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Testimony of Patricia Julianelle, Director of Program Advancement and Legal Affairs, SchoolHouse Connection

HB 7156
An Act Concerning Access to Student Records for Certain Unaccompanied Youths

This testimony is submitted on behalf of SchoolHouse Connection, a national organization promoting success for children and youth experiencing homelessness, from birth through higher education. We engage in strategic advocacy and provide technical assistance in partnership with early care and education professionals (including school district homeless liaisons and state homeless education coordinators), young people, service providers, advocates, and local communities. I have provided technical assistance and training to the Connecticut State Department of Education and school districts across the state.

I write today in strong support of HB 7156, which provides an avenue for unaccompanied homeless youth to access their own education records.

Unaccompanied homeless youth are youth experiencing homelessness who are not in the physical custody of a parent or guardian. Most of these students are fleeing family dysfunction, parental drug abuse, rejection due to sexual orientation or pregnancy, abuse and neglect. In some cases, they are fleeing or simply avoiding the child welfare system. Yet, we know they still need to access school and progress academically. Unfortunately, the legal means for unaccompanied youth under 18 to access some supports is thwarted where the consent of a parent or guardian is required. This lack of legal standing erects barriers and keeps young people in harm’s way.

In schools, the federal McKinney-Vento Act eliminates most of these barriers for unaccompanied youth. However, the McKinney-Vento Act does not include a provision for these students to access and consent to disclose their own educational records. Youth often need to disclose their records to mentors, tutors, legal advocates, health care providers, or other agencies or individuals that may seek to help them. For example, a local Boys & Girls club tutor may wish to see records showing where the student is struggling academically. A health care provider may need to see records of school health services. An attorney may ask for records to assist the student in obtaining federal benefits to which he or she is entitled. Typically, a parent would consent to those disclosures. However, unaccompanied youth do not have access to a parent or legal guardian to provide such consent. This creates a barrier to youth advocating for themselves and receiving community services.
HB 7156 would eliminate this barrier for unaccompanied homeless youth, by allowing this specific, limited subset of students to access their own educational records and consent for their release to others. Federal guidance on the Family Educational Rights and Privacy Act (FERPA) allows schools to “use their judgment” in providing unaccompanied youth access to their records. This guidance leaves schools uncertain as to their potential liability or in what circumstances it would be appropriate to allow youth to access their records. A state law clarifying unaccompanied youths’ rights to access their own records would assist schools and young people. HB 7156 provides that clarity, so that unaccompanied youth are able to share their education records with community agencies, social service providers and others, and take full advantage of available community resources to help them stay in school, graduate, and continue to higher education. Further, it empowers schools to support these young people, by clearly permitting schools to share school records with community agencies when an unaccompanied high school student consents.

HB 7156 is a smart, narrowly-tailored policy that has proven to work well for schools and students. In 2013, I worked with a team of researchers, school district staff, service providers, and young people to pass a similar bill in California (AB 1068). The following year, I conducted a survey of school districts statewide, to measure the burden of implementing AB 1068 and its effect on students. The survey showed that within a few months, more than 40% of reporting districts serving affected students already had fully implemented the law. Over two-thirds of districts had seen AB 1068 positively impact their students. None reported implementation to be burdensome to school staff.

Unfortunately, the U.S. Department of Education’s last two monitoring visits to Connecticut resulted in findings and recommendations related to compliance with the McKinney-Vento Act. The state is not meeting its federal legal obligations to students experiencing homelessness. HB 7156 is one step toward protecting the rights of homeless students, showing that Connecticut cares about these students and the state’s legal obligations.

Unaccompanied homeless youth are struggling to succeed in school every day in Connecticut. SchoolHouse Connection’s mission is built upon the belief that access to education provides youth with a pathway out of homelessness. HB 7156 represents one small, basic support that can help students along that pathway, allowing them to receive the best help available in the community and succeed academically. I strongly urge you to support HB 7156.

Respectfully,

Patricia Julianel
Director of Program Advancement and Legal Affairs