



State of Florida
Department of Children and Families
Department of Education

Rick Scott
Governor

David E. Wilkins
Secretary

Dr. Tony Bennett
Commissioner of Education



DATE: April 9, 2013
TO: District School Superintendents
School District Foster Care Liaisons
Department of Education Staff
Department of Children and Families Regional Managing Directors,
Children's Legal Services (CLS) Regional Directors, CLS Education Attorneys,
CBC Chief Executive Officers and Case Management Chief Executive Officers
FROM: David Wilkins, Secretary, Florida Department of Children and Families
Tony Bennett, Commissioner, Florida Department of Education
SUBJECT: Florida's Collaboration to Implement Release of Student Educational Records
Pertaining to FERPA Amendments

In January of this year Congress passed legislation that will have a very positive impact on children served by both the child welfare system and our schools. The Uninterrupted Scholars Act (USA) amended the Family Educational Rights Privacy Act (FERPA) 20 USCA §1232g, to permit schools to share the education records of children in the dependency system with case workers and other officials in the child welfare system. This legislation will enable school districts and child welfare workers to help children in the dependency system succeed in school.

The amendments, which Florida supported upon recommendation of both DCF and DOE, specifically authorize schools and school districts to release a student's education records to "an agency caseworker or other representative of a state or local child welfare agency, or tribal organization" when the agency or organization "is legally responsible" for the "care and protection of the student." This release is authorized provided that the education records or the personally identifiable information contained in such records of the student will not be disclosed except to an individual or entity addressing the student's education needs. DCF, acting individually or through a contracted Community Based Care agency (CBC), and an individual case worker of a child in the child welfare system are "legally responsible" for any child for whom the dependency courts of this State have issued an order placing the child in shelter care pursuant to § 39.402, Florida Statutes, and/or adjudicated the child dependent pursuant to § 39.507, Florida Statutes.

Florida DCF and DOE have a history of working together to facilitate efficient information sharing in accordance with FERPA requirements. Case managers are now authorized to access the student records of children who are determined to be in shelter care or adjudicated dependent by the court. Pursuant to state law, Florida school districts function as independent authorities with regard to school district operations. Because of the variation in operation systems across school districts,

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community partners (DCF, CBC, school districts) are encouraged to revise local cooperative agreements in order to delineate specific methods and related procedures to facilitate case managers' access to student educational records (i.e., hard copy, web system, parent portal, etc.).

At the organizational level school district electronic data systems also vary; therefore, school districts and CBCs should continue developing their electronic data sharing agreements to facilitate access to available student education data developed by the school district for dependent children. Florida Safe Families Network (FSFN), Florida's child welfare electronic system, is a statewide database of children for whom DCF has or has had legal responsibility. Each school district will have access to FSFN upon request. The Department of Children and Families is in the process of adding fields to the Education Tab in FSFN to facilitate the upload of Educational Data from local school districts for children for whom the district has received documentation that DCF currently has legal responsibility. As soon as updates are made to FSFN, the upload will go into the State system.

The purpose of electronic data sharing is to assist DCF and schools with improving educational outcomes for dependent children. To achieve this goal, student educational information is critical to the process of identifying and analyzing areas of need, developing and implementing evidenced-based practices, and determining appropriate allocation of resources based on evaluation data. Both agencies have been collaborating to create a compatible methodology for sharing electronic data between DCF (and its contracted providers/CBCs) and individual schools.

In summary, DOE and DCF are partners in this effort to provide training on the FERPA amendments to appropriate personnel. If DCF or CBC staff have questions please consult with Mary Cagle, Director, Children's Legal Services (CLS), 850-228-6792, mary_cagle@dcf.state.fl.us, or Deborah Schroth, Counsel for Education, CLS, 850-524-5818, deborah_schroth@dcf.state.fl.us. School district superintendents and/or other personnel may contact their district foster care liaison or Heather Diamond, FL DOE, 850-245-7851, hdiamond@usf.edu, or Gria Davison, FL DOE, 850-245-7851, gdavison@usf.edu.

Thank you for all you do to support Florida's children and youth.