

# The Uninterrupted Scholars Act: State Implementation Opportunities

August 7, 2013

*Presented by:*



THE ANNIE E. CASEY FOUNDATION



LEGAL CENTER FOR  
FOSTER CARE & EDUCATION

# Today's Speakers

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



- **Mary Cagle**, Statewide Director of Children's Legal Services, Florida Department of Children and Families



- **Jessica Feierman**, Supervising Attorney, Juvenile Law Center

- **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

# The Legal Center for Foster Care and Education

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- 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](http://www.fostercareandeducation.org)

# Agenda

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- Background on Issue and FERPA
- Panelists Present on State Experiences
- Review of Tools

# Information Makes a Difference

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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

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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

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**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

# Uninterrupted Scholars Act – New Law!

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- 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

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“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

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

# Key Issues for State Guidance

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## 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

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- <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

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

# Contact Information

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Contact Legal Center for Foster  
Care and Education:  
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