interest determination will occur during any transitions).</p> <p>Her DHHS case worker sends a Superintendent Letter (which is included within the best interest determination) to FPS regarding Brianna.</p> | <p>Parent</p> <p>Guardian</p> <p>Juvenile Judge</p> | <p>Best interest determination documentation</p> | |
| 26 | <p>At the beginning of 7th grade, Brianna is enrolled at Fremont Middle School.</p> <p>Her caseworker attempts to have her father sign an education information release authorization, but her father ignores any communication.</p> <p>Brianna’s caseworker, CASA, and guardian ad litem go to the judge to request that her grandmother be given educational rights due to her father’s open combativeness. Permission is given. Brianna’s grandmother is now able to sign for her information release.</p> <p>Because she consistently attended Longfellow Elementary School and Bluffs Middle School, her data is relatively comprehensive. Her</p> | <p>Case Worker</p> <p>CASA</p> <p>Guardian Ad Litem</p> <p>Parent</p> <p>Guardian</p> <p>Juvenile Judge</p> <p>FPS and SBPS District or School Records Personnel</p> | <p>Education data (grades, attendance, discipline), social-emotional state</p> | <p>FPS SIS</p> <p>JUSTICE</p> <p>SBPS SIS</p> |

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| | caseworker helps to facilitate the transfer of her education data between districts. | | | |
| 27 | When Brianna enters high school, her grandmother passes away unexpectedly. Because her father is still unable to take care of her, Brianna is sent to the emergency shelter program at Uta Halee while she awaits placement. | Case Worker CASA Guardian Ad Litem Juvenile Judge | | Uta Halee Records Management FPS SIS |
| 28 | Due to the urgency and speed of the transition, and because her grandmother has passed, her education data is not authorized to be sent to Uta Halee. Brianna is given a STAR test, which identifies her at an 8 th grade level and is temporarily placed in basic math and English courses on Edmentum. She also is assigned a PE class, which is taken on the computer. Due to the recent traumatic event, her transition to Uta Halee, and her placement in repetitive coursework, Brianna grows frustrated and withdrawn. | Uta Halee, and FPS Records Personnel Uta Halee Educator | Education data (grades, attendance, discipline), social-emotional state | |
| 29 | When her caseworker, CASA, and guardian ad litem are able to go back to the judge to request that her guardian ad litem be given educational rights, Brianna has already been taking incorrect coursework for a week. The permission is given, and the guardian ad litem signs a release. | Case Worker CASA Guardian Ad Litem Guardian Juvenile Judge | | JUSTICE |
| 30 | However, Brianna is assigned a foster family placement in Omaha, and transitions there. She enrolls at Omaha Central High School. Her DHHS case worker sends a Superintendent Letter (which is included within the best interest determination) to OPS regarding Brianna. Student Perspective: <i>"I've been to five different high school programs, because I have no steady place to stay or because of things I've done. A lot of my credits were lost in these transitions."</i> | Foster Family OPS, Uta Halee, and FPS Records Personnel | Education data (grades, attendance, discipline), social-emotional state | OPS SIS |

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| | <i>When I went from one placement to another, they wouldn't accept my credits. I've done everything and all my credits have been lost so I've just given up. I just might get my GED. The lack of communication and disorganization is bad. Curriculum everywhere is so different. What I'm learning at the district is way different than APEX."</i> ²⁴³ | | | |
| 31 | <p>Despite some initial efforts to help her settle, she struggles to connect with her new foster family and classmates. Throughout high school, Brianna's academic performance fluctuates.</p> <p>As Brianna approaches her 19th birthday, she is introduced to the Bridge to Independence program, which offers support for young adults transitioning out of foster care. Brianna enrolls in the program, hoping it will be a turning point. However, the requirements and her lack of a stable educational and work history make it difficult for her to meet the program's criteria. Brianna finds herself alone and struggling to navigate adulthood.</p> | <p>Case Worker</p> <p>CASA</p> <p>Guardian Ad Litem</p> <p>Guardian</p> | Job or school participation | N-FOCUS |

Crossover Youth

Amir

| # | Amir's Journey | Key Service Provider | Data Requirements | Data System |
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| 0 | <p>Background: Amir was born and raised in Omaha. He entered the foster care system at 10 years old and changed placements for much of his youth. The transition to foster care was difficult for Amir. He tended to run from placements back to his old neighborhood to crash with friends. This group of friends ultimately led to his gang involvement. The gang offered protection, a sense of identity, and a semblance of stability that his foster placements failed to provide. However, it also exposed Amir to violence, illegal activities, and a lifestyle that put him at constant risk. At school, Amir struggled academically, often finding it hard to concentrate in class. The constant upheaval of moving foster homes meant that he missed significant chunks of his education, putting him behind his peers. His attendance was sporadic, and when he did attend, he was frequently distracted, restless, and disruptive.</p> | | | |
| 1 | Amir was given a behavior intervention plan in late elementary school, due to his complex behavioral needs, which included a tendency for violent outbursts and inability to self-regulate. This included time with the school social worker and behavioral therapist. The extra support helped Amir for a while until his transition to middle school. | Behavioral Therapist Social Worker Educators | Behavioral information, IEP or 504 status, previous evaluations | OPS SIS N-FOCUS |
| 2 | Amir rarely attends school at Morton Middle School. His school attendance personnel contacts the Douglas County Attorney with a truancy referral. He is charged with a status offense for his truancy by the county attorney when he was 13. His county attorney assembles law enforcement, case worker, and any other relevant parties to talk through his situation. Due to the background information gathered on Amir by the county attorney, he is placed with his elder sister as his guardian and put on probation with school attendance as a condition. | Attendance Officer County Attorney Foster Parent Judge Case Worker | Attendance, discipline records, IEP or 504, information on barriers to attendance | County Attorney Data System OPS SIS N-FOCUS JUSTICE |
| 3 | However, while on probation, Amir is routinely involved in gang activities, and the court places him out-of-home to avoid gang violence around Amir's sister's new baby. Amir was placed at Omaha Home for Boys (OHB) at 14 years old. | Foster Parent Judge Case Worker | | N-FOCUS |
| 4 | One night, after running from OHB, he is involved in a gang altercation where his cousin is killed. | | | |
| 5 | Amir is taken into custody for aggravated assault with a firearm. | Law Enforcement | | NDEN NPACS |

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| <p>6</p> | <p>Law enforcement contacts probation to request a detention screening.</p> <p>The probation officer largely relies on law enforcement, Amir and his guardian ask limited questions about education.</p> <p>The probation officer completes the interview and screening instrument for Amir and determines if he should be detained, have an alternative to detention, or be released to his guardian without restrictions. The information gathered is entered into NPACS.</p> <p>They discover that Amir is a ward of the state, and the probation officer attempts to communicate with DHHS to determine who his caseworker is and any background information they might have.</p> <p>Ultimately, the probation officer makes the intake decision based on the screening instrument and what is learned from youth and guardian.</p> | <p>Law Enforcement</p> <p>Probation Officer</p> <p>Case Worker</p> | <p>Any ongoing or past systems-involvement, previous arrest records, previous placement records, ward status (ward of court or state), current probation relationship, school records (home district, attendance, grades, IEP)</p> | <p>NPACS</p> <p>NDEN</p> <p>N-FOCUS</p> |
| <p>7</p> | <p>During the adjudication hearing on the law violation the judge finds Amir to be responsible for his offenses and orders probation to complete a predisposition investigation. Prior to the dispositional hearing, a probation officer completes a comprehensive investigation including completion of the Authorization for Release of Information to gather information from multiple collateral sources including the schools.</p> <p>Nebraska has mandatory e-filing, so much background data comes from the prosecutor and will be filled in by the court.</p> <p>The judge presiding over Amir's case is given an Education Court Report for Amir, which is filled out by probation staff. To complete the report, staff must have access to Amir's education data and history and any previous facility school placements he might have had.</p> <p>Amir hasn't been going to school for the past two years prior to his offense, so the officer fills out what they can from the</p> | <p>Juvenile Judge</p> <p>Probation Officer</p> <p>Guardian Ad Litem</p> <p>CASA</p> <p>Guardian</p> | <p>Enrollment history, attendance, academic performance, IEP, discipline, and data about extra-curricular interests</p> | <p>JUSTICE</p> <p>Judge Portal</p> <p>OHB SIS</p> <p>OPS SIS</p> <p>ADVISER</p> |

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| | information they've received and passes the Court Report and the pre-disposition investigation along to the judge. | | | |
| 8 | During the hearing, a judge reviews the plan, hears additional input from the prosecution, defense attorneys, his guardian, and Amir. | Juvenile Judge Probation Officer Guardian Ad Litem CASA County Attorney Guardian | | Judge Portal JUSTICE |
| 9 | RADIUS is sent a probation collateral package based on a referral from the court to see if the youth would be accepted. This includes the out-of-home referral, information of previous placements, a small amount of education information, IEP, discipline, and attendance data. The judge determines the disposition of the case and places him at RADIUS. At this time, Amir is also given out-of-home probation status (ward of the court). Amir's older sister signs a release of information on admission, and RADIUS requests transcripts from OPS. There is no direct access between the facility and the OPS SIS. <i>"We all rely on this underground network of people we know to call."²⁴⁴ <i>"I literally have a list of who to call at every district."²⁴⁵ Youth perspective: <i>"They place you based on what they say on the transcripts... They know you before you know them... If you have an IEP, they'll put you with a teacher who can work with those types of kids."²⁴⁶</i></i></i> | Juvenile Judge Probation Officer | | JUSTICE OPS SIS OHB SIS NPACS |
| 10 | Amir has very few credits towards graduation and is placed in credit recovery on Accellus after 2-3 days of waiting. He is a part of the morning class block to prevent him from interacting with rival gang members who are on the afternoon class block. | RADIUS Records Personnel Educator | | RADIUS SIS |

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| 11 | After a few months at the facility, Amir attempts to run away to visit his girlfriend. He is picked up by law enforcement and instead placed at the Douglas County Youth Center. | | | |
| 12 | At DCYC he is entitled to educational coursework. Once he completes his five-day COVID isolation, he joins his assigned unit. | DCYC Educator | | |
| 13 | While Amir was in COVID isolation, the DCYC administrative assistant attempted to place an educational records request to OPS and RADIUS. During this time, Andre does not receive any educational programming. | DCYC Administrative Assistant District or School Records Staff, Counselor, or Social Worker Probation Officer | Transcripts, IEP or 504 accommodations | OPS SIS RADIUS SIS ADVISER DCYC Records Management |
| 14 | <p>When he does finally get placed into coursework, he is given 9th grade coursework in Portable Assisted Study Sequence (PASS) packets. Because he was used to coursework in Accellus, he does not adjust well and completes credits very slowly.</p> <p>If Amir continues to bounce around the system, between secure facilities, foster care placements, and traditional school districts, the likelihood he repeats coursework or doesn't have credits transfer is high. If he is somehow still committed to his education, he may experience an adult that helps motivate him to complete credits or to study for his GED, but the likelihood is that he will not receive a high school diploma.</p> <p>Student Perspective: <i>"It's so easy to give up hope. There's so much going on before and after school, that school just becomes a distraction."²⁴⁷</i></p> | Educator in Facility | | |

Sierra

| # | Sierra's Journey | Key Service Provider | Data Requirements | Data System |
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| 0 | Sierra's childhood was marked by a series of challenges within her family. She faced many instances when her basic needs for care and support were unmet, and she lacked the stable environment necessary for healthy development. Sierra found school to be a safe haven, and she excelled in all her coursework. Her teachers were supportive and responsive to her needs, oftentimes letting her stay in their classrooms after school. Sierra had an IEP at 13 years old for hearing impairment and was able to receive the accommodations she needed during her time at Madison High School, which included a hearing aid and a seat on the right side of the classroom. Following a period of prolonged neglect, which included a lack of medical care and supervision, a report was made to the DHHS hotline. DHHS and county authorities intervened to ensure Sierra's safety and well-being. When she was 15, the county attorney filed a petition in Madison County and Sierra became a ward of the state. She was entered into the child welfare system in an out-of-home placement. | | | |
| 1 | <p>Sierra is assigned a DHHS-CFS case worker, a CASA volunteer, and guardian ad litem to support her through the court and placement process.</p> <p>Sierra has been placed in emergency protective custody by law enforcement or by ex parte order prior to the protective custody hearing.</p> <p>A petition is filed by the county attorney within 48 hours of Sierra's removal.</p> <p>A protective custody hearing is held within ten days.</p> | <p>Case Worker</p> <p>CASA</p> <p>Guardian Ad Litem</p> <p>Parent</p> | List of current superintendents | <p>N-FOCUS</p> <p>CASA Information System</p> <p>JUSTICE</p> |
| 2 | <p>During her hearing, the juvenile judge overseeing Sierra's case reviews the determination and other relevant information gathered by her team and agrees with the placement decision.</p> <p>An adjudication hearing is held within 90 days of Sierra entering foster care and a dispositional hearing is held within 30 days of adjudication.</p> | <p>Juvenile Judge</p> <p>Guardian Ad Litem</p> <p>CASA</p> <p>County Attorney</p> <p>Case Worker</p> <p>Parent</p> | Education Court Report | <p>JUSTICE</p> <p>Judge Portal</p> |
| 3 | Sierra's legal team recommends that she remain at Madison High School, as she enjoys her classes and has a strong group of friends. | <p>Case Worker</p> <p>County Attorney</p> | Any previous or current ward status, school enrollment and records (coursework, credits, strengths, growth areas, | <p>N-FOCUS</p> <p>MPS or School SIS</p> |

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| | <p>Her DHHS case worker has to make a formal request to Madison Public Schools to receive educational data but receives pushback from MPS because they perceive DHHS does not have legal guardianship rights.</p> <p><i>"Sometimes these requests are denied and others there is no response. If a youth is already involved in the child welfare system, some of her information will already be in N-FOCUS."</i>²⁴⁸</p> <p><i>"If a child is in foster care, their child welfare worker may be the legal guardian who is able to sign the release authorization."</i>²⁴⁹</p> <p>Sierra's CASA asks her case worker for initial education information, which they pull from N-FOCUS and send via email.</p> <p><i>"CASA does not have access to N-FOCUS. Because of turnover in case managers, the ask might take longer than desired. If a youth is involved in the juvenile justice system, CASA has access to JUSTICE to learn more about a youth's educational background."</i>²⁵⁰</p> | <p>CASA</p> <p>Guardian Ad Litem</p> <p>Parent</p> | <p>attendance, discipline), special education (IEP) status, health factors, extracurricular activities and interests to complete Education Court Report</p> | <p>ADVISER</p> |
| <p>4</p> | <p>When Sierra's case worker goes to find a foster family for her, they are only able to find available placements within the Lincoln Public Schools borders.</p> | <p>Case Worker</p> <p>CASA</p> <p>Parent</p> | | <p>N-FOCUS</p> |
| <p>5</p> | <p>Sierra's new foster family already has multiple children enrolled in LPS and brings up how challenging it would be to drive Sierra 2 hours to Madison Public Schools every day.</p> | <p>Foster Family</p> <p>Case Worker</p> <p>Parent</p> | | |
| <p>6</p> | <p>Sierra's case worker and CASA volunteer work to see if DHHS can provide transportation for Sierra to be picked up and dropped off each day. Coordinating the service takes time and Sierra is stuck waiting at home to see if she can get enrolled and have a way to get to school.</p> <p><i>"There is a transportation program that (ideally) should transport kids, through HHS funding, but it doesn't work well at all in practice. For example, if one particular family has eight kids going all</i></p> | <p>Case Worker</p> <p>CASA</p> <p>District Admin.</p> <p>Parent</p> | | |

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| | <i>different places, they couldn't feasibly transport them all over the place, and the transportation service fell through.</i> ²⁵¹ | | | |
| 7 | <p>Sierra is enrolled at LPS. DHHS case worker sends a Superintendent Letter (which is included within the best interest determination) to LPS regarding Sierra. Child welfare is responsible for carrying out the agreement or order to place the child.</p> <p><i>"Foster families cannot make [the call to place a student in a different district than what the judge ordered]. 99% of the time parents still have educational rights and sign off on placement changes. Sadly, a lot of parents feel pressured to sign off because they themselves are dealing with personal challenges. If a person of authority says they need to change placements, they are likely going to sign that document."</i>²⁵²</p> <p>Since all foster youth are eligible for Free-Reduced Lunch, Sierra should be signed up for those benefits through enrollment paperwork. That data is uploaded to NDE's ADVISER system which will flag that Sierra is now a foster youth in ADVISER. Every district uses this system to flag students with different identifiers.</p> | <p>Case Worker</p> <p>District or School Admin.</p> <p>Foster Parent</p> <p>CASA</p> <p>Parent</p> | DHHS Superintendent Letter | <p>NCC Portal</p> <p>ADVISER</p> <p>SIS</p> |
| 8 | Sierra's case worker attempts to engage Sierra's mother to sign a Release of Information form to share her data with her new school district. Her mother is unresponsive, as she is unhappy that her daughter is no longer living with her. | <p>Case Worker</p> <p>CASA</p> <p>Parent</p> | Education Data Release Authorization | |
| 9 | Sierra's foster parent also attempts to meet with the records holder at Madison High School, but they won't provide her with access since she is not in their system as Sierra's legal guardian. Her foster parent is unaware that Sierra has an IEP and insists that her grades and credits get sent over. | <p>Foster Parent</p> <p>School Records Staff</p> <p>CASA</p> <p>Parent</p> | | MHS or MPS SIS pushes into ADVISER |
| 10 | Because of this, Sierra is not able to attend school until she is officially enrolled. She sits at home for three weeks before her foster parent, encouraged by her case worker and CASA volunteer, physically walks into the school and enrolls her. Sierra's credit history and transcripts have still not been sent. | <p>Foster Parent</p> <p>Case Worker</p> <p>CASA</p> | | |

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| | <i>"JUSTICE has most relevant info for determining the resident district. We can see where they became a state/court ward and then connect that to a superintendent letter. How long it takes really depends on the complexity of the student. If they have multiple court orders, they have to scroll through and find which one. Emails can sit for weeks. A lot of times the kids are sitting in a foster home."</i> ²⁵³ | | | |
| 11 | Sierra is placed in remedial coursework at her new school. | Counselor | | LHS SIS |
| 12 | Without the camaraderie of her MPS peers and her relationship with her MPS teachers, Sierra begins to withdraw from her schoolwork and her grades start to suffer. | Educators | | |
| 13 | After nine weeks, Sierra's homeroom teacher approaches the guidance counselor after noticing Sierra's increasingly withdrawn and upset behavior. | Educators Counselor | | |
| 14 | The counselor investigates Sierra's data more clearly and notices a contact for Sierra's foster parent. When the counselor contacts the foster parent, they share that Sierra's father has died. They also share that they've noticed Sierra's deep withdrawal as well. | Counselor Foster Parent | | ADVISER MHS SIS |
| 15 | To best serve Sierra, the counselor contacts the district registrar to look into previous school placements and is able to discover through conversations with her previous district that Sierra has an IEP. Sierra has gone nine weeks without any hearing impairment accommodations. This means she has been sitting in unassigned seats in her classroom without a hearing aid and is not able to interact in class as she typically would. The IEP is not completed in the way LPS would typically have done so, but without any information on her previous Teacher of Record, they cannot clarify certain holes related to modified assignments and preferential seating. <i>"Something that impacts a lot of kids is if their IEPs aren't transferred from their last or second to last placement in a timely manner. Even if the IEP was relatively active, more than likely it was old and past time to be revisited, which can take months. It leaves kids in limbo if people do not know the right words to get the IEP from school districts. The rights they have in school are impacted; they may be suspended when they shouldn't because behavioral information is not updated in the IEP."</i> ²⁵⁴ | Counselor District Registrar | | ADVISER SRS - Madison SIS Local LPS |

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| 16 | During this time, Sierra's case worker left their role, and her new case worker is still catching up on Sierra's file. | Case Worker | | |
| 17 | Using the previous transcripts and information they now have, the school places Sierra in grade-level coursework with what they assume are all the accommodations she needs. They also recommend Sierra to mental health services. | Counselor Teacher of Record Related Service Providers | | MHS SIS |
| 18 | Sierra's grades do not improve. | | | |
| 19 | At her six-month review, the judge, guardian ad-litem, CASA volunteer, parent, and case worker review Sierra's case. Although they see her declining school performance, they can't address educational issues directly in court. To access Sierra's education data, her case worker needs access to her SIS login or must submit an official request to the district. However, without that information, the case worker completes the Education Court Report to the best of their ability using information that they and the CASA volunteer are able to collect. | Judge Guardian Ad Litem CASA Parent | Education data (grades, attendance, discipline), input from foster family on Sierra's social-emotional state | MHS SIS CASA Information System N-FOCUS JUSTICE Judge Portal |
| 20 | Sierra remains a student at LPS for the next six months. | | | |
| 21 | Prior to her one-year court date, the Foster Care Review Board schedules a review of her case. They produce a report for board members to review prior to the meeting and invite all legal parties to attend. They review her educational and other background information and notice the declines in her grades. Foster Care Review staff have access to N-FOCUS as a source of data when reviewing cases. They have their own system called the Foster Care Tracking System which maintains the official record of children in out-of-home care, which can import DHHS N-FOCUS data. Part of the review process is to complete an education-focused component of the form. | Foster Care Review Board Case Worker Foster Parent Parent | School enrollment, academic performance, attendance, behavioral needs, disciplinary record, special education information, extracurricular activities, safe and appropriate placement? Is there a plan for reunification? What progress is being made? | N-FOCUS Foster Care Tracking System |
| 22 | After the board meeting, the board makes recommendations memorialized in a legal document submitted to the court and legal parties prior to her hearing. The recommendations are that Sierra is placed in a foster home closest to or in Madison Public Schools and her family to support reunification. | Foster Care Review Board | | Judge Portal Foster Care Tracking System N-FOCUS |

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| 23 | <p>At the hearing, the judge reviews the Foster Care Review Board report, best interest determination, and additional information from Sierra's case worker, guardian ad litem, and CASA volunteer.</p> | <p>Juvenile Judge Foster Care Review Board Case Worker Guardian Ad Litem CASA Parent</p> | <p>Foster Care Review Office findings document Best Interest Determination (including Education Court Report)</p> | <p>Judge Portal N-FOCUS JUSTICE CASA Information System Foster Care Tracking System</p> |
| 24 | <p>The judge is not able to reunify Sierra and her mother at this time, so she rules to keep her under the care of her foster family within Lincoln Public Schools. This means the judge has not taken the Foster Care Review Board recommendation, which suggested that Sierra's wellbeing would be improved if she was able to be placed back in Madison Public Schools.</p> | <p>Juvenile Judge</p> | | <p>JUSTICE N-FOCUS</p> |
| 25 | <p>Unhappy with the decision, Sierra starts to act out. She begins to shoplift as a distraction. When she is finally caught, she assaults a police officer with a pocketknife in an attempt to flee and is stopped.</p> | <p>Law Enforcement</p> | | <p>NDEN NPACS</p> |
| 26 | <p>Law enforcement takes Sierra into custody for shoplifting and assault of a police officer with a weapon and contacts probation to request a detention screening.</p> <p>The probation officer largely relies on law enforcement, Sierra, and her parent/guardian, and asks limited questions about education.</p> <p>The probation officer completes the interview and screening instrument for Sierra and determines if detention, an alternative to detention or release to parents without restrictions, and the information gathered is entered into NPACS.</p> <p>Ultimately, the probation officer makes the intake decision based on the screening instrument and what is learned from youth and family, especially since the youth is new to the justice system and there is no place to go to find information on their previous</p> | <p>Law Enforcement Probation Officer</p> | <p>Any ongoing or past systems-involvement, previous arrest records, previous placement records, ward status (ward of court or state), current probation relationship, school records (home district, attendance, grades, IEP)</p> | <p>NPACS NDEN</p> |

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| | services. Because this is her first offense, Sierra is allowed to await adjudication at her foster home. | | | |
| 27 | <p>During the adjudication hearing on the law violation the judge finds Sierra to be responsible for her offenses and orders probation to complete a predisposition investigation. Prior to the dispositional hearing, a probation officer completes a comprehensive investigation including completion of the Authorization for Release of Information to gather information from multiple collateral sources including the schools.</p> <p>Nebraska has mandatory e-filing, so much background data comes from the prosecutor and will be filled in by the court.</p> <p>The judge presiding over Sierra’s case is given an Education Court Report for Sierra, which is filled out by probation staff. To complete the report, staff must have access to Sierra’s education data and history, both from her time at Madison Public Schools, Lincoln Public Schools, and any previous facility school placements she might have had.</p> <p>Because Sierra is a state ward, permission to sign a release for school information is more complicated. If her parent still has educational rights, they may be asked to meet at the probation office to sign a release for school information. In a case where a parent is uncooperative, Sierra’s legal team can file to assign educational rights to a different party (GAL, family member, case worker).</p> <p>The officer fills out what they can from the information they’ve received and passes the Court Report and the pre-disposition investigation along to the judge.</p> | <p>Juvenile Judge</p> <p>Probation Officer</p> <p>Guardian Ad Litem</p> <p>CASA</p> <p>Parent</p> | <p>Enrollment history, attendance, academic performance, IEP, discipline, and data about extra-curricular interests</p> | <p>JUSTICE</p> <p>Judge Portal</p> <p>MPS SIS</p> |
| 28 | <p>During the hearing, a judge reviews the plan, hears additional input from prosecution, defense attorneys, parent, and Sierra and her foster family.</p> | <p>Juvenile Judge</p> <p>Probation Officer</p> <p>Guardian Ad Litem</p> <p>CASA</p> | | <p>Judge Portal</p> <p>JUSTICE</p> |

| | | | | |
|-----------|--|-------------------|--|---------|
| | | County Attorney | | |
| | | Parent | | |
| 29 | <p>The judge determines the disposition of the case and places her at Uta Halee, given the severity of her offense (which included the use of a weapon). Sierra is simultaneously termed a “court ward” by Probation for the purpose of school district residency determination only (under §NRS 79-215), but she remains under DHHS custody as a state ward.²⁵⁵</p> <p>Student Perspective: <i>“The work here is lonely. I barely get any help and when I do, I’m just given a cheat sheet. I want to really learn the material. It will be hard to go back to school and I’m scared to have to do it all myself again. Right now, I don’t interact with others. We can’t get the credits we need.”²⁵⁶</i></p> | Juvenile Judge | | JUSTICE |
| | | Probation Officer | | |
| 30 | <p>When Sierra completes her time at Uta Halee, she finds out that her mother has moved out of state. She continues to bounce around from foster home to foster home until her 19th birthday. During this time, her DHHS caseworker should be working on an independent living plan as she transitions to adulthood (Bridge to Independence/Extended Foster Care).</p> | | | |

Appendix B: Leadership Team Meeting Attendance

| Name | Agency | Mar. 21 | May 30 | June 21 | July 26 | Aug. 22 |
|--|-------------------------|---------|--------|---------|---------|---------|
| Jill Aurand | NDE | | | | | |
| Tammy Barry | NDE | | | | | |
| Dr. Paul Beach | Bellwether | | | | | |
| Neleigh Boyer | DHHS | | | | | |
| Jaren Breeling | DHHS | | | | | |
| Lane Carr | NDE | | | | | |
| Dr. Micki Charf | NDE | | | | | |
| Dr. Hazel Delgado and/or Brandon Holding | Judicial | | | | | |
| Allyson DenBeste | NDE | | | | | |
| Scott English | DHHS | | | | | |
| Hon. Larry Gendler | Judicial (Retired) | | | | | |
| Monika Gross | FCRO | | | | | |
| Hon. Roger Heideman | Judicial | | | | | |
| LaDonna Jones-Dunlap | NDE | | | | | |
| Hailly Korman | Bellwether | | | | | |
| Angela Miles | DHHS | | | | | |
| Amy Rhone | NDE | | | | | |
| Kari Rumbaugh and/or Sara Quiroz | Judicial (Probation) | | | | | |
| Libby Schwaner | Bellwether | | | | | |
| Dr. Lynette Tannis | Bellwether (contractor) | | | | | |
| Deb VanDyke-Ries and/or MaryPat Coe | Judicial | | | | | |
| Kathleen Stolz | DHHS | | | | | |
| Dr. Kristin Yates | NDE | | | | | |
| Sophie Zamarripa | Bellwether | | | | | |

Acknowledgments

This report was written by Hailly T.N. Korman, Paul Beach, Sophie Zamarripa, and Libby Schwaner.

Bellwether would like to thank the many individuals who gave their time and shared their knowledge with us for this report. Thank you to all of the interviewees and focus group participants who offered their perspective and feedback. In particular, we would like to acknowledge the young people at Douglas County Youth Center, Lancaster County Youth Services Center - Lincoln, Nebraska Youth Academy (Whitehall), Northeast Nebraska Juvenile Center, RADIUS, Uta Halee, and YRTC - Hastings, who shared their honest experiences with us. Thank you also to our leadership team and steering committee, whose candor and thoughtfulness throughout this engagement greatly informed this final report.

We are indebted to the leadership and dedication of LaDonna Jones-Dunlap and Dr. Kristin Yates, who shepherded this entire project, from start to finish, and gave us incredible guidance and support throughout.

We would also like to extend our gratitude to Dr. Lynette Tannis and Max Marchitello, whose expertise and input strengthened our ability to deliver a rigorous final product. Finally, we would like to thank our colleagues Indira Dammu, Lynne Graziano, Krista Kaput, Teresa Mooney, Julie Nguyen, Jennifer O'Neal Schiess, Alex Spurrier, and Amber Gorman Walker for their input and support, and to Super Copy Editors.

The contributions of these individuals and entities significantly enhanced our work; however, any errors in fact or analysis remain the responsibility of the authors.

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¹⁶⁷ "ICPC Regulations," Association of Administrators of the Interstate Compact on the Placement of Children (AAICPC), APHSA, 2024, https://aphsa.org/OE/AAICPC/ICPC_Regulations.aspx.

¹⁶⁸ Nebraska Revised Statute §79-303.01 (2023).

¹⁶⁹ Leadership team meeting (March 21, 2024).

¹⁷⁰ "State Longitudinal Data System Grant Application," Nebraska Department of Education, SF-424, U.S. Department of Education, 2023.

¹⁷¹ Bellwether interviews.

¹⁷² Nebraska Revised Statute §79-303.01 (2023).

¹⁷³ Bellwether interviews.

¹⁷⁴ Ibid.

¹⁷⁵ Ibid.

¹⁷⁶ Ibid.

¹⁷⁷ Ibid.

¹⁷⁸ Ibid.

¹⁷⁹ Ibid.

¹⁸⁰ Ibid.

¹⁸¹ Ibid.

¹⁸² Ibid.

¹⁸³ Ibid.

¹⁸⁴ Ibid.

¹⁸⁵ "Data Dashboards," Foster Care Review Office, Nebraska.

¹⁸⁶ Nebraska Revised Statute §79-303.01 (2023).

¹⁸⁷ Ibid.

¹⁸⁸ Ibid.

¹⁸⁹ Ibid.

¹⁹⁰ Nebraska Revised Statute §43-247 (2019).

¹⁹¹ Nebraska Revised Statute §79-303.01 (2023).

¹⁹² Leadership team meeting; Bellwether interviews.

¹⁹³ Leadership team meeting; Bellwether interviews; Dorothea Anagnostopoulos and Valentina A. Bali, "Implementing Statewide Longitudinal Student Data Systems: Lessons from the States" (working paper), Education Policy Center at Michigan State University, August 29, 2011, <https://files.eric.ed.gov/fulltext/ED537165.pdf>.

¹⁹⁴ Leadership team meeting; Bellwether interviews; "Roadmap for Cross-Agency Data Governance: Key Focus Areas to Ensure Quality Implementation," Data Quality Campaign, January 30, 2018, <https://dataqualitycampaign.org/resource/roadmap-cross-agency-data-governance/>.

¹⁹⁵ Leadership team meeting; Bellwether interviews.

¹⁹⁶ Ibid.

¹⁹⁷ Nebraska Revised Statute §79-303.01 (2023).

¹⁹⁸ Nebraska Revised Statute §79-1204 (2016).

¹⁹⁹ Nebraska Revised Statute §79-730 (1996), <https://nebraskalegislature.gov/laws/statutes.php?statute=79-730>.

²⁰⁰ Nebraska Revised Statute §79-733 (1996), <https://nebraskalegislature.gov/laws/statutes.php?statute=79-733>.

²⁰¹ Nebraska Revised Statute §79-730 (1996).

²⁰² Kirby Chow, Jennifer Nakamura, Stephanie Nunn, Stephanie B. Wilkerson, Carol Haden, and Mike Puma, "Learning Before Going to Scale: An Introduction to Conducting Pilot Studies," Regional Educational Laboratory Appalachia at SRI International, May 2021, https://ies.ed.gov/ncee/edlabs/regions/appalachia/resources/pdfs/Pilot-Study-Resource_acc.pdf.

²⁰³ Nebraska Revised Statute §79-303.01 (2023).

²⁰⁴ Bellwether interviews.

²⁰⁵ Ibid.

²⁰⁶ Nebraska Revised Statute §43-1103 (2009); Nebraska Revised Statute §43-1101 (2009).

²⁰⁷ Nebraska Revised Statute §79-303.01 (2023).

²⁰⁸ Ibid.

²⁰⁹ Bellwether interviews.

²¹⁰ "Douglas County Youth Center (DCYC) Review of Educational Services."

²¹¹ Nebraska Revised Statute §79-215 (2019); Nebraska Revised Statute §79-1142 (2023).

²¹² Bellwether interviews.

²¹³ Ibid.

²¹⁴ "Justice Department Finds Unconstitutional Conditions at Five Texas Juvenile Justice Facilities" (press release), U.S. Department of Justice, August 1, 2024, <https://www.justice.gov/opa/pr/justice-department-finds-unconstitutional-conditions-five-texas-juvenile-justice-facilities>.

²¹⁵ Bellwether interviews.

²¹⁶ Ibid.

²¹⁷ Ibid.

²¹⁸ Ibid.

²¹⁹ Ibid.

²²⁰ Nebraska Revised Statute §43-247 (2019).

²²¹ Bellwether interviews.

²²² Ibid.

²²³ Ibid.

²²⁴ Ibid.

²²⁵ Ibid.

²²⁶ Ibid.

²²⁷ Ibid.

²²⁸ Ibid.

²²⁹ Ibid.

²³⁰ Ibid.

²³¹ Ibid.

²³² Ibid.

²³³ Nebraska Revised Statute §79-303.01 (2023).

²³⁴ Bellwether interviews.

²³⁵ Ibid.

²³⁶ Ibid.

²³⁷ Ibid.

²³⁸ Ibid.

²³⁹ Ibid.

²⁴⁰ Ibid.

²⁴¹ *Early Development Network Family Resource Guide*, Nebraska Early Development Network, 2020, https://edn.ne.gov/cms/sites/default/files/u42/EDN-Family-Resource-Guide_508%20Accessible-for%20NDE_English_Final.pdf.

²⁴² Ibid.

²⁴³ Bellwether interviews.

²⁴⁴ Ibid.

²⁴⁵ Ibid.

²⁴⁶ Ibid.

²⁴⁷ Ibid.

²⁴⁸ Ibid.

²⁴⁹ Ibid.

²⁵⁰ Ibid.

²⁵¹ Ibid.

²⁵² Ibid.

²⁵³ Ibid.

²⁵⁴ Ibid.

²⁵⁵ Nebraska Revised Statute §79-215 (2019).

²⁵⁶ Bellwether interviews.

Attachment 2:
Proposed MOU

**MEMORANDUM OF UNDERSTANDING BETWEEN THE
NEBRASKA DEPARTMENT OF EDUCATION, THE
NEBRASKA DEPARTMENT OF HEALTH AND HUMAN
SERVICES, THE NEBRASKA OFFICE OF PROBATION, AND
THE NEBRASKA STATE COURT ADMINISTRATOR TO
IMPLEMENT THE RECOMMENDATIONS RESULTING FROM
NEBRASKA REVISED STATUTE §79-303.01**

This Memorandum of Understanding (“MOU”) is entered into effective upon signature by all Parties (the “Effective Date”), which shall occur no later than DATE, by and between Nebraska Department of Education (“Education”), the Nebraska Department of Health and Human Services (“DHHS”), the Nebraska Office of Probation (“Probation”), and the Nebraska State Court Administrator (“State Court”). Education, DHHS, Probation, and the State Court may be referred to either individually as a “Party” or collectively as the “Parties.”

WHEREAS, Nebraska Revised Statute §79-303.01 (2023) (the “Statute”) required the parties to enter into a MOU on or before October 1, 2023, for the sharing of data to provide systems-wide coordination to improve educational opportunities and outcomes and to facilitate service coordination for students under the jurisdiction of the Juvenile Court;

WHEREAS, the Nebraska Department of Education, pursuant to the Statute, contracted with an outside consultant with expertise in the education of court-involved students (the “Educational Consultant”), to provide recommendations including, but not limited to, defining the specific types of data to be collected and shared and to assist in the development of policies and procedures related to sharing of data;

WHEREAS, the Educational Consultant engaged in extensive stakeholder engagement prior to formulating recommendations, which included, but was not limited to, the Parties, the Juvenile Court system, the superintendent of schools for the youth and rehabilitation centers, public school districts, educators, and court-involved students and their parents in formulating the recommendations provided;

WHEREAS, the Educational Consultant delivered a draft report containing the recommendations to the appropriate agency representatives and to the Commissioner of Education, the chief executive officer of the Department of Health and Human Services, and the Chief Justice of the Supreme Court on or before September 1, 2024;

WHEREAS, Education shall complete a final report detailing the recommendations of the Educational Consultant and any policies and procedures that are being considered for adoption by the State Department of Education, the Department of Health and Human Services, the Office of Probation Administration, and the State Court Administrator and deliver same to the Chief Justice of the Supreme Court, the Governor, and the Clerk of the Legislature on or before December 1, 2024;

WHEREAS, the improvement of educational opportunities and availability of systems-

wide coordination for students under the jurisdiction of the Juvenile Court is an important and worthwhile goal;

WHEREAS, the Educational Consultant found that the education opportunity for students under the jurisdiction of the Juvenile Court is significantly inhibited by current education data-sharing practices, policies, and procedures;

WHEREAS, the Educational Consultant found that poor practices, including constraints to education data sharing, constrain the ability of the Parties to exercise meaningful oversight;

WHEREAS, improvement of educational opportunities and systems-wide coordination for students involved with the Juvenile Court will require more streamlined and efficient interagency data sharing to increase the integration of data across agencies and programs; and

WHEREAS, integration of interagency data requires the utmost commitment to protecting and strengthening data security, individual critical privacy safeguards, and confidentiality requirements pursuant to federal and state laws;

NOW, THEREFORE, the Parties agree as follows:

I. PURPOSE. The purpose of this MOU is to implement the recommendations developed in the process resulting from the Statute (“Recommendations”) and articulate the commitment of the parties to share data, in accordance with applicable laws, relevant to students who are under the jurisdiction of the juvenile court in order to provide systems-wide coordination to improve educational opportunities and outcomes and to facilitate service coordination for such students.

II. INDIVIDUAL COMMITMENTS. In addition to the shared commitments that follow, each Party makes the following individual commitments in order to implement the Recommendations, if sufficiently resourced.

A. Education will

- i. Create and circulate an inventory of the standardized minimum of education data elements to be shared between and within education providers (as defined by FERPA).
- ii. Revise Rules 10 and 18 to require additional data reporting from all education placements as a condition of accreditation.
- iii. Update agreements with non-public and out-of-state providers to incorporate education data reporting as a condition of continued contracting.
- iv. Develop the internal technical infrastructure and key process components necessary to operate a centralized records service that collects the minimum education data elements directly from local student information systems (“SIS”s).
- v. Create a state-level registrar position for those staff who will administer the centralized records service.

- vi. Develop internal procedures and guidance for registrars to assemble and award course credits, including partial and out-of-state credits.
- vii. Create a statewide basic diploma available on an opt-in basis to all students who meet the state's minimum requirements for graduation.
- viii. With the advice and cooperation of DHHS and Probation, develop a cross-agency agreement to share aggregate non-identifiable student data.
- ix. With the advice and cooperation of DHHS and Probation, develop a standard user agreement for direct care staff to receive specific individually identifiable education data directly from the centralized records services for those lawful purposes allowed by federal and state law.
- x. With the advice and cooperation of DHHS and Probation, create an allowance for a transitional enrollment period in which students may be dual enrolled across school districts for the purpose of seamless transition.

B. DHHS will

- i. Ensure that all DHHS education programs use (or transition to using) an Education-approved SIS connected to the centralized records service.
- ii. Adopt, when approved by all Parties, Education's user agreements that govern the sharing of data and hold all persons receiving education data accountable for its limited and lawful use.

C. Probation will

- i. Adopt, when approved by all Parties, Education's user agreements that govern the sharing of data and hold all persons receiving education data accountable for its limited and lawful use.

D. State Court will

- i. Develop and implement a process for identifying students as "under the jurisdiction of the juvenile court" and for communicating those determinations to Education no later than the end of the day on which the determination is made.

III. GOVERNANCE. Successful implementation of the requirements of the Statute will require meaningful, good faith participation by all Parties. The Parties agree to participate in an ongoing Working Group ("Working Group") for cross-agency collaboration in which ongoing implementation decisions will be deliberated. This Working Group will produce recommendations for each Party and may produce recommendations for the legislature, as needed.

A. Each Party will ensure that the Working Group members representing that Party have sufficient authority to engage in substantive decision-making and that those members regularly participate in the Working Group.

B. The Parties will reach agreement to contribute in equal share to any costs necessary to support the effective functioning of the Working Group including, but not limited to, external consultants.

IV. DATA-SHARING AGREEMENTS. The Recommendations found that large-scale cross-agency data sharing for the purposes of case management would be premature at this time. At this time, the Parties commit to:

A. Ensuring that all education data is fully, appropriately, and lawfully shared between and within education providers in compliance with all applicable terms of FERPA, including its relevant exceptions.

B. Engaging in collaborative decision-making within the Working Group to reach agreement about which data elements are shared at which transitions, aligned to state and federal law.

V. CROSS-AGENCY TRAINING. The Parties agree to develop, deliver, and maintain cross-agency training to improve staff knowledge and skills.

A. Each Party will decide which trainings are required or optional for which staff roles at which point in their professional learning.

B. The Working Group will coordinate the development, delivery, and maintenance of each training module.

C. At a minimum, these trainings will address:

- i. Special education (including, but not limited to, interpretation and implementation of IEPs and 504 plans as required by state and federal law).
- ii. Data-sharing and data-privacy regulations, with a focus on lawful data sharing (including, but not limited to, the limitations and exceptions of FERPA and HIPAA).
- iii. School transfer and education placement.
- iv. Youth and family rights.
- v. Court procedures.
- vi. Centralized record services (when established).

VI. PROTECTION OF INSTRUCTIONAL TIME. The Parties acknowledge that a necessary precondition to credit accrual and transfer is consistent classroom attendance. The Parties agree to promptly review and revise policies, practices, and procedures that reduce access to instructional time for students — either individually or in groups. Furthermore, the Parties agree to engage in ongoing assessment of policies, practices, and procedures that reduce classroom attendance and make those practical alterations that better protect access to instructional time.

VII. COMPENSATION: No compensation will be exchanged between the parties for participation in this MOU.

VIII. TERMINATION. This MOU shall take effect upon signature by all parties and remain in effect unless terminated by all parties.

IN WITNESS WHEREOF, the authorized representatives of the Parties have executed this MOU pursuant to Nebraska Revised Statute §79-303.01 (2023) as of the Effective Date.

THE NEBRASKA DEPARTMENT OF EDUCATION

By: _____ Date: _____
Dr. Brian Maher
Commissioner of Education

THE NEBRASKA DEPARTMENT OF HEALTH AND HUMAN SERVICES

By: _____ Date: _____
Dr. Steve Corsi,
Chief Executive Officer

THE NEBRASKA OFFICE OF PROBATION

By: _____ Date: _____
Deb Minardi
Probation Administrator

NEBRASKA STATE COURT ADMINISTRATOR

By: _____ Date: _____
Corey R. Steel
Nebraska State Court Administrator