Hennepin County Education Support Services Program

Justification
The Hennepin County Board of Commissioners has allocated CARES Act funding to the Hennepin County Disparity Reduction Line of Business to implement an Education Support Services program for county involved youth. See the attached Board Action Request 20-0250.

This work is critical in advancing Hennepin County’s vision to facilitate systems change that eliminates disparities and advances equities through partnering, framing and adopting equitable practices across seven domains, including education.

Hennepin County is not requesting that the current program planning or administration documents be made not public. Rather, this request is specific to the data collected by the program regarding program participants and family members.

Referrals, with the requisite consent, will be made to the program by Child Protection, Child Welfare, Children’s Mental Health, County Attorney’s Office, Juvenile Probation, and the Public Defender’s Office. Program staff will seek authorization to obtain and release information with the child’s school and other community-based agencies working with the youth. All of the data received by the program is classified as not public under Minnesota statute or federal law (see below). However, because the program does not fall within any of the program areas listed above, Hennepin County is unable to find a Minnesota statute or federal law that classifies this data as not public.

Given protection of the source data, the children and family members participating in the program will have an expectation that the privacy protections will carry over to the Education Support Services program. It is likely that if the data about program participants and their family members are not classified as private, youth, parents or caregivers will choose to decline services, limiting the county’s ability to provide supports to some of the county’s most vulnerable residents.

If the data is not classified as private, the program would be compelled to release data that, if maintained in any of the referring departments, would be considered private data and, if released, considered a “breach of the security of data” as defined by Minnesota Statute 13.055. Just as if the data were released by the referring department, the public’s access to the data could adversely affect the data subject’s well-being or reputation.
The data meets the following criteria requested in the Application:

Establish that data similar to that which the temporary classification is sought are currently classified as not public. Include the Minnesota statute citation to the similar data’s current classification. Discuss similarities in the data, in the functions of the entities which maintain similar data, and in the programs/purposes for which the data are collected and used.

The following data similar to that which the temporary classification is sought are, in fact, currently classified as not public:

2. Children’s Mental Health data is classified as private mental health data under Minnesota Statutes 13.46 Subd. 7.

When any of the above three areas complete a referral to the Education Support Services program, the information on the referral form (see Attachment 1.1_Referral Form Fields) will be the same data that is held in the case files of three areas. The function of the entities and their purposes for collecting the data in the three programs matches the function and purposes of EES which is to insure the health, safety and best interests of the child.

3. Juvenile Probation data are classified as private under Minnesota Statues 260B.171 Subd. 1 and 4.

When a juvenile probation officer completes a referral to the Education Support Services program, the information on the referral form (see Attachment 1.1_Referral Form Fields) will be the same data that is held as part of the juvenile probation case file. A function of Juvenile Probation and the purpose for the data is consistent with a function of EES and the purpose for which EES would use the data which is to reduce juvenile delinquency and promote safety and best interests of the child.

4. Hennepin County Attorney’s Office and the Public Defender’s Office data are governed by the Minnesota Rules of Professional Conduct. Rule 1.6 covers Confidentiality of Information.

When an attorney completes a referral to the Education Support Services program, the information on the referral form (see Attachment 1.1_Referral Form
Fields) will be the same data that is held as a part of the attorney file. A function of the Hennepin County Attorney’s Office and the Public Defender’s Office and the purpose for the data is consistent with a function of EES and the purpose for which EES would use the data which is to reduce juvenile delinquency and promote safety and best interests of the child.

5. Educational data provided by the schools is protected under the Family Educational Rights and Privacy Act (20 U.S.C. 1232g; 34 CFR Part 99).

When schools exchange data with the Education Support Services program, they may share information about school attendance, grades, IEPs or other information collected by the school. The function of the schools and the purpose for the data is consistent with the primary function of EES and purpose for which EES would use the data which is to promote the optimal education achievement and best interests of the child.