

*East Region
San Diego County*

*Information Sharing Agreement
&
G.O.A.L.S. Profile*

“Background and Process”

*Ceremonial Launch Breakfast
Tuesday, February 3, 2008
8:00 a.m.*

“Our public and private programs work to improve the health and well being of the people they serve, but getting good results often depends on effective implementation of integrated strategies across systems and agencies.”

Introduction

As the most populated state in the nation, California faces many complex challenges, one of which is the state's ability to provide effective programs and institutional structures that nurture youth and family development. Statistics starkly illustrate the need. California currently ranks 46th (of 50 states) in juvenile incarceration, 35th in the number of uninsured children, and 30th in child poverty. ("Geography Matters: Child Well Being in the State") Approximately 30% of California's high school students fail to graduate; a disproportionate number of these are Black and Hispanic. ("*Raising the Roof: Explore California Public School Data*") Research strongly supports the idea that school problems correlate with poverty, dysfunctional families, substance abuse, behavior problems, early sexual activity and pregnancy. (Adelman and Taylor)

Left unaddressed, these problems have the potential to unravel the very fabric of our communities. We must understand that these children, these families, require support from a multitude of state and local social services. Isolated solutions will produce only limited results. If the desire is to reverse these trends, in fact, to create real and sustainable change, then we must work together within our own communities to find viable solutions, not only within systems, but collaboratively and across systems as well.

A Tradition of Collaboration

Fortunately for the families of San Diego's east county, the region's many public and social service agencies have a long history of collaboration in their efforts to help kids and families. This trend towards a more collaborative model has been greatly advanced by the work of the Multi-Systems Workgroup Pathways to Student Safety and

Success under the direction of Pam Smith, Deputy Director for the County of San Diego Health and Human Services Agency. San Diego Youth and Community Services, (SDYCS) another collaboratively progressive social service agency, implements a variety of flexible and creative programs to strengthen its community relationships including those with local law enforcement, east county school districts, CBO's and community collaboratives just to name a few.

So when the school districts of east region had opportunities to pursue Safe Schools/Healthy Students grants, grants that fund school and youth violence prevention grants to local education authorities who partner with community agencies to provide educational, mental health, social, law enforcement, and juvenile justice services that promote safe and drug free schools, they didn't have to look far for willing partners. Since its inception, the Safe Schools / Healthy Students Initiative has funded more than 276 collaborative projects across the nation, but San Diego's east region is the only place in the country to have been awarded two separate Safe Schools / Healthy Students grants and which also serves the entire K-12 age range making it a national model.

Safe Schools / Healthy Students Grants

The San Diego County Office of Education sought the first of these grants in 2005 on behalf of five east county school districts, Cajon Valley, La Mesa-Spring Valley, Lakeside, Lemon Grove, and Santee, all of which matriculate into GUHSD. The \$7.8 million award was announced October of 2005 and operates under the name, Project PEACE. (Promoting Education and Community Empowerment) In an effort to develop parallel programs and cohesion of services, the Grossmont Union High School District applied for a second Safe Schools / Healthy Students grant and as a result, was awarded a

\$6.4 million grant over four years. The GUHSD grant, known as Project SHIELD (Schools, Homes, Institutions Empowering Learner's Destinies) serves five high school campuses, El Capitan, Granite Hills, Grossmont, Monte Vista, and Mt. Miguel.

**Safe Schools Interagency Team Planning Program
Appleton, Wisconsin, July 2007**

Initially, both Project PEACE and Project SHIELD worked diligently "in house" to lay the necessary groundwork to articulate and implement their action plans, but it was a trip to Appleton, Wisconsin by members of the MARC Committee (Project PEACE/SHIELD cross agency advisory board) that unexpectedly clarified these goals. Sponsored by the Office of Juvenile Justice and Delinquency Prevention, this training was designed to assist communities in developing leadership, policies, and partnerships related to safe and effective school environments. It was here that the seeds of the G.O.A.L.S. (Global Oversight Analysis Linking Systems) Profile as a collaborative process took root, but the most compelling aspect of the conference for the MARC Committee revolved around a presentation by Dr. Bernard James, a constitutional law professor at Pepperdine University, on the legal issues and current best practices of information sharing within the contexts of HIPPA and FERPA.

HIPPA and FERPA

HIPPA is the federal law that establishes the standards for medical information privacy laws. Under this law, all medical providers and billing entities are restricted in their freedom to disclose medical information along three basic guidelines. Disclosure of information is *only* allowed when: 1)it is at the request of the person who is the subject of the records, 2)information must be shared in order to provide effective medical treatment, 3)the interests of public safety and/or law enforcement outweigh privacy

FERPA, also a federal statute, establishes the standards for the privacy of educational records. The intent is to protect the rights of students and to ensure the privacy and accuracy of the records themselves. It applies to all educational institutions that accept federal funding, higher education through elementary school. Under FERPA, information from educational records cannot be shared without the consent of the parent, or if the student is 18 or older, without that student's consent. The release of a student's educational record *can only be released* (to appropriate authorities) *without the required consent* for: 1) a legitimate educational interest including transfer of schools, audit or evaluation, or financial aid, 2) compliance with a judicial order or subpoena, 3) a case of health or safety, 4) part of a proceeding within the juvenile justice system.

Where these laws can become obstructionist is precisely within the context of cross agency collaboration, precisely when projects like PEACE and SHIELD seek to create an innovative approach to improved service models. So when the MARC Committee first recognized the G.O.A.L.S. Profile as a viable process, their traditional interpretation of information sharing laws caused discouragement. The overriding feeling among all the team members was that because of the complications of information sharing laws, a protocol like the G.O.A.L.S. Profile could never happen.

Dr. Bernard James: Setting the Record Straight

One purpose of Dr. James' presentation in Appleton was to call out these common misconceptions around legal information sharing in order to inspire policy change and enable more assertive and effective violence prevention and safe school programs. James pointed out that while both HIPPA and FERPA seem straightforward in definition, they are much less so in practice. Overlapping jurisdictions, inconsistencies between state and

federal law, and a variety of amendments addressing exceptions all contribute to blurred lines in their application and enforcement. Community service providers and local government agencies, fearful of missteps and legal entanglements, often develop internal policies that are far more restrictive and inflexible than HIPPA or FERPA laws ever intended. Unfortunately, as a result of this perceived quagmire, educators, mental health professionals, law enforcement, and other community-based service organizations adopt a “hands off” approach as the safest method of dealing with information sharing situations. However, it was not until the tragedy on the campus of Virginia Tech in April of 2007 that law and policy makers finally understood the urgent need to clarify existing information sharing laws.

Virginia Tech, April 16, 2007

When Virginia Tech University student, Seung Hui Cho, shot and killed 32 people, wounded 17 others, and ultimately killed himself on the campus of Virginia Tech in April of 2007, the nation was confronted with the most violent example of school violence in U.S. history... In an effort to seek answers to the many questions which arose as a result, Timothy Kaine, Governor of Virginia, initiated the Virginia Tech Review Panel whose findings would in turn, initiate an overhaul of the country’s information sharing practices. “Joint Guidance on the Application of the Family Educational Rights and Privacy Act (FERPA) and the Health Insurance Portability and Accountability Act of 1996 (HIPAA) to Student Health Records. December 2008” [Associated document available online: <http://www.ed.gov/policy/gen/guid/fpco/doc/ferpa-hippa-guidance.pdf>]

One of the more alarming truths unveiled in the Review Panel’s findings is the extent to which Seung Hui Cho interacted with various authorities, from the university

itself to mental health agencies to law enforcement, and in all that time, “No one knew all the information and no one connected all the dots.” (Report of the Review Panel, Summary Findings, #2) If all these agencies at Virginia Tech had had a viable method for information sharing, it is probable that Cho’s case would have generated comprehensive concern and in turn, more focused observation by authorities. At the very least, had they been operating with an appropriate understanding of privacy laws, Cho’s parents might have been contacted who, based on their prior history, would have likely attempted some intervention on their son’s behalf.

The Virginia Tech Review Panel revealed that the lack of communication across agencies was “blamed” on the belief that, “such communications are prohibited by the federal laws governing the privacy of health and education,” but that, “In reality, federal laws and their state counterparts afford ample leeway to share information in potentially dangerous situations.” (Report of the Review Panel, Summary Findings, #3) This fact is reflected in the message that Dr. James shared with conference participants in Appleton, including members of the MARC Committee from the east region of San Diego County. While the MARC Committee was initially discouraged by what they understood as the restrictions that HIPPA and FERPA place on collaboration when considering new and innovative ways to serve families, they ultimately came away with an entirely different perspective. Dr. James’ message was clear. “In light of trends in school violence, the current legal climate empowers agency collaboration. What makes good law does not necessarily make good policy.” (Dr. Bernard James)

Memorandum of Understanding

The MARC Committee representatives returned to San Diego with a sharpened sense of purpose and motivation. If they were able to create an effective interagency information sharing agreement, they knew they could transform how they were serving children and families. Such an agreement would free each agency up to do what it does best. It would be a way to work smarter with fewer resources, to increase accountability through formal relationships, to work with a common language and towards common goals, and to minimize liability.

To maintain the energy and momentum of the Appleton experience, the MARC Committee came back and initiated a variety of discussions focusing on interagency information sharing within their respective agencies. Dr. James was invited to the east region on two separate occasions, December 2007 and April 2008, both times to address the decision makers within the respective agencies about information sharing law and to inspire the process. Dr. James, in his concluding remarks in the April 2008 session, expressed his expectation that the group would, in fact, follow through with a thorough and specific Memorandum of Understanding on information sharing procedures that would reduce barriers in servicing the needs of children and families in the east region.

The process itself serves as a model of productive collaboration. Each agency has articulated its roles and responsibilities. A variety of public forums provided the opportunity to question, clarify, and revise the document and its objectives. Finally, after scrutiny by legal professionals, the final draft is ready for signatures and adoption into practice. And while the process has been systematic and thoughtful, this document is not valuable in and of itself, but rather as a conduit to better practice and more effective support for the children and families of east region.

The G.O.A.L.S. Profile

The Global Oversight Analysis Linking System or G.O.A.L.S. Profile is a response to the realization that, in order to best serve our “at risk” youth, we need a mechanism through which we can gain a more comprehensive understanding of each youth’s history, not simply as a view from within our own jurisdictions, but also across the broad spectrum of social service agencies that serve our communities. The G.O.A.L.S. Profile answers a need for a viable process which not only collects and analyzes data regarding our clients, but one that also exposes trends from within and across systems.

The G.O.A.L.S. Profile program has been inextricably linked to the MOU on information sharing, for without that document, the G.O.A.L.S. Profile would be dead in the water. Once the MOU document was well on its way to completion, the next step was to determine what data should be considered for the G.O.A.L.S. Profile and how that data could best be collected and analyzed while still continuing to honor a significant level of confidentiality. After several trial runs, the respective partners agreed on a discipline-specific matrix in which each agency selected meaningful data categories that might reflect that individual’s history within that particular agency.

The G.O.A.L.S. Profile process begins by indentifying a specific risk group, drop-outs, for example. The school will compile a list of 15 students who are at risk of dropping out before the start of their 10th grade year. These students are identified and then their names are paired with identifier numbers. From this point forth, only the individual responsible for collecting the data within his/her respective agency will have access to names; all others will only be able to identify the youth in the study according

to their number identifiers. At this point, each participating agency gathers data relevant to their jurisdiction on each of the 15 youth selected for the profile. Once all data is gathered, it is compiled in a spread sheet style format. The spread sheet now allows for a global view. It reveals the trends and patterns of the individual youth, but also trends and patterns across disciplines. The drop-out profile may reveal patterns in the family structure, foster care, drug or alcohol abuse, poverty levels, incarceration, prior legal infractions or court issues, etc. Examining data in this way reveals intervention points for preventative action and exposes gaps within and across systems, all of which can inform future policy and practice.

The Future

Although the collaborative culture within east region continues to grow stronger, the challenges facing our communities intensify. As our nation squares off with one of the most severe economic crises of modern times, the strain on resources both personal and public continues to require government and social service agencies to do more with less. We must continue to work together, to pool our resources, to develop and nurture professional relationships, to hold each other accountable, to think creatively, and value flexibility if we are to meet the needs of the communities we serve.

Accomplishments such as a multi-agency information sharing agreement should be celebrated. Innovations such as the G.O.A.L.S. Profile deserve both recognition and continued commitment and support. But the true inspiration in all of it lies in the fact that this is a beginning, not an end. We create these improved service structures to do more and do it better, not to get caught up in the glory of a good idea. So congratulations east region for a good idea well developed. Now, let the work begin!

Resources

Adelman, Howard and Taylor, L. "Behavior Problems at School." Los Angeles: School Mental Health Project, Dept of Psychology, UCLA. [Available Online: <http://smhp.psych.ucla.edu/pdfdocs/quicktraining/behaviorproblems.pdf>]

"Geography Matters: Child Well Being in the State." Washington D.C.: Every Child Matters Education Fund, 2008 [Available Online: <http://www.everychildmatters.org/images/stories/goematters.pdf>]

"Joint Guidance on the Application of the Family Educational Rights and Privacy Act (FERPA) And the Health Insurance Portability and Accountability Act of 1996 (HIPAA) To Student Health Records." U.S. Department of Health and Human Services, U.S. dept. of Education, November 2008 [Available Online: <http://www.ed.gov/policy/gen/guid/fpco/doc/ferpa-hippa-guidance.pdf>]

"Virginia Tech Review Panel Report, August 2007." Col. Gerald Massengill, Chair. Virginia Tech University, Arlington, VA, 2007 [Available Online: <http://www.vtreviewpanel.org/report/index.html>]