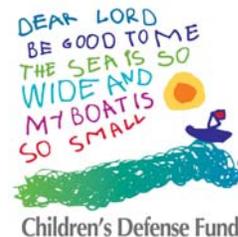


Children's Defense Fund The Uninterrupted Scholars Act Amends FERPA to Better Meet the Educational Needs of Children in Foster Care



On January 14, 2013, President Obama signed into law the Uninterrupted Scholars Act (P.L. 112-278). This bipartisan legislation, which was introduced in the House of Representatives on May 31, 2012 (H.R. 5871) and the Senate* on August 1, 2012 (S.3472), amends the Family Educational Rights and Privacy Act (FERPA) to allow child welfare agencies, with the assistance of educational agencies, to better meet the educational needs of children and youth in the child welfare system. FERPA provides important protections to parents and students, but it was not written with children in foster care in mind. As a result, it unintentionally creates obstacles for children in care to receive needed educational support. The Uninterrupted Scholars Act addresses these barriers.*

The Uninterrupted Scholars Act provides child welfare agencies that have responsibility for children's placement and care with direct access to the children's education records.

- Child welfare agencies will be able to access educational records in a timely fashion to ensure children in their care are immediately and appropriately enrolled in school and receive the supports and interventions they need for educational success. Records are to be used only for the purpose of addressing a student's educational needs.
- Title IV-E of the Social Security Act requires that child welfare agencies maintain children's educational records in their case plans and assess educational stability for children as they move from placement to placement while in care. The bills help states meet these requirements.

The Uninterrupted Scholars Act allows child welfare agencies to use educational records for research studies to improve educational outcomes for students in foster care.

- Child welfare agencies will be able to conduct studies to better understand the unique educational needs of children and youth in foster care and to identify policies and practices to support positive educational outcomes.

The Uninterrupted Scholars Act eliminates the need for duplicative notice to parents and the resulting delays in transferring students' educational records.

- Current FERPA provisions require that when there is a court order authorizing release of a child's education records that the parents be notified by the educational agency as well as through the court proceeding. The bills will eliminate the need for the education agency to notify the parent again when the parent is already a party to the court proceeding where the order about the records was issued. This will expedite child welfare agencies' receipt of students' educational records.

The amendments to FERPA in the Uninterrupted Scholars Act would assist child welfare agencies to fully implement provisions in the bipartisan Fostering Connections to Success and Increasing Adoptions Act of 2008 that promote improved educational experiences and outcomes for children and youth in foster care.

**Original cosponsors of H.R. 5871 include Reps. Karen Bass (D-CA), Tom Marino (R-PA), Jim McDermott (D-WA) and Michelle Bachman (R-MN), the founding members of the Congressional Caucus on Foster Youth, and 19 others. Co-sponsors of S.3472 include Sens. Mary Landrieu (D-LA) and Charles Grassley (R-IA), co-chairs of the Senate Caucus on Foster Youth, and Sens. Mark Begish (D-AK), Roy Blunt (R-MO), Barbara Boxer (D-CA), Al Franken (D-MN) Amy Klobuchar (D-MN), Dianne Feinstein (D- CA), John Kerry (D-MA) and Patty Murray (D-WA) and three others.*