



STATE OF MICHIGAN
DEPARTMENT OF EDUCATION
LANSING

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GOVERNOR

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STATE SUPERINTENDENT

February 28, 2013

MEMORANDUM

TO: Local and Intermediate District Superintendents
Public School Academy Directors and Authorizers
McKinney-Vento Homeless Education Contacts

FROM: Sally Vaughn, Ph.D. *Sally*
Deputy Superintendent/Chief Academic Officer

SUBJECT: Changes in the Family Education Rights Privacy Act
(FERPA): S.3472 - Uninterrupted Scholars Act

This to notify all statewide child welfare staff and all public school staff and agencies of legislative changes in the FERPA Act, signed into law on January 3, 2013. This memo has also been distributed by the Department of Human Services, Children's Services Administration.

The Uninterrupted Scholars Act amends the FERPA Act to eliminate inadvertent obstacles to information sharing between education and child welfare agencies. The legislation allows education agencies to release education records to child welfare caseworkers or other representatives of a state or local child welfare agency or tribal organization, without parental consent.

Following is a list of action steps Department of Human Services (DHS), Private Agency Foster Care (PAFC) and local educational agencies (LEAs) may follow to implement the new procedures that adhere to the FERPA Act. The MDE and DHS are in the process of developing more formalized statewide joint agency forms, and will notify all relevant staff as these become available. In addition, training, professional development, and webinars are being developed and all relevant agencies and staff will receive notification as these are established. Please plan to send appropriate staff to participate.

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Effective immediately, DHS/PAFC staff are required to follow the steps listed below and be aware of the new procedures:

- Any time a child/youth moves school placements, a request for educational records should be sent to the Pupil Accounting Office of the former school, requesting, at minimum, the following information:
 - Grades
 - Attendance
 - Most recent Special Education information
 - Disciplinary records
 - Program participation
- A copy of this request must also be sent to the receiving district's McKinney-Vento (M-V) Homeless Education Liaison to alert him/her to a new M-V eligible student enrolling. This request must be sent as soon as a change of school placement is known in order to give adequate notice to the sending school.
- This change in law does not revise current procedure regarding foster parents or relative providers access to educational records.
- This change in law also does not change policy requirements of FOM 722-6 (Foster Care – Developing the Service Plan).

Effective immediately, MDE staff/agencies are required to follow the steps listed below and be aware of the new procedures:

- For Receiving Schools
 - When a School Notification Letter is received from a foster care caseworker, LEA staff will request the student's school records from the former/sending school, as specified by current protocol.
 - The School Notification Letter must also be forwarded to the LEA's Homeless Education Liaison (and M-V Grant Coordinator, depending on LEA protocol).
 - When sending a request for educational records to the Sending School, no parent signatures are required.
 - This change in law does not revise current procedure regarding foster parent's or relative provider's access to educational records.
- For Sending Schools
 - When a request for educational records is received from a foster care caseworker, no parent signature or court order is necessary to fulfill the request.
 - This change in law does not revise current procedure regarding foster parent's or relative provider's access to educational records.

Page 3
February 28, 2013

Additional details and resources are available at these web sites:

- American Bar Association's Legal Center on Foster Care and Education – <http://www.fostercareandeducation.org>

This site has many tools & resources on the Fostering Connections Law for caseworkers and other child welfare staff, courts, and advocates.

- Fact sheet on Uninterrupted Scholars Act, amending the FERPA Act - http://www.fostercareandeducation.org/portals/0/dmx/2013/02/file_20130208_125726_HToSco_0.pdf

Education staff should direct questions to Pam Kies-Lowe, Homeless Education Consultant at 517-241-1162 or Kies-LoweP@michigan.gov.

The DHS/PAFC staff should direct questions to Ann Rossi, DHS Departmental Analyst at 517-373-2851 or RossiA@michigan.gov.

cc: Michigan Education Alliance