

UNINTERRUPTED SCHOLARS ACT

Sharing information

The Individuals with Disabilities Education Act (IDEA) and the Family Educational Rights and Privacy Act (FERPA) require the consent of the child's parent before any information about a child referred to or enrolled in AzEIP. The Uninterrupted Scholars Act, or USA ensures that the need for consent does not prevent a child from continuing to receive services and support. When a child or a child's sibling is the subject of an investigation where the child's health and safety is of concern or the child is in the care and custody of the state, the Department of Child Safety (DCS) specialist assigned to the child's case may request information about the child's education record without consent. DCS specialists may **only** request records by using **Form 1048 LTHFF** to obtain information when investigating allegations of abuse or neglect and believe that child's or another individual's health and/or safety is at risk, or **Form 1061A LTHFF** when a child is in the care and legal custody of DCS. No information may be shared without one of these forms.

How can DCS specialists request this information?

For a child who is the subject of an investigation—Form 1048 LTHFF

When a child is in the care and legal custody of DCS—Form 1061A LTHFF

Documentation

The Service Coordinator must ensure that I-TEAMS reflects that CPS is involved, that the DCS specialist's contact information is in I-TEAMS and record of all releases of records is in the Child File Record using the [records release log](#).

Redisclosure

The child's records may only be redisclosed to an individual or entity engaged in addressing the child's education needs and authorized to receive such disclosure. If records are improperly redisclosed the entity that redisclosed will be banned from receiving ANY FERPA records for five years.



Who else may request records without consent?

The Uninterrupted Scholars Act (USA) permits educational agencies and institutions to disclose students' education records to authorized child welfare agency representatives and tribal organizations.

The USA also allows educational agencies and institutions to disclose students' education records to authorized child welfare agency representatives and tribal organizations following a judicial order, without requiring additional notice to the parent.

SCRIPT

With the Foster Family:

“I know that you made a referral for the child. I want you to know that we may not provide you with any information about the status of a referral. Under the Individuals with Disabilities Education Act, which is the law that governs AzEIP, the biological parent is assumed the parent for this process. We will talk to them about the referral, depending on the result we may proceed with the development of the Individualized Family Service Plan with them, with both of you, or with you alone.”

With the Biological Family:

“A referral to AzEIP was made for your child and family. Under the Individuals with Disabilities Education Act, which is the law that governs AzEIP, as the biological parent you are assumed the parent for this process. Since your child is not living with you it may be a good idea to involve the foster family in this process. How would you like to proceed? We may not disclose any information to the foster family without your consent, however the court, the DCS specialist or a Guardian ad Litem may request information and we must comply even without your consent”

With the CPS Worker:

“I know that you made a referral for the child. I want you to know that we have to first make contact with the biological family. Under the Individuals with Disabilities Education Act, which is the law that governs AzEIP, the biological parent is assumed the parent for this process. We will talk to them about the referral, depending on the result we may proceed with the development of the Individualized Family Service Plan with them, with the foster family as part of that process or with the foster family and not the biological family. If you would like further information about the process, you must submit a request using the Uninterrupted Scholars Act Letter, CPS IMP LT Obtain Educational Records in Care 2013– Records Request when a child is award of the Court in the legal care, custody and control of the State or CPS IV LT Obtain Educational Records for child who is subject to a CPS Investigation.”

The Service Coordinator is responsible for documenting every time records are released and to whom they were released.

