ADMINISTRATION FOR
CHILDREN & FAMILIES

APR 24 2013

Dear Chief State School Officers and Child Welfare Directors:

Children in foster care face unique educational challenges and child welfare agencies hold the primary responsibility for the well-being of these children. Child welfare agencies need timely access to the education records of the youth they serve. Permitting educational agencies to disclose important and relevant information from the education records of children in foster care to child welfare agencies without unnecessary delay or hurdles is a critical step to enhance timely access to needed educational services and ultimately result in improved educational success for children in foster care. The importance of these activities is also recognized under Federal law. The Fostering Connections to Success and Increasing Adoptions Act of 2008 requires that child welfare agencies develop an educational stability plan and coordinate with the local education agencies (LEAs) when a child enters foster care or moves from one foster care placement to another.

As such, we are pleased to inform you that the Uninterrupted Scholars Act (Public Law 112-278) was enacted on January 14, 2013. The Act amends the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g; 34 CFR Part 99, to permit educational agencies and institutions to disclose a student's education records, without parental consent, to a caseworker or other representative of a State or local child welfare agency or tribal organization authorized 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." In specified types of judicial proceedings in which a parent is involved, the Act also allows educational agencies and institutions to disclose a student's education records pursuant to a judicial order without requiring additional notice to the parent by the educational agency or institution. The text of the bill can be found at http://www.gpo.gov/fdsys/pkg/PLAW-112publ278/pdf/PLAW-112publ278.pdf. These changes to FERPA help take us one step further toward accomplishing this goal and improving educational outcomes for children in foster care.

We believe that the Uninterrupted Scholars Act furthers efforts to build interagency collaboration—at 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.

The Department of Education will provide additional technical assistance to further explain the requirements of the FERPA amendments and outline how education and child welfare agencies may share information. The Administration for Children and Families will work with the Department of Education to provide information on how the FERPA amendments may help child welfare agencies meet certain Federal child welfare requirements. Upcoming activities will

include a joint webinar and presentations at conferences. For the current schedule of activities, or to get contact information for Department of Education officials who can answer FERPA questions, please visit www.ed.gov/fpco. We thank you for your continued efforts to ensure successful educational outcomes for all children.

Sincerely,

George Sheldon
Acting Assistant Secretary for Children and Families
U.S. Department of Health and Human Services

Deborah Delisle
Assistant Secretary for Elementary and Secondary Education
U.S. Department of Education