

April 13, 2022

WASHINGTON STATE EDUCATION AND CHILD WELFARE DEPARTMENTS'
JOINT LETTER ON EDUCATIONAL RECORDS FOR STUDENTS IN FOSTER CARE

This letter, issued by the Office of Superintendent of Public Instruction (OSPI) and the Department of Children, Youth and Families (DCYF), provides guidance to school districts on responding to requests for educational records for students in foster care.

The Uninterrupted Scholars Act ([P.L. 112-278](#)), signed into law on January 14, 2013, makes key revisions to the Family Educational Rights and Privacy Act (FERPA) that facilitates child welfare agency access to educational records for students who are in the custody of DCYF or a federally recognized tribe.

The Act creates an exception under FERPA that authorizes schools and school districts to release a student's education records, including special education records, to "an agency caseworker or other representative of a state or local child welfare agency, or tribal organization" who has the right to access the child's case plan when the agency or organization "is legally responsible" for the "care and protection of the student." It is the position of OSPI and DCYF that this Act applies to all children in the care and placement authority of DCYF or a federally recognized tribe, including children in temporary, voluntary, or permanent custody.

The records obtained pursuant to this exception may not be disclosed to any other person or entity unless those individuals or entities are engaged in addressing the student's educational needs and are authorized by the child welfare agency to receive such disclosure, and such disclosure is consistent with state confidentiality laws.

It is the position of OSPI and DCYF that the individuals who can obtain education records under this exception, specifically those who have the right to access the child's education case plan, include the child's caseworker from the child welfare agency or from a private provider with whom the child welfare agency contracts, which may include education advocates, liaisons, or specialists.

Both OSPI and DCYF contract with Treehouse to provide educational support for youth in foster care in grades Pre-K to 12. Treehouse offers two statewide educational support programs: Educational Advocacy and Graduation Success. As a contractor charged with providing these services under [RCW 28A.300.590](#) and [RCW 28A.300.592](#), OSPI and DCYF have determined that Treehouse meets the criteria under the provisions of the Uninterrupted Scholars Act.

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Educational Advocacy provides these services through a referral from schools, caregivers, and DCYF social workers. Students in the Graduation Success program are categorically eligible for services and referred directly by OSPI and DCYF through a statewide data sharing agreement. The referral for services and categorical eligibility of youth in foster care enables school districts to share educational records with Treehouse.

Schools may verify a student's foster care status through the:

- [CEDARS Foster Care Report](#);
- [DCYF School Notification Form](#); or
- [DCYF Caregiver Authorization Form](#).

An Order and Authorization regarding Health Care and Education (ORCHE) form can verify foster care status when no alternatives are available.

Education Record Access and Decision Rights

When DCYF or an authorized contractor requests education records, no parent/guardian signature or court order is required to process the request. The Uninterrupted Scholars Act provides that, in cases where a parent/guardian is a party to a proceeding involving child abuse, neglect, or dependency, and a court order is issued authorizing the disclosure of education records, additional notice need not be provided to the parent/guardian by the educational agency before educational records are released.

Access to educational records is critical to improving educational outcomes for students in foster care. Student education information is critical to the process of ensuring prompt enrollment, school stability, and appropriate placement of children, as well as identifying and analyzing areas of need, developing and implementing evidence-based practices, and determining appropriate allocations of resources.

We ask for your continuing assistance and collaboration in addressing the educational needs of students in foster care. [RCW 28A.150.510](#) requires schools to provide education records, including special education records, as soon as possible and no later than two (2) days after a request by the department.

We look forward to working together to improve educational outcomes for our students in foster care.

Sincerely,



Chris Reykdal
Superintendent of
Public Instruction



Ross Hunter
Secretary of the Department of Children,
Youth, and Families