

Did You Know?

In 2013 the Uninterrupted Scholar's Act (USA), made a critical amendment to the Family Educational Rights and Privacy Act (FERPA) of 1974 concerning child welfare agencies accessing FERPA protected records. This amendment impacts DCBS when requesting educational information and records from the schools by:

- Allowing schools and education agencies to disclose educational records of children in the custody of DCBS who are in foster care, without parental consent to the caseworker or other representative who has the right to access the child's case plan. Obtaining parental consent at times can be difficult when parents cannot be located or are not willing to cooperate. DCBS should make every effort to work with parents whenever possible to promote positive educational outcomes.

Other information:

- The school will ask DCBS caseworkers to sign a Release of Information to Child Welfare Worker form before they will release the records.

- Under the USA, there are no exceptions to the types of education records that can be released, including special education records.

- If the school requests payment for copies of school records, the caseworker requests that the fees be waived and provides a copy of the Collective Letter between DCBS and the Department of Education, located in SOP 4.28.3. This letter can be used if there are any questions about the caseworker's authority to access these records.

- It is important that these records not be disclosed except to an individual or entity engaged in addressing the student's education needs and authorized by DCBS to receive the education record information.

