The Uninterrupted Scholars Act: State Implementation Opportunities

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Presented by:

sparc
THE ANNIE E. CASEY FOUNDATION

LEGAL CENTER FOR FOSTER CARE & EDUCATION
Today’s Speakers

• **David Volkman**, Acting Deputy Secretary for Elementary and Secondary Education, PA Department of Education

• **Mari M. “Miki” Presley**, Assistant General Counsel, Florida Department of Education

• **Gria Davison**, School Social Work State Consultant, Florida Department of Education

• **Cindi Horshaw**, Acting Bureau Director, Bureau of Policy, Programs, and Operations, at Pennsylvania Department of Public Welfare’s Office of Children, Youth and Families

• **Jessica Feierman**, Supervising Attorney, Juvenile Law Center
The Legal Center for Foster Care and Education

- Collaboration of
  - American Bar Association Center on Children and the Law
  - Casey Family Programs
  - Annie E. Casey Foundations
  - Juvenile Law Center
  - Education Law Center (PA)

- A national technical assistance resource and information clearinghouse on legal and policy matters affecting the education of children and youth in foster care

- Listserv, Training Materials, Conference Calls and Webinars, Publications, Searchable Database (includes state laws & policies)

- Website: www.fostercareandeducation.org
Agenda

- Background on Issue and FERPA
- Panelists Present on State Experiences
- Review of Tools
Information Makes a Difference

Caseworkers with access to records:

- Help youth remain in same school
- Assist with timely enrollment and transfer of credits
- Identify needed services
- Connect the school system with the education decision-maker
Information Makes a Difference

Child welfare systems with education information:

- Identify systemic problems and address policies
- Collaborate more effectively with education agencies
- Expands opportunities to develop effective policies and targeted interventions
- Permits systems to track progress and interventions over time through longitudinal data
Family Educational Rights and Privacy Act

Purpose: Protect privacy interests of students’ education records

Prohibits schools from disclosing personally identifiable information from students’ education records without the written consent of a parent or eligible student, unless an exception to general consent rule applies.

20 U.S.C. 1233g; 34 CFR Part 99
Information can be released without parental consent to:

- “an agency caseworker or other representative of a State or local child welfare agency, or tribal organization… who has the right to access a student's case plan

- when such agency or organization is legally responsible, in accordance with State or tribal law, for the care and protection of the student

- provided that the education records, or the personally identifiable information contained in such records, of the student will not be disclosed … except to an individual or entity engaged in addressing the student's education needs….
Federal Guidance

“We believe that the Uninterrupted Scholars Act furthers efforts to build interagency collaboration – at the local, state and federal levels – between education and child welfare agencies. We encourage these agencies to share information about students in foster care to ensure the success of these students.”
Panel Presentation: Lessons from Pennsylvania and Florida

- Why the state issued guidance
- Building the collaboration between child welfare and education
- Key points of guidance
- Lessons learned
Key Issues for State Guidance

Questions to be addressed:

- Which children does the exception apply to?
- Who can obtain education records?
- What documentation is required to obtain records?
- How will child welfare and education agencies collaborate on a local level?
- Can data be shared electronically?
- What are the parameters governing re-disclosure?
Resources on USA and FERPA

- [http://www.fostercareandeducation.org/AreasofFocus/Datainformationsharing.aspx](http://www.fostercareandeducation.org/AreasofFocus/Datainformationsharing.aspx)

Check this link for the following resources:

- **Joint Agency Letters**
- **Foster Care Education Release Form**
- **State letters and memos** (e.g. PA, Florida, and Michigan) showing joint agency collaboration.
- **Federal joint agency letter** supporting information sharing and the new Uninterrupted Scholars Act
- **Two Q and A factsheets**: one on USA and one on FERPA generally
Ideas for State Implementation

- Sample Release
- Joint Agency Letter
- Interagency Agreement or Protocol
- Model Court Orders
Contact Information

Contact Legal Center for Foster Care and Education:
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