Information Sharing in Pennsylvania

Education & Child Welfare

Sharing Child Welfare Related Information in the Education Setting

The decision to share confidential information about a child who is in the state's custody is made on a case-by-case basis. If and when information is shared, only the minimum information necessary will be shared, and only to the individuals who need to know the information to support the child's well-being and education. When thinking about information sharing, remember that most children and youth in foster care do not want the fact that they are in foster care shared with others. Please keep this in mind when developing protocols and discussing matters involving a child in foster care.

What information is generally appropriate for child welfare to share with school personnel?

✔ Child welfare caseworker, supervisor, and guardian ad litem (GAL) contact information.
✔ The fact that the student is in agency custody and living in a foster home or in a kinship placement.
✔ The student's relevant records, if they have them, including: birth certificate, immunization records, names of previous schools attended, transcripts and report cards, Individual Education Programs (IEPs), 504 plans, and other documents relating to special education and related services, and other educational records. Schools should also get these records directly from a prior school.
✔ Vision and hearing evaluations.
✔ Information regarding medications for the student that are administered by the school nurse during the school day, with doctor's written orders.
✔ Medicaid eligibility or number, if necessary for school health and related services.
✔ Relevant information from the child's case plan as it relates to older youth receiving special education services or planning for post-graduation.
✔ Necessary information for Title I monitoring.

What information may be shared on a case-by-case basis only?

✔ State forms or redacted court order to serve as proof that child is in the agency's custody.
✔ A court order authorizing the GAL or authorized education decision maker (EDM) to access the child's education records.
✔ Relevant medical, disability, or health information, including mental or behavioral health issues, services, and medications not administered at school.
✔ The effects of trauma and the potential triggering events that may cause a behavioral response in the school setting.
✔ Information in psychological evaluations, if relevant to the child's care and needs in an educational setting. Information from mental health and psychological evaluations not directly related to assisting the school meet the child's needs should be redacted.
✔ Effective behavior supports used by the caregiver to encourage consistency in the school and home environments.
✔ Specific details about the abuse and neglect history if it may affect the child in school and is appropriate and relevant to share.
✔ Although the child welfare agency is not required to
share information about a child’s arrest or criminal history, the agency may choose to share this information as appropriate to ensure the child receives the necessary supports.

Details about the child’s placement. If there are safety concerns about sharing placement details with the child’s parents, the child welfare agency may share this with the school and request those details not be shared.

What information can never be shared by child welfare agencies?

- The name of the person who reported the abuse or neglect.
- The fact that the child was previously adopted; this may be sensitive information to the child and adoptive family.
- Alcohol or substance abuse history and treatment of the student, unless clearly relevant and only if the student signs a specific release.
- Biological or foster family income.

Sharing Education Information with Child Welfare Agency Representatives and Other Child Welfare Partners

Schools often engage multiple people and partners to support the education needs of students in foster care. What information can be shared with birth parents, foster parents, agency personnel, CASAs, GALs and other individuals must be clarified. The list below provides guidance to support the sharing of education information so all involved with the student can support his or her education needs and success.

What information school personnel must share with child welfare partners?

- Education records with custodial agency representative with care and placement responsibility.
- Information with any partner that has a court order or parental release authorizing the school to release the education records, such as GALs, CASAs, foster parents, or education decision makers (EDMs).
- Requests or referrals for an evaluation under Section 504, Rehabilitation Act of 1973, or special education services.
- Disciplinary reviews or hearings that require parental notice.

What information may be appropriate for school personnel to share with child welfare partners?

- Education information about a child in foster care can always be shared with the child’s caseworker and EDM. Depending on the circumstances, information may also be shared with the child’s foster parent, caregiver, or surrogate parent.
- The child’s IEP.
- Information about transition planning for youth age 14 or older.
- Foster parents should be involved and notified of activities and decisions which have a clear impact on the child’s home life.
- Foster parents are generally responsible for decisions about participation in extracurricular activities, sporting activities and events, dances, clubs, etc., regardless of whether the caregiver is also the child’s designated EDM or surrogate parent.

Examples include:
- Notice when a child is injured or becomes sick at a school activity on or off school grounds.
- Report cards, permission slips, and other routine school correspondence, including receiving homework assignments on behalf of the child if necessary.
Endnotes


2 42 U.S.C. §5106(a)(b)(2). The Child Abuse Prevention and Treatment Act (CAPTA) requires states to have laws in place that protect the confidentiality of all records, but also specifies when these records can be shared. Individuals and entities listed as appropriate to share records with include: the subject of the report of abuse or neglect; federal, state, or local government entities that need such information to carry out their responsibilities to protect children from abuse or neglect; a grand jury or court; and other entities or people specified by state law. Per CAPTA, a state needs either a statute authorizing the sharing of foster care information with the school system or to establish that the school system needs certain information to protect the child from abuse and neglect.

3 20 U.S.C. §1232g; 34 C.F.R. Part 99. The Family Educational Rights and Privacy Act (FERPA), passed in 1974, is the federal law that protects the privacy interests of parents and students regarding students’ education records. The Uninterrupted Scholars Act (USA) amended FERPA allowing schools to share education records with child welfare agencies, without parental consent. In addition to federal laws, federal guidance encourages information sharing between schools and child welfare “We believe that the Uninterrupted Scholars Act furthers efforts to build interagency collaboration — at the local, state and federal levels — between education and child welfare agencies. We encourage these agencies to share information about students in foster care to ensure the success of these students.”