



Oregon

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Comments on Proposed CFSR Round 3 Measures

The following comments are in response to the invitation for public comment on the CFSR data indicators and methods proposed in the Federal Register, Vol. 79, No. 78, regarding 45 CFR Part 1335: Statewide Data Indicators and National Standards for Child and Family Services Reviews. Thank you for the excellent work that has been done in developing these new measures. We appreciate the opportunity to provide our comments and feedback.

The proposed measures are a welcome improvement from previous rounds. The elimination of composite measures provides clarity and the opportunity for parsimonious interpretation, while the introduction of companion measures maintains the concept of balanced and integrated system measurement. The use of an entry cohort avoids many methodological concerns from previous rounds, and their application in the current proposal is generally sound. Furthermore, we appreciate that the national standard is set at the observed national average as opposed to the 75th percentile. We believe this is a more sensible benchmark, and we largely support the proposal to apply risk adjustment to improvement this measurement.

Despite the many excellent changes, there are some areas of concern regarding the new proposal, and we look forward to working with the Children's Bureau and our other partners in finding solutions to these remaining issues.

Proposed Safety Performance Areas 1 & 2

We recognize the difficulty in measuring safety due to the varied implementation of Differential Response across the nation. On the one hand, jurisdictions that have implemented Differential Response may be using formal investigations to a lesser degree (if at all) and may no longer classify all verified incidents of abuse and neglect as "substantiated." We note that this issue is perpetuated in the definition of Safety Performance Area 1, as this measure only applies to substantiated reports of abuse. Jurisdictions that have implemented Differential Response may end up excluding some

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cases of maltreatment in foster care. For example, one of the screening criteria for assignment to the traditional track in Oregon is “Child abuse or neglect reported to have occurred in a day care facility, the home of a Department certified foster parent or relative caregiver, or a private child caring agency.” In other words, children who were abused by a foster parent or other foster caregiver would receive a disposition and would be included in this measure. However, this still potentially excludes two significant populations: children on trial home visits and children in foster care abused by someone other than their caregiver. Potentially these cases could be sent down the alternative track (depending on the other screening criteria, of course), and not receive a disposition, and therefore be excluded from this metric. It should be noted that this scenario only applies to Oregon’s implementation of Differential Response and is provided only to show an example of unintended inclusions/exclusions from this measure. It is unknown how other jurisdictions determine their track assignment and application of formal investigations.

On the other hand, the proposed alternative to substantiated maltreatment is not without its drawbacks. Screened-in reports of abuse and neglect are only a partial indicator of actual incidence of abuse and may be swayed by many other factors, some of which are entirely outside of the jurisdiction’s control. Furthermore, there is concern that measuring screened-in reports as a negative factor may have the unintended consequence of discouraging screening-in reports that come to the agency’s attention. However, we believe that Safety Performance Area 2 is a well-reasoned approach to this problem. By having screened-in reports as the indicator for both the numerator and the denominator, this should account for jurisdictional differences in screening rates (unless policy dictates that re-reports be handled differently at screening).

We appreciate that Safety Performance Area 1 is intended to measure maltreatment of all children in foster care regardless of the perpetrator, and we believe this is a valuable goal. However, we question whether it is appropriate to include children currently on a trial home visit in this calculation. Many of the incidents that occur during trial home visit will also appear in the measure for Safety Performance Area 2. Including them in this calculation, even though the children are technically in the jurisdiction’s legal custody, may over-inflate the measure of maltreatment in foster care as most people understand it.

Finally, Oregon does not feel that the Incident Date as reported in NCANDS is a valid date field to use when calculating national standards. There have been several discussions at the national NCANDS meetings where many states have agreed that the incident date field should be used cautiously, if at all. In Oregon there are likely inconsistent meanings for data input into this field, despite training.

Proposed Permanency Performance Areas 1-3

Some commenters have noted that Permanency Performance Area 1 (permanency within 12 months) and Permanency Performance Area 2 (permanency for children in care 2 years or more) appears to exclude a valuable population – children who exit care between the 12th and 24th months. However, Oregon recognizes that this is not exactly the case. Children who have exited within two years will be excluded from the denominator of Permanency Performance Area 2, which will only enhance the value of each exited long-stayer in the numerator (in the same way that exiting 1 out of 100 kids will show only 1 percent improvement, while exiting 1 out of 2 kids will show 50 percent improvement). That being said, we have not had a chance to investigate the effect that entry rates and other factors will have on this measure and welcome any insight in this area.

We recognize that because of the desire to maintain Permanency Performance Area 3 as a companion measure, the metric only includes children who are included in Permanency Performance Area 1. However, we feel that this is a truncated view of re-entry, and that the costs of excluding a high proportion of re-entering children outweigh the benefits of a directly comparable companion measure. We ask that the Children’s Bureau examine other potential methods of measuring re-entry that alleviate this concern.

Risk Adjustment

The selection of risk adjustment variables (and even the statistical method used to evaluate potential risk adjustment variables and develop a risk adjustment model) is not included in the current publication. We are unable to comment on risk adjustment without the publication of methods of model selection and the elements to be included in the final model. In the interest of transparency, we request that the risk adjustment model not be finalized until it has been opened up for comment.

Program Improvement Plans – Setting Baselines, Goals, and Thresholds

This section of the current proposal is vague and unclear and it is difficult to comment on the proposed methodology without further information. For example, “bootstrapping” is a general term that could represent any number of specific techniques. The few specifications provided regarding the chosen methodology is confusing and at times troubling. We currently offer feedback on the areas that we can, based on the provided proposal, but request more explanation and an additional comment period.

The proposal states that improvement factors will be set at four standard deviations from the grand mean, which, according to Chebyshev's inequality, would be met less than 6 percent of the time. As justification for the choice, the proposal notes, "Six times out of 100 is rather rare, which is why we can treat it as representing a statistically meaningful change has occurred in the program." However, the current proposal provides no indication for why Chebyshev's inequality theorem is applied in the first place. The benefit to using Chebyshev's inequality is in the fact that it can be used with non-normal distributions. However, if the grand mean and standard deviation are being derived through bootstrapping, is there any reason to think that the distribution would not be normal?

According to the more common Empirical Rule (sometimes referred to as the 68-95-99.7 rule), a value four standard deviations from the mean would occur 1 in 15,787 times, which is astronomically rare, and perhaps too high of a threshold for a reasonable improvement factor. Since we are attempting to estimate the probability that a given factor lies *outside* of the distribution, rather than within the distribution, it seems appropriate to use the more conservative estimate, which in this case is the empirical rule.

Oregon has substantial concerns with this entire section of the current proposal, and given the potentially significant risk to funding, we must oppose the proposed methodology. A more detailed and thorough explanation of this entire methodology must be provided for comment before the proposed method is finalized. We request that the Children's Bureau provide a presentation of several potential strategies and an open comment period for additional feedback.

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cc: Lois Day, Child Welfare Director