

Category One Tool Kit: Information Sharing for Purposes of Individual Case Planning and Decision-Making

- Introduction
- Federal Law Overview
 - Education Records
 - The Family Educational Rights and Privacy Act (FERPA)
 - FERPA generally
 - The Release of Education Records
 - FERPA Exceptions
 - Directory Information
 - School Official with Legitimate Educational Interest
 - Health or Safety Emergency
 - Judicial Order or Subpoena
 - Enrollment in Another School
 - Studies
 - Investigation/Prosecution of Terrorism “Patriot Act”
 - SEVIS Data
 - FERPA and the Child Welfare and Juvenile Justice Systems
 - Resources on FERPA
 - The Individuals with Disabilities Education Improvement Act (IDEIA)
 - The Protection of Pupil Rights Amendment (PPRA)
 - Health Records
 - The Health Insurance Portability and Accountability Act (HIPAA)
 - HIPAA Generally
 - Protected Health Information
 - Entities Governed by the Privacy Rule
 - The Release of Protected Health Information
 - Exceptions to requirement of obtaining authorization prior to release
 - Treatment, payment, and billing operations
 - Health or safety threat
 - Abuse, Neglect or Domestic Violence

- Law Enforcement
 - Court Orders
 - Subpoenas
 - Other Treatment Providers
 - HIPAA and Minors
 - HIPAA and the Juvenile Justice Systems and Child Welfare Systems
 - HIPAA and FERPA
 - Resources on HIPAA
- Federal Drug and Alcohol Confidentiality Laws and Regulations
 - FDAC Laws and Part 2 Generally
 - The Release of Information Covered by Part 2
 - FDAC and Minors
 - Exceptions to requirement of obtaining signed authorization prior to release
 - Research Exception
 - Audit
 - Medical Emergencies
 - General Exclusions from Part 2 restrictions
 - Part 2 and the Juvenile Justice and Child Welfare Systems
 - Resources on FDAC Laws
- Other Federal Laws
 - The Federal Child Abuse Prevention and Treatment Act (CAPTA)
 - The Juvenile Justice and Delinquency Prevention Act (JJDPA)
 - Indian Child Welfare Act (ICWA)
 - Resources on CAPTA, JJDPA, and ICWA
- State Laws
 - State Laws Generally
 - Resources on State Laws
- General Resources on Confidentiality Laws
- Category One Case Scenarios
 - Scenario 1: Juvenile Probation and Child Welfare Agency

- Scenario 2: Juvenile Probation, Prosecutor’s Office and School
- Scenario 3: Juvenile Probation Officer and Outpatient Mental Health Counselor
- Scenario 4: Multi-agency Meeting to Develop Re-Entry/Transition Plan
- Scenario 5: Student Assistance Program and Children & Youth Caseworker
- Scenario 6: Detention Center worker, School Counselor and Treatment Provider
- Scenario 7: Special Education Teacher, Children & Youth Caseworker, and Foster Parent
- Scenario 8: Child Welfare Agency and Prosecutor
- Scenario 9: Contracted School Mental Health Provider, Community Mental Health Provider, Teacher, Principal, and SAP Coordinator
- Scenario 10: Independent Living Provider and School
- Scenario 11: School Resource Officer and School Counselor
- Answers to Category One Case Scenarios
 - Scenario 1: Juvenile Probation and Child Welfare Agency
 - Scenario 2: Juvenile Probation, Prosecutor’s Office and School
 - Scenario 3: Juvenile Probation Officer and Outpatient Mental Health Counselor
 - Scenario 4: Multi-agency Meeting to Develop Re-Entry/Transition Plan
 - Scenario 5: Student Assistance Program and Children & Youth Caseworker
 - Scenario 6: Detention Center worker, School Counselor and Treatment Provider
 - Scenario 7: Special Education Teacher, Children & Youth Caseworker, and Foster Parent
 - Scenario 8: Child Welfare Agency and Prosecutor
 - Scenario 9: Contracted School Mental Health Provider, Community Mental Health Provider, Teacher, Principal, and SAP Coordinator
 - Scenario 10: Independent Living Provider and School
 - Scenario 11: School Resource Officer and School Counselor
- Principles for Category One
- Guidelines for Category One
 - 1A. Create the foundation.
 - Establish the infrastructure for organization and governance
 - Identify the goals for data collection and sharing for program evaluation and/or performance measurement

- Review existing federal and state laws
- Assess the readiness of information technology systems to support the project
- Provide the training
- 1B. Identify all key decision points that may require the sharing of information and map out the desired flow of information from one point to the next.¹
- 1C. Identify what laws and policies govern the sharing of information at each decision point. This effort should take into account federal and state law, any federal and state regulations, and local policy memoranda regarding information sharing.
 - Review the Category One Federal Law Overview
 - Review the Template for Narrative Legal Analysis to analyze state laws²
 - Utilize a matrix to organize laws and policies across agencies to pinpoint the circumstances under which information mapped in the desired flow may or may not be shared³
 - Identify any existing memoranda of understanding or policies that govern information sharing across agencies.
 - Identify any changes in practice to be implemented to ensure compliance with governing laws regarding disclosure of information.⁴
- 1D. Develop any needed law and policy for effective sharing of case information among the involved agencies.
 - Use the Worksheet for Analyzing Statutes.⁵

¹ The following tools appear in this section: Map of Juvenile Justice Process; Map of the Child Welfare System Process; and Decision Point Legal Analysis Worksheets.

² Tools in this section: Template for Narrative Analysis of Legal Requirements for Information Sharing; Matrix developed in Miami.

³ Tools in this section: Decision Point Legal Analysis Worksheet; Matrix for King County, WA; Matrix for Clark County, WA; Matrix for Colorado; and Matrix for Hawaii.

⁴ Tools in this section: Decision Point Legal Analysis Worksheet; Template for Narrative Analysis of Legal Requirements for Information Sharing.

⁵ Tool in this section: Worksheet for Analyzing Statutes.

- Review and complete the Worksheet for Analyzing MOUs.⁶
- Review sample MOUs and review and complete the Template for Developing an Interagency MOU.⁷
- 1E. Develop the protections for the information that is to be shared.⁸
- 1F. “Develop accessible processes and procedures for youths and/or their parents/legal guardians, in accordance with applicable law, to review information that is collected about them and that may be disclosed. Provide them with the procedures and opportunity to approve and/or amend their information.”⁹
- 1G. Identify the information sharing systems and their current capacities.
- 1H. Develop protocols for the operation of information sharing agreements, practitioner’s guides, authorization to release forms, and any other tools for case information sharing.
 - Authorization to release information forms (consent forms)¹⁰
 - Business Associate Agreements¹¹
 - Qualified Service Organization agreements
 - Court Orders¹²
- 1I. Seek approval of any drafted tools such as information sharing agreements, practitioner’s guides, and authorization to release of information forms from the participating agencies and their legal counsels.

⁶ Tool in this section: Worksheet for Analyzing MOUs.

⁷ Tools in this section: Template for Developing an Interagency MOU; Sample Interagency Agreement on Information Sharing, developed by United for Youth; Hopetown Hypothetical Agreement ; Outagamie County, WI MOU; Jefferson County, LA MOU.

⁸ Tools in this section: Worksheet for Analyzing Statutes; Worksheet for Analyzing MOUs; Template for Developing an Interagency MOU.

⁹ Tools in this section: Worksheet for Analyzing Statutes; Worksheet for Analyzing MOUs; Template for Developing an Interagency MOU.

¹⁰ Tools in this section: Comprehensive Multiagency Consent Form; Clark County form.

¹¹ Tools in this section: Department of Health and Human Services Office of Civil Rights; A Colorado business associate agreement.

¹² Tools in this section: Judicial order from Georgia; order from Cook County, Illinois.

- Case Studies
 - Jefferson Parish, Louisiana¹³
 - Clark County, Washington¹⁴
 - Florida

Category Two Tool Kit: Data Collection and Sharing for Law, Policy, and Program Development

- Introduction
- Federal Law Overview
 - Education Records
 - The Family Educational Rights and Privacy Act (FERPA)
 - FERPA generally
 - The Release of Education Records
 - FERPA Exceptions
 - Directory Information
 - Judicial Order or Subpoena
 - Studies
 - FERPA and the Child Welfare and Juvenile Justice Systems
 - Resources on FERPA
 - The Individuals with Disabilities Education Improvement Act (IDEIA)
 - The Protection of Pupil Rights Amendment (PPRA)
 - Health Records
 - The Health Insurance Portability and Accountability Act (HIPAA)
 - HIPAA Generally
 - Protected Health Information
 - Entities Governed by the Privacy Rule

¹³ Tools in this section: Jefferson Parrish’s information sharing MOU; Jefferson Parish catalogue of laws); John Ryals’ monograph on developing Jeff Parrish MOU.

¹⁴ Tools in this section: Clark County Release of information form; Clark County Resource Guide.

- The Release of Protected Health Information
 - Exceptions to requirement of obtaining authorization prior to release
 - Court Orders
 - Studies
 - HIPAA and Minors
 - HIPAA and the Juvenile Justice Systems and Child Welfare Systems
 - HIPAA and FERPA
 - Resources on HIPAA
- Federal Drug and Alcohol Confidentiality Laws and Regulations
 - FDAC Laws and Part 2 Generally
 - The Release of Information Covered by Part 2
 - Exceptions to requirement of obtaining signed authorization prior to release
 - Research Exception
 - Audit
 - FDAC and Minors
 - General Exclusions from Part 2 restrictions
 - Part 2 and the Juvenile Justice and Child Welfare Systems
 - Resources on FDAC Laws
- Other Federal Laws
 - The Federal Child Abuse Prevention and Treatment Act (CAPTA)
 - The Juvenile Justice and Delinquency Prevention Act (JJDPA)
 - Indian Child Welfare Act (ICWA)
 - Resources on CAPTA, JJDPA, and ICWA
- State Laws
 - State Laws Generally
 - Resources on State Laws
- General Resources on Confidentiality Laws
- Category Two Scenarios
 - Scenario 1: State Youth Services Department and Local School District
 - Scenario 2: State Child Welfare Agency, State Education Agency, and Local Education Agency

- Scenario 3: City Child Welfare Agency and City Department of Behavioral Health
- Scenario 4: Community Coalition Considering Sharing Aggregate Data Related to Youth
- Scenario 5: Juvenile Court, School Resource Officer
- Answers to Category Two Scenarios
 - Scenario 1: State Youth Services Department and Local School District
 - Scenario 2: State Child Welfare Agency, State Education Agency, and Local Education Agency
 - Scenario 3: City Child Welfare Agency and City Department of Behavioral Health
 - Scenario 4: Community Coalition Considering Sharing Aggregate Data Related to Youth
 - Scenario 5: Juvenile Court, School Resource
- Principles for Category Two
- Guidelines for Category Two
 - 2A. Create the foundation.
 - Establish the infrastructure for organization and governance.
 - Identify the goal for data collection and sharing for program evaluation and/or performance measurement.
 - Review existing federal and state laws.¹⁵
 - Assess the readiness of information technology systems to support the project.
 - Provide the training.
 - 2B. Develop the questions that need to be answered for improved law, policy, and program development and to determine whether desired outcomes are being met.
 - 2C. Identify and review existing databases by conducting a data inventory.¹⁶
 - 2D. Determine what data elements are missing from current databases to answer questions for improved law, policy, and program development.
 - 2E. Update the existing data systems and design other methods to collect additional data to support improved law, policy and program development.

¹⁵ Tools in this section: **Jefferson, LA parish catalogue of information sharing laws.**

¹⁶ Tools in this section: **Category Two Juvenile Justice Mapping Survey for Louisiana Models for Change; a white paper by the Gartner Group**

- 2F. Establish each agency’s responsibility and accountability for data collection, including specifying the parameters of interagency data collection and sharing for the participating agencies and the reporting of data to participating agencies and the public.¹⁷
 - 2G. Establish privacy rules, access rights, and security safeguards to protect against the potential for undesirable publication of individual case information in the data collection process.
 - Following the Guide: An Overview of the Process
- Case Studies
 - Washington State¹⁸
 - Newtown County, GA

Category Three Tool Kit: Data Collection and Sharing for Program Evaluation and Performance Measurement

- Introduction
 - Defining Program Evaluation Versus Performance Measurement
 - Accountability
 - Evidence-Based Practice
 - Three Basic Tenants: Simplicity, Utility and Relevance
- Federal Law Overview
 - Education Records
 - The Family Educational Rights and Privacy Act (FERPA)
 - FERPA generally
 - The Release of Education Records
 - FERPA Exceptions
 - Directory information
 - In response to a judicial order or subpoena
 - For studies

¹⁷ Tools in this section: **Category Two Template for Developing an Interagency MOU and Newton County, Georgia MOU.**

¹⁸ Tools in this section: **Models for Change Innovation Brief, Beyond Anecdote: New Resources in Washington State for Data-Informed Policy Reform (2013)**

- FERPA and the Child Welfare and Juvenile Justice Systems
 - Resources on FERPA
- The Individuals with Disabilities Education Improvement Act (IDEIA)
- The Protection of Pupil Rights Amendment (PPRA)
- Health Records
 - The Health Insurance Portability and Accountability Act (HIPAA)
 - HIPAA Generally
 - Protected Health Information
 - Entities Governed by the Privacy Rule
 - The Release of Protected Health Information
 - Exceptions to requirement of obtaining authorization prior to release
 - Court Orders
 - Studies??
 - HIPAA and Minors
 - HIPAA and the Juvenile Justice Systems and Child Welfare Systems
 - HIPAA and FERPA
 - Resources on HIPAA
 - Federal Drug and Alcohol Confidentiality Laws and Regulations
 - FDAC Laws and Part 2 Generally
 - The Release of Information Covered by Part 2
 - Exceptions to requirement of obtaining signed authorization prior to release
 - Research Exception
 - Audit
 - FDAC and Minors
 - General Exclusions from Part 2 restrictions
 - Part 2 and the Juvenile Justice and Child Welfare Systems
 - Resources on FDAC Laws
- Other Federal Laws
 - The Federal Child Abuse Prevention and Treatment Act (CAPTA)
 - The Juvenile Justice and Delinquency Prevention Act (JJDPA)

- Indian Child Welfare Act (ICWA)
 - Resources on CAPTA, JJDPA, and ICWA
- State Laws
 - State Laws Generally
 - Resources on State Laws
- General Resources on Confidentiality Laws
- Category Three Case Scenarios
 - Scenario 1: Municipal Community Centers and School District
 - Scenario 2: State University, State Child Welfare Agency, State Education Agency
- Answers to Category Three Case Scenarios
 - Scenario 1: Municipal Community Centers and School District
 - Scenario 2: State University, State Child Welfare Agency, State Education Agency
- Principles for Category Three
- Guidelines for Category Three
 - 3A. Create the foundation.
 - Establish the infrastructure for organization and governance.
 - Identify the goals for data collection and sharing for program evaluation and/or performance measurement.
 - Review existing federal and state laws.¹⁹
 - Assess the readiness of information technology systems to support the project.²⁰
 - Provide the training.
 - 3B. Develop a culture of accountability through the establishment of strong performance measurement systems for each of the participating agencies and their collaborative efforts.
 - 3C. Refine the existing and develop any needed additional databases or other methodologies to support program evaluation and performance measurement.
 - 3D. Establish processes for undertaking evaluation research on target populations, programs, and client outcomes in compliance with federal statutes and regulations including Institutional Review Board (IRB) approvals.

¹⁹ Tools in this section: **Jefferson, LA parish catalogue of information sharing laws.**

²⁰ Tool in this section: **readiness assessment tool.**

- Applicable Laws
- Partnering with Universities
- Obtaining IRB approvals
- Obtaining consents for human subject research²¹
- 3E. Establish each agency's responsibility for data collection, including specifying the parameters of interagency data collection and sharing for the participating agencies and allocating costs.²²
- 3F. Establish quality control and accountability for data collection and sharing.
- 3G. Establish privacy and security safeguards against the potential for undesirable publication of individual case information in the data collection and sharing process.
- 3H. Develop a plan for the reporting and publication and use of aggregated data to promote evidence-based practices.
- Case Studies
 - SPEP in Pennsylvania
 - Hennepin County, MN

²¹ Tools in this section: **Factors Predicting Therapeutic Alliance in Detained Adolescents, University of New Orleans; Parental Consent Telephone Script, Louisiana State University Health Sciences Center; Parental Permission to Participate in Research and Authorization to Collect, Use and Share Your Health Information: Information to Consider Before Taking Part in This Research Study, University of South Florida; Developing a Violence Risk Screening Tool, Louisiana State University Health Sciences Center; Assent to Participate in Research: Information for Persons under the Age of 18 Who Are Being Asked To Take Part in Research, University of South Florida.**

²² Tools in this section: **Virginia Restricted Use Agreement; Using MSTI Enhanced Website Data for Research Protocol/Policy; and Policy and Procedures for Obtaining Access to MSTI Data on Teams**