



EDMUND G. BROWN JR.  
GOVERNOR



TOM TORLAKSON  
STATE SUPERINTENDENT OF  
PUBLIC INSTRUCTION

February 11, 2014

TO: COUNTY AND DISTRICT SUPERINTENDENTS  
CHARTER SCHOOL ADMINISTRATORS  
COUNTY WELFARE DIRECTORS  
COUNTY PROBATION OFFICERS  
TITLE IV-E TRIBAL ORGANIZATIONS

SUBJECT: **EDUCATIONAL RECORDS OF YOUTH IN FOSTER CARE**

Educational achievement can be the crucial difference in the lives of all young people, but for children and youth in foster care, a successful and stable educational career can be all the more difficult because of the additional challenges they face. Educational stability of foster youth necessitates more efficient sharing of information by county offices of education, local school districts, and child welfare agencies.

In recognition of the importance of this issue, the federal government last year enacted the Uninterrupted Scholars Act (Act, Public Law 112-278). The Act amended the Family Educational Rights and Privacy Act of 1974 (FERPA) to allow educational agencies to share a foster youth's education records directly with appropriate child welfare agency representatives. California law was similarly amended last year to allow for the sharing of this information.

***We are writing to you today to advocate for your establishment of practices and policies that share foster child and youth's educational information with social workers and probation officers.*** These new laws mitigate some of the major challenges child welfare workers and school administrators have encountered with the timely sharing of a foster child or youth's education records. The law now permits educational agencies to release any student information, without parental consent, to an agency caseworker or other representative of a state, tribal, or local child welfare agency when that agency is legally responsible for the care and protection of the student. Also, parental notification requirements no longer exist for information requested for certain court proceedings.

Although much of a student's information may be shared, child welfare, probation, and tribal agencies may not redisclose the education records or the personally identifiable information contained in such records. The only allowed redisclosure is to an authorized individual or entity that is addressing the student's education needs, and such disclosure must remain

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consistent with the federal, state, or tribal laws that protect the confidentiality of a student's education records.

We strongly encourage counties, tribes, and educational agencies to develop protocols to exchange education records with expediency for the benefit of our foster youth and other children. The CDSS and CDE encourage administrators of child welfare and probation agencies, schools, and other local educational agencies to review these new provisions of law, ensure staff are aware of them, and fully implement this important policy change.

If you represent local educational agencies, county or district superintendents, or charter school administrators, please direct any questions to Tom Herman, Manager, Coordinated School Health and Safety Office, CDE, by phone at (916) 319-0914 or by e-mail at [therman@cde.ca.gov](mailto:therman@cde.ca.gov).

If you represent welfare directors, probation officers, or tribal organizations, please direct any questions to Lori Fuller, Manager, Placement Services and Support Unit, CDSS, by phone at (916) 651-7465 or by e-mail at [lori.fuller@dss.ca.gov](mailto:lori.fuller@dss.ca.gov).

Many thanks for your timely consideration and action.

Sincerely,



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Director  
California Department of Social Services  
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TOM TORLAKSON  
State Superintendent of Public Instruction  
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