

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF SONOMA  
STANDING ORDER NO. 2004 (1)  
ISSUED AUGUST 16, 2004**

**RELEASE AND SHARING OF EDUCATION RELATED RECORDS OF  
JUVENILE COURT WARDS AND DEPENDENTS**

This Standing Order is intended to address the need for better coordination between service providers, the Sonoma County Human Service Department, Sonoma County Probation Department, Sonoma County Health Department (the “Departments”) and schools to work toward improved outcomes for children within the jurisdiction of the Juvenile Court. In particular, the Standing Order is to implement the statutory goal of removing barriers to the educational success of foster children as recently declared in AB 490 (Steinberg), Chapter 862 which became effective on January 1, 2004. Among the bill’s components was to confer joint responsibility between child protection, probation, and educational agencies to insure the timely transfer of students and their records when a school change occurs. To accomplish its goals the new law specifically authorizes the release of foster youth educational records to the county placing agency.

Nonetheless, full implementation of coordinated services has been impaired by statutory and regulatory confidentiality and privacy protections which may prohibit the disclosure of juvenile, health (including mental health) and educational records unless authorized by written consent or court order.

The Court hereby finds that the best interest of children appearing before the juvenile courts, as well as the need for relevant information by the Court, court-serving

and educational agencies, outweigh the confidentiality interests reflected in California Civil Code section 56 et. seq., Welfare and Institutions Code sections 827, 828, 4514, 5328 and 10850, Education Code section 49602, 34 C.F.R. 99.31, 42 C.F.R. Part 2, 45 C.F.R. Part 160 and 164 and other provisions related to the confidentiality of school, health and juvenile court records. The interests of foster youth include the need to design, as appropriate, more effective Individualized Education Plans (“IEP”) and to improve educational outcomes and, therefore, good cause exists for the following order which shall apply to any child who is a dependent or ward of the juvenile court.

IT IS HEREBY ORDERED that:

1. Any public or non-public school that provides educational services to a ward or dependent of the juvenile court is authorized and directed to release any and all pupil records of such a minor (including but not limited to attendance records, IEP records, progress reports, immunization records, or any other educational or health record maintained by a school) upon the request of a child’s social worker, probation officer, Court Appointed Special Advocate (CASA) or attorney.
2. The pupil records identified in paragraph (1) shall be released without the requirement of parental consent. The individual requesting such records shall provide the school with verification that the child is a juvenile court dependent or ward and of the person’s employment or assignment in the case.
3. The Departments are authorized and directed to provide to the designated foster child educational liaison of any school district, or their designee, information as to the legal status of a student who is the subject of a juvenile court placement, e.g., ward or dependent child of the court. The Departments are also authorized to provide copies, to each other, of psychological evaluations, additional testing or other data or health information necessary to assist in the development and implementation of a child’s case plan. The Departments are further directed to provide such psychological or health information, for viewing purposes only, to assist in the development of a student’s IEP or proper school placement, to a school psychologist. The school psychologist shall not

retain copies of the documents and they shall not be placed in the student's educational records but shall be promptly returned or destroyed.

4. Records received pursuant to this standing order shall remain confidential and shall not be duplicated or disclosed to third parties. This information regarding a child's juvenile court involvement shall be kept strictly confidential.

IT IS FURTHER ORDERED that a copy of this Standing Order shall be furnished by the Sonoma County Office of Education to all relevant schools and school districts within Sonoma County and by County Counsel to the Departments.

Dated: August 16, 2004

/s/ Mark Tansil  
Mark Tansil, Superior Court Judge  
Presiding Judge of the Sonoma County Juvenile  
Courts