

**TRANSCRIPT: CHILDREN'S BUREAU CALL WITH STATES  
ON CFSR DATA INDICATORS – 10-13-16**

[NOTE: Due to a technical problem, we were unable to record the introductory remarks by Miranda Lynch Thomas. The recording and the transcript begin after the first minute of Kurt Heisler's presentation.]

MR. KURT HEISLER: For example, missing this in a certain data element—which some states have no problem with, other states have more of a problem with—the timeliness by which states report data, something that varies from state to state. So that's why some of these changes will impact states in a different way.

We got a lot of questions about the degree of impact. How much will this affect my state? What indicator will this change the most? And we simply cannot say right now with any precision until the testing is complete. Because in that—for a given indicator, that might have been two or three issues that we've uncovered. Or there might have just been one. But we don't know the impact of addressing all those until we thoroughly test it against all the states' data.

And so I know a lot of you are probably very interested in that question. We simply can't give you any precise answer right now. As soon as we know it, we will provide it. But the examples I'll give you will give you an idea of kind of the nature of some of these issues.

So the first one I wanted to use was one that affected recurrence and maltreatment. And it's the first item in that list. The syntax needs to account for recurrence when a child is identified as a victim. Two reports that are over 14 days apart where one record has an incident date and the other record is missing the incident date. So let me sort of break that out a little bit.

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This is an example of an issue that will impact states that tend to have missing incident dates. States that don't use the incident date field and instead use the reporting field exclusively will not be affected by this change. So this is an example where the change will have no effect on some states because of the element they use, but will have a different impact on other states.

So to give some background to this particular item, the incident date is, first of all, not required to measure performance on this indicator. In fact, many states do not even report incident dates in their NCANDS submission. So when there's no incident date that exists, our syntax relies on the report date. And the syntax works exactly as it is intended if the incident date does exist or syntax attempted to make use of it instead of the report date. And we described this reasoning in the original Federal Register notice. And the reasoning is that the incident date when available can clarify more accurately whether an occurrence of maltreatment is actually separate from another or whether there were multiple reports that refer to the same incident and the data.

However, the portion of our syntax that implemented this check handled incorrectly circumstances when the incident date existed for one maltreatment record, but did not exist for the other maltreatment record. And in those cases, the victim was not flagged as having experienced recurrence.

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So again, if you are from a state that does not even use the incident date in your NCANDS data, this particular change will have no impact on your performance. If you are a state that uses incident dates, the impact is a function of how often incident dates were missing in your data. So that's why it's so difficult to precisely tell a given state how our changes will impact their performance. We simply won't know until we run the revisions across all the states.

If we could go to the next slide please. And I think also, before I get into the second example—going back to that first one again, in the attachment to the invite—there was a second example of how an issue would be discovered with the incident date where, if a child had a third substantiated or indicated report with a different incident date, there could be a problem. That again is affected by the incident date. But also, even in those cases, those are pretty rare. And so the rarity of the event also informs how much of an impact it will have on a given state's performance. Some of these errors that we caught exist with very rare events, and so the impact is going to be very small.

A second example is maltreatment in foster care. So states with maltreatment dispositions, states that report maltreatment dispositions—NCANDS—do so with varying levels of timeliness. And so using one year of data to monitor this outcome can undercount the victimizations that occurred but were reported in the subsequent year's data file.

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So, for example, a state submits its NCANDS data, and in that data, the way the reporting is structured, they should only report allegations of maltreatment that have a disposition date in that fiscal year.

However, of course, a report could come in in one fiscal year but it is not disposed of: it doesn't have a CPS finding until a subsequent fiscal year. Now why does it take that long? That could be a function of state resources. Some states might be slow in entering timely disposition data. It could be policies. It could be characteristics of the case. More difficult cases might take longer to have a CPS finding.

But what we discovered in our analysis—after we had operationalized our syntax by using only 1 year of the NCANDS data—is: after further analysis we realized how critically this can undercount victimizations that, as I said, had a report date in the current fiscal year, but didn't have a disposition date until the second (subsequent) year. And that has a pretty significant impact on the number of victims that we pick up.

And so our decision here is to use 2 years of NCANDS data to measure this. So we can pick up those reports of maltreatment that had a report in one year but didn't have a disposition date until the subsequent year. It had such a noticeable impact that we thought it was important to make this change.

The third and last example I'll give is permanency in 12 months. Calculations inadvertently excluded all discharges to permanency during the first week of the 12-

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month period. So the intent was to exclude only children with a discharge date within 7 days from their date of entry into care, because that represents a group that may be in some temporary situation.

However, the syntax as written excluded all discharges during the first week of the 12-month period. So if a child was in care on the first day, but had been in care for a while, he'd be discharged during that first week. He was inadvertently excluded. He should have been included.

This is an example of something that has a pretty small impact, actually. You know, in one of our scenarios that we looked into, in one state for a given year only 19 cases were affected. But in the context of CFSR, with PIPS on the line, if we're off by just one case, that could mean the difference between have a state having to engage in a PIP or not having to engage in a PIP. And so even what may be an issue of minor precision statistically can have major impacts in this policy and review environment we're in.

So we take these small issues just as importantly as the bigger ones. But this is an example of one that will probably have a minimal impact on performance, but nonetheless is something that we think is important to address.

So that is again just three examples to give you an idea of the nature of some of the issues that we've encountered. There are more examples in the attached technical bulletin. And we're going through all the testing right now and I'll sort of pick up on that a

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little bit later as to kind of where we are now and what the plans are moving forward. So I'll hand it back to Miranda.

MS. MIRANDA LYNCH THOMAS: Thank you. If you could advance the slide. I do want to acknowledge that we became aware of some of these issues because of partners out in the states or from the research community that were using the indicators and trying to incorporate them into state CQI efforts and were raising questions to us that we discovered were quite valid questions. So we appreciate you being in partnership with us and raising issues to us that we've been able to see ourselves and cover and I think that engagement in how we use data is very important.

But given the issues found with the indicators and the time needed to fully explore the issues—the potential fixes and catch them—is that we have made a decision to use statewide data indicators as context information only for all states in Round 3.

We also took into consideration that where we are in the rounds now with essentially 2 years of states completed, any potential revisions and changes to the indicators midstream, if they were used in conformity decisions, could create some unfairness in states. And we did not want to do that. We acknowledge that this error is ours and we want to be fair to states moving forward.

So what this change means is that we will not use a state's performance on the statewide data indicators relative to the national standards as part of our substantial

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conformity decisions for Round 3. What we will do instead when it comes to the outcomes is base our determination of substantial conformity on the case review findings.

As I said, we've always relied on the case review findings. We added the statewide data indicators to that. But now we are going back to using just the case review findings. And as you know, that is really the richest data source that we have. Because it takes into consideration the practice context, the family's experience, in a way that aggregate findings cannot. All other aspects of the CFSR review process remain in place.

At the same time, we want to be clear that we stand behind the selection of the seven statewide data indicators as solid measures of performance. Even though we can and should acknowledge that they're not perfect measures—and really there is no such thing as a perfect measure—we have to make decisions about what indicators do tell us and what information is outside of the bounds of aggregate data.

But we think that these seven statewide data indicators are worthy representatives. They still tell us how states are performing. And we encourage states to consider continuing to use them in your own evaluations of your performance on behalf of children and families to incorporate them into your CQI efforts, as you have been doing. And the adjustments we will make going forward will ensure that the statewide data indicators remain usable features of a performance system.

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Next slide please. So what are the immediate next steps and impact on the CFSR process? For the states that we reviewed in the first year of this round, our 2015 states, we know we have to correct the record. So those eight final reports need to be adjusted to reflect that substantial conformity does not rely on the statewide data indicator performance.

Those eight states, however, all had case review findings that still lead to determinations that the states were not in conformity with areas of Safety [Outcome] 1 and Permanency [Outcome] 1 that were in alignment with the statewide data indicators.

So essentially, there will not be changes to the substantial conformity decision for the Year 1 states. That also means that our expectations for program improvement plans and programmatic change does not change.

However, one area that is particularly impacted as a result of our change in the use of the statewide data indicators is with regard to program improvement plan or PIP measurements. So, in our prior Technical Bulletin #8, which we have now rescinded with this technical bulletin, we had a provision that states did not need to have Permanency [Outcome] 1 case review item improvement goals because at that time, we were going to rely on the statewide data indicator improvement targets.

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Now that statewide indicators are no longer going to factor into substantial conformity and there will not be improvement goals associated with them in the PIPs, we still need to have a method for measuring improvements on the Permanency Outcome 1 items.

So Technical Bulletin #9 clarifies that a state that is out of conformity on Permanency Outcome 1 must have PIP measurement in those areas of case reviews. This will apply to all states in the rounds, but has the most immediate impact on Year 1 states who must now make some adjustment to their PIP measurement plans to address those 1tem 1 improvement goals if they were not already included in them. And your Regional Office and CFSR team partners will be in contact with you if you are one of those affected states to follow up on PIP negotiation and approval.

But in all other respects, we are moving forward with PIP negotiation and approval. We want to make sure that you can—we know many of you already have started the hard work, the program improvement work associated with PIPs, but we want to get to a point where we're able to quickly finalize those PIPs officially and get you started in that respect.

For the states that are reviewed in fiscal year 2016 or later, our Final Reports going forward will be reflective of the change in the use of indicators. And really all other aspects of the CFSR process remain in place and will proceed timely.

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States should know that we are not expecting you to go back and make changes to other CB plans that may have relied on the statewide [data] indicators or other analysis of your data performance. So the two that come to mind really are with regard to statewide assessments and the title IV-B Annual Progress and Services Reports.

So if you're a Year 3 state and you're currently working on your statewide assessment, you've already sent out information to your partners, sharing with them information on how you've performed, we're not expecting you to go back and redo that work and alter your statewide assessment. We know that that work has already gotten started and don't need to interrupt that process.

Similarly for APSRs, those were due on June 30th. And just as we have had expectations for several years that you look to your performance overall on the statewide data indicators and other outcome and performance related information that you have, those are already in to CB. We don't expect you to adjust those right now based on that information.

As additional information comes out about data profiles and revisions to the indicators, at a later date there may be an opportunity to look forward using that new information. But we don't need you to adjust anything that's already in process.

So I am going to hand it back over to Kurt to talk more about next steps with regard to the data indicators themselves.

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MR. HEISLER: Great, thank you. Next slide please. So the first next step is that we are going to be sending, very soon, data profiles using the current syntax for the Years 1 through 3 states. I said select. It's really all the Year 1 through 3 states.

And so those profiles will indicate that they are based on the existing syntax and that revisions are pending. And we're sending them out because they are still solid measures and because we don't know how much performance will change and because it will have a small impact on some states. They're still useful sort of radiators of information that states can use for context purposes to get a better understanding of how they're doing on the indicators.

And like the previous profiles, they'll also include performance on the data quality which is a concept we're still retaining because many states are trying to improve on their data quality. And so these profiles will also show how they're doing on the data quality checks that we have in place.

And then, as the technical bulletin indicates, by the end of 2016 we'll be publishing the revised syntax, the revised national standards, the updated state-by-state performance and any sort of related materials that states and the public need to use that.

So those are our two key next steps. We are working hard at revising the syntax and testing it. As you can imagine, there are thousands of lines of code. So it is a pretty

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extensive project. And once that's done, then we'll be producing a similar workbook that we published previously that shows the high-level state-by-state summary of performance on all the indicators and data quality results and so forth.

Next slide. And back to Miranda.

MS. THOMAS: Yes. So here is the point where we are going to open it up for a little while for questions. I know one of the questions that has already come in is whether we will make this PowerPoint available to you after this call. We do intend to post it online. If you are feeling the need to have it more immediately, the Regional Office specialist has a copy of it. We're also recording this call and we'll post that online so you or others can reference it. The technical bulletin itself and the letter will also be posted and we'll make sure you get all the details when that goes out.

I will allow JBS to remind you of the details of how to ask a question, but I will also just say that if you have a detailed technical question or a question that is unique to your state, please allow us to follow up with you after the call. We may need to do a little bit of research to respond accurately to you. But if you have a general question, we'll open that up now.

JBS: Hi. Well, trying to bring up the hand raising feature here. There's one question that did come in, Miranda, from Colorado. The question says, "The advantage of using the statewide data indicators is the larger dataset that better represents statewide practice.

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My concern with using only the case review findings is that 65 cases doesn't necessarily reflect statewide practice. Given the statewide data indicators will no longer be used for conformity determinations, will be ACF be receptive to states presenting their own data to challenge findings that do not reflect statewide performance?"

MS. THOMAS: So I'll just remind folks right now, or I guess prior to the change, there were areas in the CFSR that only relied on the case review findings to begin with. There were not associated statewide indicators that went along with it. And we have always maintained that while it is often a smaller sample that is not statistically representative, we are able to uncover so much about state practice in the areas of interest. And states often do find these are areas that they are very well aware of and familiar with those areas needing improvement. We find that information is incredibly rich and useful and supported.

That said, in Technical Bulletin #9, and this has often been the case, there are some items where there is the potential for the state to use its aggregate data to show that they really are performing well or, after they have had their CFSR review, that they have shown improvement upon. And so it does not need to be included in their program improvement plan. So that is a part of the technical bulletin right now as a possibility. And those issues do get negotiated between the Children's Bureau and the state. Thanks, Colorado.

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JBS: Okay, the next question, Miranda, comes from North Dakota. It says, "We finished the federal CFSR at the end of September. Are you saying that we will get a data profile with current syntax and then in December get a data profile with new syntax?"

MS. THOMAS: That is correct.

JBS: Here's another question. I'm actually not sure of the state. But it says, "For the 2018 APSR, due June, 2017, will we need to connect performance to the statewide data indicators as we have done previously?"

MS. THOMAS: We will have the expectation continuing in the APSRs that you do look at your performance on the statewide data indicators and any other state-available or CB-available data in evaluating the current status of your programs and adjustments that you might need to make in your strategic plan. We also do make a good connection between the program improvement plan and the APSR or statewide assessment. Essentially, we want you to analyze all that you have and from all sides with your partners. So that you have a good sense of the trajectory of your program improvement efforts that will best support your population. So that is a current expectation and it will be a continued expectation in those APSRs.

JBS: We've got one more here: "Will the new state-by-state performance be based on more current data than it currently is?"

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MS. THOMAS: Kurt, do you want to take that one?

MR. HEISLER: So yes, we'll be in the position to calculate and have performance results for multiple periods of data spanning the past few years. And so, as to what we put in the final workbook, that decision hasn't been made as to how extensively we publish the performance results. You know: do we do it for every possible year for which we have data, beyond the periods used to calculate national standards? That will increase the size and magnitude of this work pretty significantly. So we want to make sure that we put out something that at least at a high level is immediately useful. So we're still discussing exactly how extensive and how much trend information we put into this workbook.

JBS: We've got a question from New Hampshire: "Once the revised measures are available, if a state's performance on the data indicators associated with Permanency Outcome 1 demonstrate conformity, will those related items continue to require PIP measurement if case reviews do not demonstrate conformity?"

MS. THOMAS: The simple answer is "yes" because we will be relying on the case review findings. And, you know, again it's kind of consistent with how we have approached this in the past, in which it was a combination of data. So they both have to be met; both the statewide indicators and the case review items had to both be "strength" or "met" for a decision of substantial conformity.

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So this isn't that much different. You will have one area, the case review findings, that have to be a strength now as opposed to the combination. But the statewide data indicators cannot overrule the performance of the case review findings. They will not factor in one way or the other into the substantial conformity decision.

JBS: Okay, next question: "Our state, Illinois, has not received a new data profile since 2014. We are therefore challenged to know how we're doing currently. Is it possible to get a more recent profile for the new indicators? And if not, can you tell us the rationale?"

MS. THOMAS: So, as Kurt said, the data profiles will be going out soon. You know, I expect them to hit your inboxes, actually, if you're a Year 1 through 3 state, with the exception of Montana and Colorado, in the next day or two. For states that are later on in the process, when you have a very late traditional review—in Year 3 or Year 4—date, it's because the beginning year for the profile hasn't yet been reached [is] why you don't have a current data profile for Round 3. So that is the reason, but for those states that are already in the cue and their time has come up, both will be going out very soon.

JBS: Okay, we've got one more: "Can you clarify how the information on the safety, permanency, and well-being outcomes submitted in the statewide assessment will be used? There does not appear to be any indication that they will be used to determine substantial conformity as outlined in the updates."

MS. THOMAS: I'm sorry, can you repeat the question, John?

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JBS: Sure. "Can you clarify how the information on the safety, permanency, and well-being outcomes submitted in the statewide assessment will be used? There does not appear to be any indication that they will be used to determine substantial conformity as outlined in these updates."

MS. THOMAS: Okay, yes—thank you. In the statewide assessment, we do ask states to reflect on their performance. Either that's related to the statewide indicators or other information the state has on its performance. And it is used more as context. It's the opportunity for the state to state publicly why it has performed the way it has or some of the current factors that relate to their performance. And so we ask states to address that.

You know, the CFSRs overall are intended to be a partners monitoring process. It's not just on the Children's Bureau that we feel like there's an important voice to be heard. Obviously, the state and the state partners really have a lot of information, the primary information, about its performance. So we don't use that information directly in substantial conformity decisions, but we do use it as context and have that be the opportunity for the state to state first why it believes that it's performing in the way that it is.

JBS: Well, for the moment that's all the questions that we have. So I think we can --

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MS. THOMAS: Okay, thank you John. For states or others that need a little bit more time to digest this information, of course, the Children's Bureau Regional Office will be your first point of contact for continued questions. We will collaborate with the ODARE partners for those specific things related to the data profiles or the indicators to address your questions. We really do appreciate you joining, once again, and we look forward to continuing to work with you in the CFSRs and your efforts overall to improve your programs. Thanks so much for joining us this afternoon and have a good day.

**(END OF TRANSCRIPT)**

**Note: This transcript is verbatim except for a few minor non-substantive edits for readability.**