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TESTIMONY OF CONNECTICUT LEGAL SERVICES, INC. IN OPPOSITION TO SENATE BILL NO. 674, AN ACT CONCERNING CONFIDENTIALITY OF AND ACCESS TO RECORDS MAINTAINED BY THE DEPARTMENT OF CHILDREN AND FAMILIES

Connecticut Legal Services, Inc. respectfully submits this written testimony to Senator McDonald, Representative Lawlor and members of the Judiciary Committee in opposition to **Senate Bill No. 674, An Act Concerning Confidentiality of and Access to Records Maintained by the Department of Children and Families**. The Children at Risk unit of Connecticut Legal Services, Inc. (CLS) provides legal representation to low-income families who have children with disabilities, primarily to assist in obtaining access to special education and mental health services.

CLS opposes Senate Bill No. 674 due to the overly broad authority it would give to DCF to release confidential records to a wide range of individuals and agencies without obtaining consent of the subject of the records or his or her parent. **Two sections of the proposed legislation are particularly objectionable. First, section (h)(3),** would allow DCF to disclose its client's records *without parental consent* to any school employees who are mental health professionals or who have direct responsibility for implementing the educational program of the child or youth. Allowing DCF this kind of unfettered discretion to release records to school district personnel violates the clients' privacy and could be harmful to students and their families. DCF records contain highly sensitive details about children's family backgrounds, investigations on abuse or neglect, treatment plans, psychological and psychiatric reports that are much broader than necessary for educational planning. **While some or all of those evaluations may be helpful in educational planning, DCF should not be permitted to release them to school districts without first obtaining parental consent and without giving parents the opportunity to redact the evaluations as desired to protect family privacy.**

Practicing in the area of special education law, CLS often gathers evaluations and records of our clients from different sources and shares them with school districts for educational planning. However, we routinely allow our clients to review the evaluations and records to determine what sensitive information that is not relevant to educational planning should be redacted. Although this bill provides that any disclosure must be "limited to information reasonably necessary to provide educational services to the



child or youth,” determining such limitation should be the decision of the child’s parent or guardian, not DCF.

CLS further objects to section (h)(8) which, as drafted, would allow DCF to disclose its records to any individuals not employed by the department who arrange, perform or assist in performing functions or activities on behalf of the department. While the proposed language provides examples of such functions, those examples expressly do not limit DCF’s authority. This language is too broad and does not provide any identifiable limit to the class of people contemplated by this section.

Finally, if this legislation does proceed, we strongly urge the addition of the following language to section (m): “The Department shall disclose the statement whenever it discloses the portion of the record to which the statement relates.” This language mirrors the Family Educational Rights and Privacy Act (FERPA) regulations, 34 C.F.R. 99.21, pertaining to disagreements over the contents of educational records.

CLS urges the Judiciary Committee to oppose SB 674. However, if the proposed legislation is approved by the committee, we urge the committee to delete sections (h)(3) and (h)(8) and to add to section (m) the language proposed above.

Thank you for your time and consideration.

-- Submitted by Atty. Catherine A. Holahan