



CDSS

WILL LIGHTBOURNE
DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES

744 P Street • Sacramento, CA 95814 • www.cdss.ca.gov



EDMUND G. BROWN JR.
GOVERNOR

JUNE 17, 2015

ALL COUNTY LETTER NO. 15-47

TO: ALL COUNTY WELFARE DIRECTORS
ALL CALWORKS PROGRAM SPECIALISTS
ALL CALFRESH PROGRAM SPECIALISTS
ALL SPECIAL INVESTIGATION UNIT (SIU) CHIEFS

SUBJECT: CALWORKS AND CALFRESH: SCHOOL RECORDS REQUESTS

REFERENCE: FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)
(20 U.S.C. §1232g; [34 CFR Part 99](#))
WELFARE & INSTITUTIONS CODE [SECTION 11484](#)
EDUCATION CODE [SECTION 48263.6](#)
[AB 2382](#) CHAPTER 905 STATUTES OF 2014
ALL COUNTY LETTER (ACL) No. [15-22](#)

REASON FOR THIS TRANSMITTAL

- State Law Change
- Federal Law or Regulation Change
- Court Order
- Clarification Requested by One or More Counties
- Initiated by CDSS

The purpose of this ACL is to provide clarification regarding the authority to request educational records of children in a CalWORKs Assistance Unit (AU) or in a CalFresh Household (HH) for purposes of eligibility verification or as part of an investigation.

Welfare and Institutions Code Section 11484 mandates that all state, county and local agencies cooperate with an investigator of an agency whose primary function is to detect, prevent, or prosecute public assistance fraud. This can include the disclosure of information by educational agencies. However, the FERPA provides superseding requirements to schools regarding what information is and is not accessible for disclosure.

The FERPA, enacted in 1974, is a federal law that protects the privacy of students educational records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education, including elementary, secondary and postsecondary educational agencies.

In accordance with the FERPA, information that can be released by educational agencies is:

Directory information, if the educational agency has provided notice to parents and eligible students. Depending on the school district, directory information relating to a student may include, but is not limited to: the student's name; address; telephone listing; date and place of birth; emergency contact information; major field of study; participation in officially recognized activities and sports; weight and height of members of athletic teams; dates of attendance; degrees and awards received; and the most recent previous educational agency or institution attended by the student.

Any educational agency or institution making directory information available must give public notice of the categories of information and must allow a reasonable period of time after such notice has been given for a parent to inform the educational agency in writing, that any or all of the information designated cannot be released without the parent's prior consent. Each educational agency retains the discretion to decide what information is considered directory information, as well as the method and timing of providing public notice.

Information other than what is available as directory information may NOT be disclosed by the educational entity unless:

1. The CWD or SIU has obtained a written consent from the student's parent(s) specifying records to be released, the reasons for such release, and to whom, and with a copy of the records to be released to the student's parents; or
2. A judicial order or a lawfully issued subpoena is presented to the school

Effective with the date of this letter, CWD and SIU staff are notified to discontinue requesting educational information which is not considered directory information, unless the CWD or SIU have written parental consent, a judicial order or subpoena. Counties can still request access to directory information. As determined by each educational agency, the information can be provided unless the parent has opted out, in writing.

Please note, that pursuant to Assembly Bill 2382 (Chapter 905, Statutes of 2014), CWD's will no longer require applicants and recipients of CalWORKs to provide verification of school attendance for children under age 16, nor are they required to ask about attendance. CWDs will only ask for school attendance verification once a child aged 16 or older has been deemed a chronic truant pursuant to section 48263.6 of the Education Code. AUs will no longer have their grant reduced when the CWD learns that a child under 16 years of age is not regularly attending school. See ACL 15-22.

If you have questions about this information, please contact the Policy Unit of the Welfare Fraud & Emergency Food Assistance Program Bureau at 916-653-1826.

Sincerely,

Original Document Signed By:

TODD BLAND
Deputy Director
Welfare to Work Division