



STATE OF CONNECTICUT

STATE BOARD OF EDUCATION
DEPARTMENT OF CHILDREN AND FAMILIES



TO: Superintendents of Schools

FROM: Stefan Pryor, Commissioner, State Department of Education
Joette Katz, Commissioner, Department of Children and Families

DATE: April 10, 2014

SUBJECT: Uninterrupted Scholars Act – Release of Educational Records to DCF

We are writing to provide Connecticut school districts with guidance on the Uninterrupted Scholars Act ("USA"), (P.L. 112-278), which was signed into law and became effective on January 14, 2013. The USA revises the Family Educational Rights and Privacy Act (FERPA) to make it easier for child welfare agencies throughout the United States to access the education records of children who are their charges.

The USA specifically authorizes schools and school districts to release a student's education records to "an agency caseworker or other representative of a state or local child welfare agency, or tribal organization" who has the right to access the child's case plan when the agency or organization "is legally responsible" for the "care and protection of the student." In Connecticut, this means that local school districts can provide information to a DCF social worker or other DCF employee who seeks information regarding a student under the care and protection of DCF. DCF ensures through its personnel policies that only those with a need to know have access to the records. Both SDE and DCF are governed by confidentiality statutes whose parameters are articulated by the federal government.

Student educational information is critical to the process of ensuring prompt enrollment, school stability and appropriate placement of children as well as identifying and analyzing areas of need, developing and implementing evidence-based practices that promote school success, and determining appropriate allocations of resources.

DCF understands that it cannot redisclose the education records obtained under this exception unless those to whom the records are redisclosed are individuals or entities addressing the student's educational needs and authorized by DCF to receive the records and the redisclosure of the records is consistent with state confidentiality laws. This new law does not affect any other aspect of FERPA.

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Both departments agree that the USA applies to all children who are committed to DCF for reasons of abuse/neglect or delinquency, as well as to children and youths who are subject to an order of temporary custody or for whom the Commissioner of DCF is the statutory parent. This includes all children who are placed by DCF in a residential, group home or foster care placement outside of the child's own home.

It is also the position of both departments that the individuals who can obtain education records under this exception, specifically those who have the right to access the child's case plan, include the following:

- the DCF social worker responsible for the child's case;
- DCF supervisors or managers within the area or regional office;
- anyone within the Education Division of DCF; and
- other administrators within DCF

Sufficient proof that DCF meets the criteria articulated in the USA includes:

- a written notification on agency letterhead indicating that the agency has legal custody or is otherwise legally responsible for the care and protection of the child
- an email from a DCF email address indicating that the DCF has legal custody or is otherwise legally responsible for the child

When DCF requests records from any school district within Connecticut regarding a child in the care and custody of DCF, no parent signature, notice or court order is needed to process the request. However, DCF has a continuing obligation to work collaboratively with families and local education agencies to address the educational needs of children in dependent care. As a result, the DCF social worker working with the family will explain to the parent that, unless the court has limited a parent's educational rights or an educational decision-maker has been appointed, the parent still maintains the right to access the records directly from the school and the right to make decisions about the child's education.

To facilitate efficient information sharing, the information may be shared electronically, with appropriate protections in place for student privacy. DCF uses the program "Tumbleweed" when sharing information with agencies that are not part of the state internet system.

We ask for your continuing assistance and collaboration in addressing the educational needs of children in out-of-home care by sharing the education records of children in the care and custody of DCF with that agency, as authorized by federal law. Schools should provide education records as soon as possible, and no later than ten business days after receipt of a request for such records by DCF that states that the child is presently in the care and protection of that agency.

We look forward to working together to improve educational outcomes for these vulnerable students at the state and local level.