



Building Relationships: BETWEEN SCHOOLS AND CDR TEAMS

Telling Stories to Save Lives



KEY FUNDING PARTNER

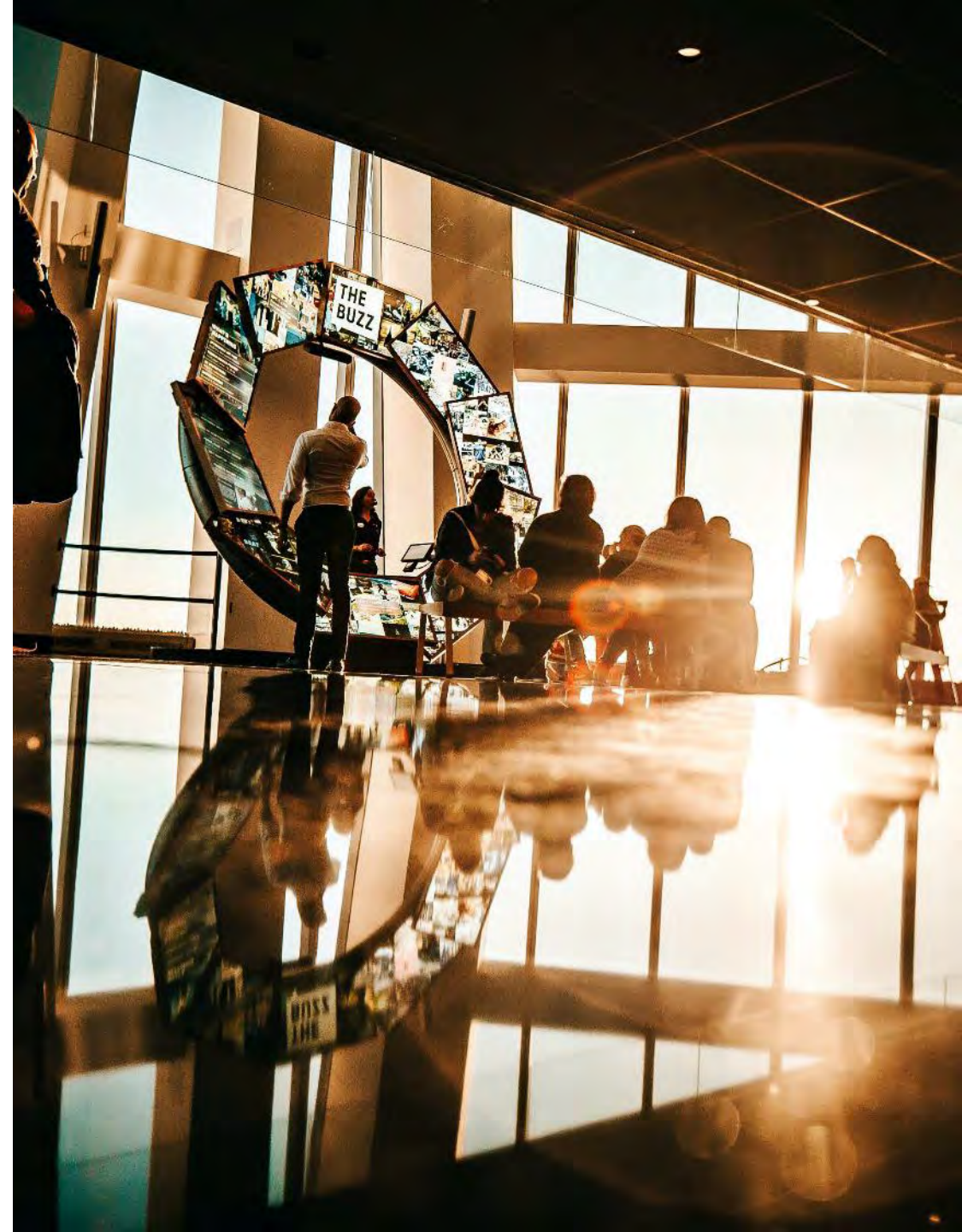
FEDERAL ACKNOWLEDGEMENT

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HOUSEKEEPING

Before we get started

- This webinar is being recorded and will be available on the National Center's webpage (URL: www.ncfrp.org).
- Participants are muted. Use the question-and-answer box to ask questions.
- Due to the large number of participants, the speakers may be unable to answer all questions. Unanswered questions will be answered and posted with the recording.
- Contact the National Center (email: info@ncfrp.org) for any tech problems.





EVALUATION

<https://www.surveymonkey.com/r/32BRMMX>

Diane Pilkey, RN, MPH

Welcome and Introductions

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Maternal and Child Health Bureau

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HRSA'S VISION FOR THE NATIONAL CENTER

IMPROVING SYSTEMS OF CARE AND OUTCOMES FOR MOTHERS, INFANTS, CHILDREN, AND FAMILIES

Assist state and community programs in:

- Understanding how CDR and FIMR reviews can be used to address issues related to adverse maternal, infant, child, and adolescent outcomes
- Improving the quality and effectiveness of CDR/FIMR processes
- Increasing the availability and use of data to inform prevention efforts and for national dissemination



Overview of Child Death Review (CDR)

Discuss the CDR process and how data are collected



Deaths Occurring on School Property

Review data from CDR teams on deaths that occurred on school property



Family Educational Rights and Privacy (FERPA) Act

Learn how FERPA applies to CDR



Current CDR and School Collaboration

Understand how CDR teams and schools are currently collaborating



Opportunities for Further Collaboration

Identify opportunities to become involved in CDR



PRESENTATION GOALS

Speakers

Experts Joining in the Discussion



Abby Collier, MS
Director
National Center



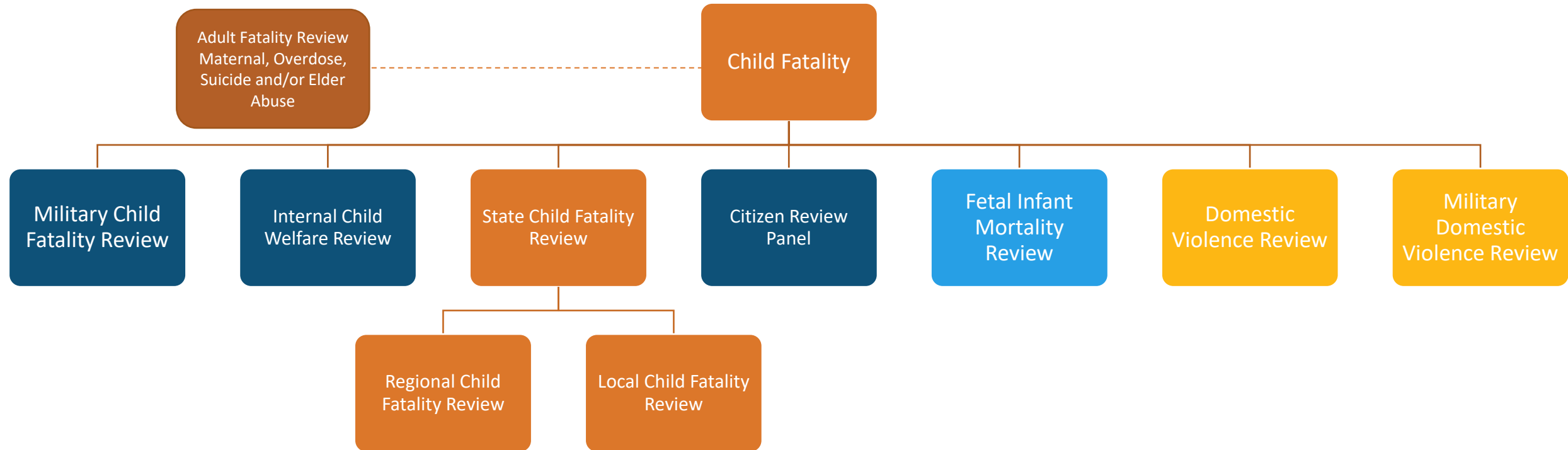
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The Web of Reviews

Intentional Connections to Improve Health and Safety



WHAT IS CDR?

Understanding Fatalities to Improve Safety

- Multidisciplinary, community-oriented process that brings together professionals to understand how and why children die.
- Illuminates where systems are successful in working together as well as opportunities for improvement.
- Uncovers disparities in how families are offered resources, access services and navigate systems.
- Prevention-focused program that seeks to keep kids alive.



Three Steps to Child Death Review

Steps to Success



Tell the Story



Tell each story, identified, to understand the risk and protective factors



Collect Data



Multidisciplinary data on the context in which the child lived should be documented



Take Action



Fatality Review Teams should be a catalyst for prevention

CDR Process

Best Practices in Reviews

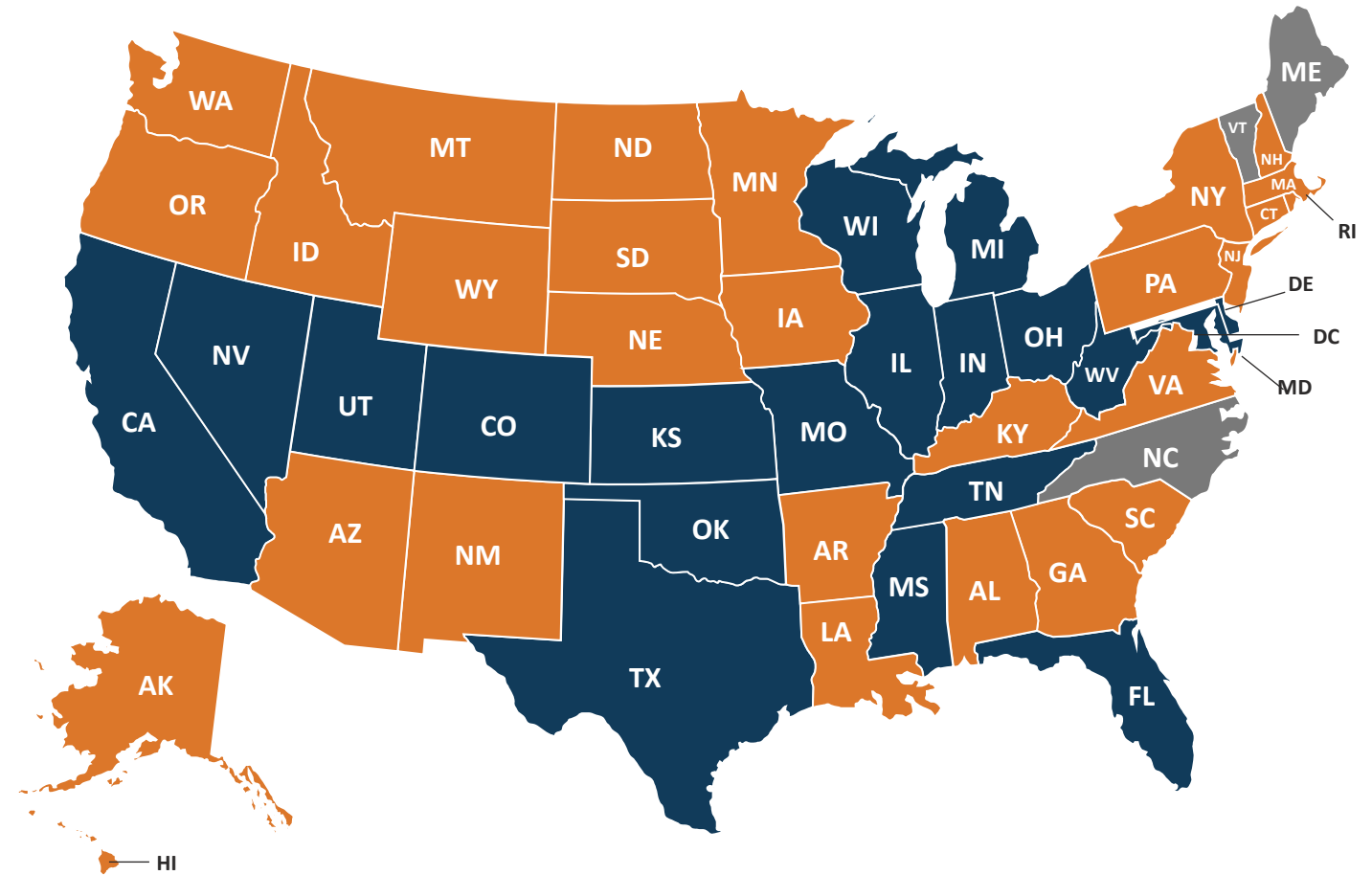


NFR-CRS Utilization

There are currently 47 states using NFR-CRS

- 47 use NFR-CRS for CDR
- 19 use NFR-CRS for FIMR

Each state uses NFR-CRS differently. Some have comprehensive reviews whereas others may only use NFR-CRS in one jurisdiction. States do not have to participate in NFR-CRS to be eligible for this funding



States Using NFR-CRS for CDR

States Using NFR-CRS for CDR and FIMR

States Not Using NFR-CRS

Deaths that Occurred in a School Setting

NFR-CRS data from 439 deaths, that occurred to children ages 5-19 between 2005-2019



AGE



51% were 15-19, 31% were 10-14, and 18% were 5-9 years old



RACE AND ETHNICITY



61% were white, 32% were Black, 3% were Asian, and #5 were AI/AN. 17% were Hispanic



SEX



68% were male and 32% were female according to their death certificate

External Causes of Death

NFR-CRS data from 439 deaths, that occurred to children ages 5-19 between 2005-2019



External Cause 50%

- 47% were from **Weapons**
- 17% **Motor Vehicle Crashes**
- 10% Falls or Crushes
- 9% Asphyxia
- 5% Drownings
- 8% Other External Cause



Weapons

- 66% Firearms
- 8% Person's Body Part
- 8% Rope
- 7% Knife or Other Sharp Instrument
- 12% Other Weapon



Motor Vehicle Crash

- 64% Pedestrians
- 17% Passengers
- 19% All Other Categories (e.g., driver, bicycle, not specified)

Medical Causes of Death

NFR-CRS data from 439 deaths, that occurred to children ages 5-19 between 2005-2019



Medical Cause 48%

- 41% were Cardiovascular
- 15% Congenital Anomalies
- 7% Asthma
- 7% Neurological or Seizure Disorders
- 7% Other Infection
- 21% Other Medical Condition

For deaths where additional detail was provided, **29% involved sports, physical education/gym class, recess or playground equipment, or dances** (both recreational and performance).

Incident and Investigation Information

NFR-CRS data from 439 deaths, that occurred to children ages 5-19 between 2005-2019



Witnessed

21% of deaths had the incident witnessed by a teacher, coach, or trainer.



School-Related Problems

14% were known to have experienced problems in school.



Mental Health Services

13% were known to have received mental health services.



Geographic Area

41% of the deaths occurred in urban areas; 38% in suburban areas; 22% in rural/frontier areas.

Of those who experienced **School-Related Problems**, 36% had problems with truancy, 33% reported academic problems, 33% reported behavioral problems (e.g., acting out, bullying), 33% reported other problems, and 13% had been suspended.



Improving Collaborations Between Schools & Child Death Review Teams

March 15, 2023

Deepa Joshi, MD, MPH

Public Health Analyst, Office of Epidemiology and Research and Division of Child, Adolescent and Family Health

Maternal and Child Health Bureau (MCHB)

Vision: Healthy Communities, Healthy People



Exploring the Issue

Conducted Key Informant Interviews with:

- Child death review coordinators from 8 states
- 3 Coroners/medical examiners
- Touchpoints in the education system

School Roles in CDR: Participation



**School officials participating
as a member of the CDR.**



**CDR teams successfully accessing
information in educational
records to include in the case
review.**

Both roles provide unique and valuable contributions to the CDR process.

School Roles in CDR



School officials participating
as a member of the CDR.

- 1 Who could participate from a school?
- 2 What does participation look like?
- 3 How does school officials' participation benefit CDR? How does it benefit schools?

Benefits of Collaboration: Suicide Prevention



School officials wrote a grant to receive an additional counselor and implement suicide prevention programming in their district.

School Roles in CDR: Educational Records



CDR teams successfully accessing information in educational records to include in the case review.

- 1 How can school records help inform child death reviews?**
- 2 How do school records aid in child death prevention efforts?**

Useful Information in School Records

Types of Useful Information in School Records	Examples of Information
1. Insight into the academic life of the child	Academic Records; Transfer to a different school
2. Understand services obtained by the child	Individual Education Plan (IEP); Behavioral Intervention Plans; 504 Plans
3. Evidence of risk factors and warning signs	Excessive school absences; Disciplinary records; Bullying/conflict with peers Noted conflicts with parents or neglect by parents; Frequent visits to school nurse with complaints; Suicide risk assessments

Useful Information in School Records Ctd.

Types of Useful Information in School Records	Examples of Information
4. Presence of protective factors	School participation; Social supports
5. Gaps in service provision or evaluation	Absences of behavioral or learning evaluations; Lack of appropriate follow up for previously identified problems or needs

Benefits of Records: Absenteeism in Children with Disabilities



Review of school records highlighted the need to improve state and local frameworks for responding to chronic absenteeism, especially among children with disabilities given their increased risk for abuse and neglect.

Current State of Collaboration

- According to a recent study using National Fatality Review-Case Reporting System data:
 - **Educational representatives** participated in the Child Death Review (CDR) process for only 25% of reviewed cases
 - **School records** were accessed in only 5% of reviewed cases

Joshi, DS, Lebrun-Harris, LA, Shaw, E, Pilkey, D, Collier, A, Kinsman, S. The need for improved collaboration between schools and child death review teams. J Sch Health. 2023; 93: 135– 139. DOI: 10.1111/josh.13225



Privacy Law & the Effects on Systems Collaboration

- **Family Educational Rights and Privacy Act (FERPA):**
 - What is it?
 - Who does it apply to?
 - Are there any exceptions?
 - What does it mean for CDR?

Contact Information

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How do schools and FR Teams collaborate under FERPA?

**Frank Miller, Deputy Director
Student Privacy Policy Office
U.S. Department of Education**

**Building Relationships Between
Fatality Review Teams and
Schools**

March 15, 2023

Family Educational Rights and Privacy Act (FERPA)

- Statute: 20 U.S.C. § 1232g
- Regulations: 34 CFR Part 99
- Student Privacy Policy Office (SPPO), previously known as the Family Policy Compliance Office (FPCO), in U.S. Department of Education administers FERPA.



What is FERPA?

- Gives parents and “eligible students” the right to access and seek to amend education records;
- Protects personally identifiable information (PII) in education records from unauthorized disclosure; and
- Requires written consent before sharing PII – unless an exception applies.



Does FERPA protect the education records of students that are deceased?

- **Consistent with our analysis of FERPA and common law principles, we interpret the FERPA rights of an eligible student (a student 18 or older or in college at any age) to lapse or expire upon the death of the student.**
- **However, at the elementary/secondary level, FERPA rights do not lapse or expire upon the death of a non-eligible student because FERPA provides specifically that the rights it affords rest with the parents of students until that student reaches 18 years of age or attends an institution of postsecondary education. Once the parents are deceased, the records are no longer protected by FERPA.**

What are education records?

“Education records” are records that are –

- **directly related to a student; and**
- **maintained by an educational agency or institution or by a party acting for the agency or institution.**





- Records maintained by an educational agency or institution subject to FERPA on a student receiving services under Part B of IDEA are “education records” subject to FERPA.

“Education. Records,” cont.

- Health records on students, including immunization records, maintained by an educational agency or institution subject to FERPA are “education records” subject to FERPA.
- Records that are subject to FERPA are not subject to the HIPAA Privacy Rule (see page 82483, Federal Register, Vol. 65, No. 250, December 28, 2000).



Personal Knowledge or Observation

- FERPA does not prohibit a school official from releasing information about a student that was obtained through the school official's personal knowledge or observation, rather than from the student's education records.
- This general rule does not apply where a school official learns of information about a student through his or her official role in making a determination about the student and the determination is maintained in an education records.

So, how do school officials share education records with FR Teams under FERPA?

- Written Consent
- Exception to Written Consent
- CAPTA

Prior Written Consent Requirement

Except for specific exceptions, a parent or eligible student shall provide a signed and dated written consent before a school may disclose education records. The consent must:

- specify records that may be disclosed;
- state purpose of disclosure; and
- identify party or class of parties to whom disclosure may be made.





Health and Safety Emergencies

What conditions apply to disclosure of information in health or safety emergencies?

- **Disclosure is necessary to protect the health or safety of the student or others.**
- **There is an articulable and significant threat to the health or safety of a student or other individuals.**
- **School must record pertinent information when it discloses PII.**

[illegible]

Judicial Orders & Subpoenas

- **School may disclose PII from education records necessary to comply with a judicial order or lawfully issued subpoena.**
- **School must make a reasonable effort to notify the parent or eligible student of the order or subpoena before complying with it in order to allow the parent or student an opportunity to seek protective action.**
- **Some judicial orders and subpoenas are exempt from FERPA's notification requirement.**

Child Abuse Prevention and Treatment Act (CAPTA)

- Originally signed into law in 1974, Congress has amended CAPTA numerous times. One amendment added language to 106(b) to include as one of a number of eligibility requirements for grants that States must have in effect a law that:
 - includes provisions for the reporting of known and suspected instances of child abuse and neglect as part of the Child Abuse Prevention, Adoption and Family Services Act, which was enacted in 1998, well after the enactment of FERPA in 1974.
 - Includes a requirement for the State to establish review panels, one of which is dedicated to the review of child fatalities and near fatalities as defined.

Child Abuse Prevention and Treatment Act (CAPTA)

- [Letter to Minnesota Department of Children, Families, and Learning Regarding CAPTA - November 2006](#)
 - Based on our review in Ferguson letter (1997 letter) and the present review of CAPTA, FERPA, and Minnesota law as they relate to your inquiry, we conclude the conflict here is between FERPA and CAPTA rather than between Minnesota law and FERPA.
 - Further, when there is an irreconcilable conflict between two Federal laws, the more recently enacted statute governs. In addition, the State laws enacted pursuant to CAPTA must be in harmony with CAPTA requirements in order to effectively repeal a FERPA provision by implication.

Child Abuse Prevention and Treatment Act (CAPTA)

- So, while there is no specific CAPTA exception in FERPA, there may be a State law that is enacted pursuant to CAPTA that requires disclosures. Since the amendment to Federal CAPTA, which addresses specific disclosures, was enacted by Congress after the basic privacy protections of FERPA in 1974, we've generally concluded that Congress intended to supersede FERPA in this instance provided the State CAPTA law is consistent with the Federal CAPTA law.
- NOTE: We have not analyzed every State CAPTA law. You may wish to consult with your State's office of attorney general to determine whether this law addresses the issue of your concern.

CONTACT INFORMATION

United States Department of Education,
Student Privacy Policy Office



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(202) 260-3887



FERPA@ed.gov



<https://studentprivacy.ed.gov>



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QUESTIONS

WHAT ADDITIONAL INFORMATION WOULD BE HELPFUL?



USE THE QUESTION-AND-ANSWER BOX

The box is located at the bottom of the screen



UNANSWERED QUESTIONS

All unanswered questions will be answered and posted on the National Center's website (URL: www.ncfrp.org).



EVALUATION

<https://www.surveymonkey.com/r/32BRMMX>



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A dark silhouette of a person with long, flowing hair, positioned in the center of the frame. The person appears to be looking away from the camera, with their hair blowing in the wind. This silhouette serves as a background element for the text and button.

THANK YOU FOR YOUR TIME!

www.ncfrp.org