



Home School Legal Defense Association

PRESIDENT	James R. Mason III, Esq. DC, OR
LEGAL DIRECTOR	Kevin M. Boden, Esq. WA
LITIGATION COUNSEL	Peter K. Kamakawiwoole, Esq. MO, VA
SENIOR COUNSEL	Scott A. Woodruff, Esq. MO, VA
	Darren A. Jones, Esq. CA, DC
	Thomas J. Schmidt, Esq. CA
	William A. Estrada, Esq. CA, DC
ATTORNEY	Amy R. Buchmeyer, Esq. WI
	Ralph F. Rodriguez, Esq. NY
PRESIDENT EMERITUS OF COUNSEL	J. Michael Smith, Esq. VA
	Tom Sanders, Esq. TX

June 11, 2026

Secretary Linda McMahon
U.S. Department of Education
400 Maryland Ave., SW
Washington, DC 20202

Re: FERPA concerns regarding Connecticut Public Act 26-37

Dear Secretary McMahon:

I appreciate you reaching out to me prior to your confirmation to express your support for homeschooling. Unfortunately, support for homeschooling at the federal level has been matched by growing efforts in some states to impose new barriers on families who choose to educate their children at home. I am writing to bring one such issue to your attention.

On May 26, 2026, Governor Ned Lamont signed Connecticut Public Act 26-37, which requires local school districts to involve the Department of Children and Families (DCF) whenever a parent seeks to withdraw a child from public school for homeschooling (defined in Connecticut as “parent-managed learning”). Because this mandatory disclosure regime violates FERPA’s consent requirements and imposes serious burdens on the right of parents to homeschool, we encourage the Department to review the Act before it goes into effect in July 2027.

The statute creates an unprecedented review process—not because of any individualized concern regarding a particular child, but simply because a family has exercised their right to homeschool. Additionally, the Act imposes a mandatory 14-day waiting period on every family seeking to homeschool, including families against whom there is no allegation of abuse or neglect.

The Act further provides that a family may not homeschool if a parent or other household member appears on the state abuse and neglect registry, regardless of how long ago the placement occurred or whether that individual plays any role in the child’s education. This restriction is particularly significant because registry placement generally results from an administrative finding based on a low evidentiary standard (“reasonable cause to believe”), rather than a judicial determination. In *Valmonte v. Bane*, the Second Circuit concluded that a similarly low threshold created an “unacceptably high risk of error” and noted that a large percentage of challenged placements were ultimately overturned on review.¹ The result is a system that may include individuals whose registry status does not reliably establish present danger, parental unfitness, or inability to educate a child at home.

Because these disclosures to DCF occur automatically and without individualized suspicion, the Act raises important questions about the scope of FERPA’s privacy protections and

¹ *Valmonte v. Bane*, 18 F.3d 992 (2d Cir. 1994).

the circumstances under which states may compel the disclosure of educational records to child welfare agencies. First, the disclosures involve FERPA-protected educational records and personally identifiable information. Second, this disclosure is child-protection screening, not an educational audit, evaluation, or compliance activity. Third, Congress has separately created a narrow FERPA exception for child welfare agencies in specific circumstances, suggesting that broader disclosures to child welfare agencies are not authorized.

THE STATUTE MANDATES THE DISCLOSURE OF FERPA-PROTECTED PERSONAL IDENTIFYING INFORMATION (PII)

As a threshold matter, the Act requires the disclosure of FERPA-protected information. DCF cannot conduct the required records check without receiving information identifying the student, the student's family, and the household in which the student resides. But:

- FERPA broadly defines “personally identifiable information” to include the names of students, parents, and other family members, as well as the address of the student or the student's family. 34 C.F.R. § 99.3.
- FERPA likewise broadly defines “education records” as records directly related to a student and maintained by an educational agency. 34 C.F.R. § 99.3.
- Public Act 26-37 itself acknowledges that educational records are being disclosed. Section 1(e)(2)(D) of the Act expressly provides: “For purposes of this subdivision, the Department of Children and Families is a state educational authority pursuant to the Family Educational Rights and Privacy Act of 1974, 20 USC 1232g, as amended from time to time, and may receive the *educational records* of any child for whom a withdrawal form has been signed” (emphasis added).

Taken together, this language demonstrates that educational records will in fact be disclosed to DCF *and* that the legislature believed a FERPA exception was necessary to authorize those disclosures. Additionally, nothing in the statute defines the nature or extent of these records—in other words, no guardrails are established for defining or limiting the scope of PII that school districts must provide to DCF. Finally, the Act does not require any disclosures to DCF if a child is withdrawn to attend a private school, or because the family is moving out of state. Only families who wish to homeschool are subject to these disclosures.

BECAUSE PUBLIC ACT 26-37 IS A STATE STATUTE, IT CANNOT CREATE OR REDEFINE ANY FERPA EXCEPTIONS IN FEDERAL LAW

Public Act 26-37 appears to assume that Connecticut may authorize disclosure of educational records to DCF by declaring that DCF is a “state educational authority” for purposes of FERPA. But FERPA's disclosure exceptions are matters of federal law, and states cannot enlarge them through legislation.

FERPA's disclosure exceptions are defined by federal statute and regulation. Accordingly, whether a disclosure is permissible depends on federal law, not on a state's characterization of a particular agency or disclosure program. If states could create new FERPA exceptions simply by

designating agencies as educational authorities or assigning them roles in educational processes, FERPA's carefully drawn limits on disclosure would be rendered meaningless.

The principal issue is not DCF's title or designation, but whether the records-check process itself constitutes the type of educational activity for which FERPA permits disclosure without parental consent. If not, Connecticut's characterization of DCF as a "state educational authority" will not cure the conflict.

**DISCLOSURE TO DCF GOES FAR BEYOND DISCLOSURE TO AN
"AUTHORIZED REPRESENTATIVE" FOR PURPOSES OF AN
AUDIT, EVALUATION, OR EDUCATIONAL COMPLIANCE ACTIVITY**

The principal FERPA exception is the disclosure of educational records, without consent, to "authorized representatives of ... State and local educational authorities." 34 C.F.R. § 99.31(a)(3). But the scope of that exception is limited by 34 C.F.R. § 99.35, which provides that authorized representatives may access educational records only "in connection with an audit or evaluation of Federal or State supported education programs, or for the enforcement of or compliance with Federal legal requirements that relate to those programs." 34 C.F.R. § 99.35(a)(1).

Under Public Act 26-37, however, DCF is not evaluating an educational program, auditing educational services, measuring educational outcomes, or enforcing educational standards. Instead, it is tasked with determining whether a parent or other adult in the home is "on the state child abuse and neglect registry" or is "currently under investigation by the Department of Children and Families for an allegation of abuse or neglect." Public Act 26-37, § 1(e)(2)(B). That inquiry is fundamentally a child-protection screening function—not to determine if a child is being educated, but if any adult in the household appears on a DCF registry.

This distinction is reinforced by Department of Education guidance regarding the audit-or-evaluation exception. In refusing to apply the exception to disclosures to community-based educational organizations, the DOE has explained that "the audit or evaluation exception only permits the audit or evaluation of federal- or state-supported education programs."² DCF checks under the statute are not evaluations of a state-supported education program; they are investigations into the abuse-history status of household members. The fact that the inquiry is triggered by a homeschool withdrawal does not alter the fundamental nature of that inquiry.

**THESE DISCLOSURES TO DCF DO NOT FALL WITHIN
FERPA'S HEALTH-AND-SAFETY EXCEPTION**

FERPA also permits disclosure without consent "in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals." 34 C.F.R. § 99.36(a). Additionally, an educational agency or institution may disclose

² "May the LEA disclose personally identifiable information (PII) from education records to a community-based organization under the audit or evaluation exception for the purpose of the community-based organization evaluating its own program?" U.S. Dep't of Education. <https://studentprivacy.ed.gov/faq/may-lea-disclose-personally-identifiable-information-pii-education-records-community-based>, accessed June 4, 2026.

information “[i]f the educational agency or institution determines that there is an articulable and significant threat to the health or safety of a student or other individuals.” 34 C.F.R. § 99.36(c).

These provisions contemplate individualized determinations based on particular circumstances. The educational agency must determine that a specific emergency exists or that there is an “articulable and significant threat” to health or safety before making a disclosure without parental consent.

Public Act 26-37 contains no such requirement. The disclosure occurs automatically whenever a parent seeks to withdraw a child from public school for parent-managed learning. No individualized finding of danger, articulable threat, or emergency is required. Such a statutory scheme goes well beyond the limited disclosures authorized by § 99.36.

PUBLIC ACT 26-37 DOES NOT FALL WITHIN FERPA’S NARROW EXCEPTION FOR CHILD WELFARE AGENCIES

Finally, while Public Act 26-37 is the first homeschool law of its kind in the nation, Congress has previously addressed when educational institutions may disclose records to child welfare agencies in 20 U.S.C. § 1232g. While not directly applicable here, that provision is instructive.

Congress has authorized disclosure of records to “an agency caseworker or other representative of a State or local child welfare agency” who “has the right to access a student’s case plan,” if “such agency or organization is legally responsible . . . for the care and protection of the student.” 20 U.S.C. § 1232g(b)(1)(L). The provision is narrowly drawn. It applies when the child welfare agency is already legally responsible for the child’s care and protection and when the recipient has access to the student’s case plan.

Connecticut’s records-check process is materially different. The statute does not limit disclosure to agencies that have an independent “right to access a student’s case plan,” nor does it require the agency to have any legal responsibility for the child. The child need not be in foster care. No neglect proceeding need be pending. No transfer of custody need have occurred. On the contrary, the records check is triggered by the withdrawal request itself—and *only* if the child lives with the parent (as opposed to a placement in foster care).

Congress’s decision to create a separate, narrowly drawn exception for child welfare agencies strongly suggests that broader disclosures to such agencies were not intended to be exempt from FERPA’s protections. On the contrary, Congress specifically considered when educational records may be disclosed to child welfare agencies, and chose to authorize such disclosures only in carefully defined circumstances.

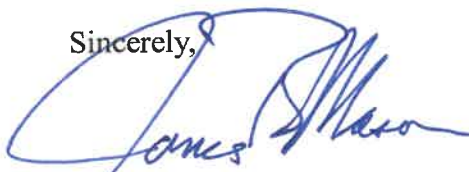
In sum, nothing in the statute—or in FERPA—suggests that Congress intended to grant child welfare agencies broad access to educational records simply because a state chooses to involve such agencies in an educational process. Instead, Congress’s creation of a specific exception for child welfare agencies confirms that disclosures outside those circumstances remain subject to FERPA’s ordinary requirements unless another federally-recognized exception applies.

CONCLUSION

Public Act 26-37 seeks to embed a child-protection screening process within a school-withdrawal procedure for homeschool families only. But that process is directed toward identifying abuse-related concerns, not auditing, evaluating, or enforcing educational programs. The statutory scheme has no individualized determination of danger and sweeps far more broadly than Congress's limited exception for children in foster care or under the authority of a child welfare agency.

Accordingly, we encourage the Department to review these provisions to determine if Connecticut's mandatory disclosure regime is consistent with FERPA's consent requirements and disclosure exceptions before it goes into effect in 2027.

Sincerely,



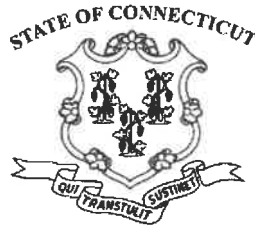
James R. Mason III

President

Home School Legal Defense Association

Enclosure

cc: Dr. Maureen Dowling, Director, Office of Non-Public Education
Candice Jackson, Acting General Counsel
Frank Miller, Deputy Director, Student Privacy Policy Office
Cherise Trump, Senior Advisor to the Secretary



Substitute House Bill No. 5468

Public Act No. 26-37

***AN ACT CONCERNING THE PROVISION OF PARENT-MANAGED
LEARNING.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 10-184 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2027*):

[All parents and those who have the care of children shall bring them up in some lawful and honest employment and instruct them or cause them to be instructed in reading, writing, spelling, English grammar, geography, arithmetic and United States history and in citizenship, including a study of the town, state and federal governments. Subject to the provisions of this section and section 10-15c, each parent or other person having control of a child five years of age and over and under eighteen years of age shall cause such child to attend a public school regularly during the hours and terms the public school in the district in which such child resides is in session, unless such child is a high school graduate or the parent or person having control of such child is able to show that the child is elsewhere receiving equivalent instruction in the studies taught in the public schools. For the school years commencing July 1, 2011, to July 1, 2022, inclusive, the parent or person having control of a child seventeen years of age may consent, as provided in this section, to such child's withdrawal from school. For the school year

Substitute House Bill No. 5468

commencing July 1, 2023, and each school year thereafter, a student who is eighteen years of age or older may withdraw from school. Such parent, person or student shall personally appear at the school district office and sign a withdrawal form. Such withdrawal form shall include an attestation from a guidance counselor, school counselor or school administrator of the school that such school district has provided such parent, person or student with information on the educational options available in the school system and in the community. The parent or person having control of a child seventeen years of age may withdraw such child from school and enroll such child in an adult education program pursuant to section 10-69. Such parent or person shall personally appear at the school district office and sign an adult education withdrawal and enrollment form. Such adult education withdrawal and enrollment form shall include an attestation (1) from a school counselor or school administrator of the school that such school district has provided such parent or person with information on the educational options available in the school system and in the community, and (2) from such parent or person that such child will be enrolled in an adult education program upon such child's withdrawal from school. The parent or person having control of a child five years of age shall have the option of not sending the child to school until the child is six years of age and the parent or person having control of a child six years of age shall have the option of not sending the child to school until the child is seven years of age. The parent or person shall exercise such option by personally appearing at the school district office and signing an option form. The school district shall provide the parent or person with information on the educational opportunities available in the school system.]

(a) As used in this section and sections 2 and 3 of this act:

(1) "Parent-managed learning" means the provision of education that is managed by a parent or guardian of a child in a setting other than a

Substitute House Bill No. 5468

public school or nonpublic school.

(2) "Nonpublic school" means a school that is not a public school and that (A) is approved by the Department of Education following such school receiving accreditation by an accrediting agency approved by the Department of Education, or (B) files a student attendance report with the Commissioner of Education pursuant to section 10-188, as amended by this act.

(b) All parents and guardians of children shall bring such children up in some lawful and honest employment and instruct or cause such children to be instructed in reading, writing, spelling, English grammar, geography, arithmetic and United States history and citizenship, including a study of town, state and federal governments. Subject to the provisions of this section and section 10-15c, each parent or guardian of a child, who is five years of age or over and under eighteen years of age and not a high school graduate, shall cause such child to (1) enroll in public school regularly during the hours and terms the public school in the district in which such child resides is in session, (2) attend a nonpublic school, or (3) be instructed through parent-managed learning.

(c) (1) Except as provided in subdivision (2) of this subsection, for the school year commencing July 1, 2028, and each school year thereafter, on or before October first of each school year, the parent or guardian of a child (A) enrolled in a public school, (B) attending a nonpublic school, (C) being instructed through parent-managed learning and (i) who will be five years of age on or before September first of the school year, or (ii) for whom an intent to educate form or a withdrawal form was completed for the prior school year, or (D) for whom an option form for the prior school year was signed, shall annually cause to be completed an intent to educate form to indicate whether such child will be enrolled in a public school, attending a nonpublic school or instructed through parent-managed learning for the school year. Such completed intent to

Substitute House Bill No. 5468

educate form shall be submitted to the school district office for the town in which such parent or guardian resides. If such child will be attending a nonpublic school, the parent or guardian shall provide evidence to show that such child will be attending a nonpublic school. Such intent to educate form may be completed and submitted electronically to the school district office. For purposes of this subdivision, (i) attendance of a child in a public school, or (ii) the filing of an annual student attendance report by a nonpublic school for which a child attends pursuant to section 10-188, as amended by this act, shall be regarded as compliance with the requirement that a parent or guardian of a child cause an intent to educate form be completed for the school year.

(2) The parent or guardian of a child five years of age shall have the option of not sending the child to school until the child is six years of age and the parent or guardian of a child six years of age shall have the option of not sending the child to school until the child is seven years of age. Such parent or guardian shall exercise such option by personally appearing at the school district office for the town in which such parent or guardian resides and signing an option form. The school district shall provide such parent or guardian with information on the educational opportunities available in the school system.

(3) For the school year commencing July 1, 2028, and each school year thereafter, the parent or guardian of a child who moves into a school district during the school year shall, not later than fourteen days after moving into such school district, complete an intent to educate form to indicate whether such child will be enrolling in public school, attending a nonpublic school or instructed through parent-managed learning. Such completed intent to educate form shall be submitted to the school district office for such school district. If such child will be attending a nonpublic school, the parent or guardian shall provide evidence to show that such child will be attending a nonpublic school. Such intent to educate form may be completed and submitted electronically to the

Substitute House Bill No. 5468

school district office.

(4) For the school year commencing July 1, 2028, and each school year thereafter, the parent or guardian of a child who withdraws from attending a nonpublic school shall complete an updated intent to educate form to indicate whether such child will be enrolling in public school, attending a different nonpublic school or instructed through parent-managed learning. Such updated intent to educate form shall be submitted to the school district office for the town in which such parent or guardian resides. If such child will be attending a different nonpublic school, the parent or guardian shall provide evidence to show that such child will be attending such different nonpublic school. Such updated intent to educate form may be completed and submitted electronically to the school district office.

(d) For the school year commencing July 1, 2028, and each school year thereafter, any local or regional board of education that does not receive a completed intent to educate form on or before November first from a parent or guardian pursuant to subdivision (1) of subsection (c) of this section, shall make at least three attempts to contact such parent or guardian for the purpose of informing such parent or guardian that they are required to complete an intent to educate form for the current school year. If the board is unable to make such contact with such parent or guardian by November first, the board shall notify the Department of Education that the board has not received a completed intent to educate form from such parent or guardian.

(e) (1) For the school year commencing July 1, 2027, and each school year thereafter, the parent or guardian of a child enrolled in public school may withdraw such child from public school for the purpose of causing such child to attend a nonpublic school. Such parent or guardian shall personally appear at the school district office and sign a withdrawal form. Such withdrawal shall not be effective unless such parent or guardian provides evidence to show that such child will be

Substitute House Bill No. 5468

attending a nonpublic school.

(2) (A) Subject to the provisions of subparagraph (B) of this subdivision, for the school year commencing July 1, 2027, and each school year thereafter, the parent or guardian of a child enrolled in public school may withdraw such child from public school for the purpose of causing such child to be instructed through parent-managed learning. Such parent or guardian shall personally appear at the school district office and sign a withdrawal form. Such withdrawal shall not be effective until the superintendent of schools, or the superintendent's designee, notifies such parent or guardian that such child may be withdrawn following receipt of notice under subparagraph (B) of this subdivision.

(B) Not later than two business days following receipt of a withdrawal form under this subdivision, the superintendent of schools, or the superintendent's designee, shall cause to be conducted with the Department of Children and Families a records check of each person who resides with such child and is eighteen years of age or older. Such records check shall include the following: Whether such person is (i) on the state child abuse and neglect registry established pursuant to section 17a-101k, or (ii) currently under investigation by the Department of Children and Families for an allegation of abuse or neglect under section 17a-101g. If such records check finds that any such person is on the state child abuse and neglect registry or currently under investigation by the department for an allegation of abuse or neglect, such withdrawal shall not be effective and such child may not be withdrawn from public school pursuant to this subdivision. Not later than five business days following the commencement of such records check, the superintendent, or the superintendent's designee, shall notify such parent or guardian whether such withdrawal is effective. If such withdrawal is not effective, the superintendent, or the superintendent's designee, shall provide such parent or guardian with the reason such

Substitute House Bill No. 5468

withdrawal is not effective and information regarding how such parent or guardian may challenge the findings of such records check, including the appropriate contact information of the Department of Children and Families.

(C) A records check under this subdivision is not a report for purposes of sections 17a-101a to 17a-101d, inclusive, or section 17a-103.

(D) For purposes of this subdivision, the Department of Children and Families is a state educational authority pursuant to the Family Educational Rights and Privacy Act of 1974, 20 USC 1232g, as amended from time to time, and may receive the educational records of any child for whom a withdrawal form has been signed.

(3) The parent or guardian of a child seventeen years of age may withdraw such child from public school and enroll such child in an adult education program pursuant to section 10-69. Such parent or guardian shall personally appear at the school district office and sign a withdrawal form. Such withdrawal form shall include an attestation (A) from a school counselor or school administrator of the school that such school district has provided such parent or guardian with information on the educational options available in the school system and in the community, and (B) from such parent or guardian that such child will be enrolled in an adult education program upon such child's withdrawal from public school.

(4) A student who is eighteen years of age or older may withdraw from public school. The parent or guardian of such student or such student shall personally appear at the school district office and sign a withdrawal form. Such withdrawal form shall include an attestation from a guidance counselor, school counselor or school administrator of the school that such school district has provided such parent, guardian or student with information on the educational options available in the school system and in the community.

Substitute House Bill No. 5468

Sec. 2. (*Effective July 1, 2026*) Not later than July 1, 2027, the Department of Education shall develop the intent to educate form and withdrawal form, as such forms are described in section 10-184 of the general statutes, as amended by this act. The department shall make such forms available to local and regional boards of education.

Sec. 3. Section 10-188 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2026*):

Attendance of children at a [school other than a public school] nonpublic school, as defined in section 10-184, as amended by this act, shall not be regarded as compliance with the laws of the state requiring parents and other persons having control of children to cause them to attend school, unless the teachers or persons having control of such nonpublic school file with the Commissioner of Education annual student attendance reports at such times and in such forms as the commissioner prescribes, and make such reports and returns concerning the school under their charge to the Commissioner of Education as are required from boards of education concerning the public schools, except that no report concerning finances shall be required. The Commissioner of Education shall furnish to the teachers or persons having charge of any nonpublic school such forms as may be necessary for compliance with the provisions of this section.

Sec. 4. Subdivision (1) of subsection (c) of section 10-10a of the general statutes, as amended by section 22 of public act 26-1, is repealed and the following is substituted in lieu thereof (*Effective July 1, 2027*):

(1) Track and report data relating to student, teacher and school and district performance growth and make such information available to local and regional boards of education for use in evaluating educational performance and growth of teachers and students enrolled in public schools in the state. Such information shall be collected or calculated based on information received from local and regional boards of

Substitute House Bill No. 5468

education and other relevant sources. Such information shall include, but not be limited to:

(A) In addition to performance on state-wide mastery examinations pursuant to subsection (b) of this section, data relating to students shall include, but not be limited to, (i) the primary language spoken at the home of a student, (ii) student transcripts, (iii) student attendance and student mobility, (iv) reliable, valid assessments of a student's readiness to enter public school at the kindergarten level, (v) data collected, if any, from the preschool experience survey, described in section 10-515, and (vi) data required pursuant to section 10-17m concerning the academic progress of students in bilingual education programs;

(B) Data relating to teachers shall include, but not be limited to, (i) teacher credentials, such as master's degrees, teacher preparation programs completed and certification levels and endorsement areas, (ii) teacher assessments, such as whether a teacher is deemed highly qualified pursuant to the No Child Left Behind Act, P.L. 107-110, or deemed to meet such other designations as may be established by federal law or regulations for the purposes of tracking the equitable distribution of instructional staff, (iii) the presence of substitute teachers in a teacher's classroom, (iv) class size, (v) numbers relating to absenteeism in a teacher's classroom, and (vi) the presence of a teacher's aide. The department shall assign a unique teacher identifier to each teacher prior to collecting such data in the public school information system;

(C) Data relating to schools and districts shall include, but not be limited to, (i) school population, (ii) annual student graduation rates, (iii) annual teacher retention rates, (iv) school disciplinary records, such as data relating to suspensions, expulsions and other disciplinary actions, (v) the percentage of students whose primary language is not English, (vi) the number of and professional credentials of support personnel, (vii) information relating to instructional technology, such as

Substitute House Bill No. 5468

access to computers, (viii) disaggregated measures of school-based arrests pursuant to section 10-233n, [and] (ix) the measures and data required pursuant to section 10-17g for the evaluation of bilingual education programs, and (x) the number of children being instructed through parent-managed learning for whom an intent to educate form was completed or a withdrawal form was signed pursuant to section 10-184, as amended by this act.

Sec. 5. Subsection (g) of section 17a-28 of the 2026 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2026*):

(g) The department shall disclose records, subject to subsections (b) and (c) of this section, without the consent of the person who is the subject of the record, to:

(1) The person named in the record or such person's authorized representative, provided such disclosure shall be limited to information (A) contained in the record about such person or about such person's biological or adoptive minor child, if such person's parental rights to such child have not been terminated; and (B) identifying an individual who reported abuse or neglect of the person, including any tape recording of an oral report pursuant to section 17a-103, if a court determines that there is reasonable cause to believe the reporter knowingly made a false report or that the interests of justice require disclosure;

(2) An employee of the department for any purpose reasonably related to the performance of such employee's duties;

(3) A guardian ad litem or attorney appointed to represent a child or youth in litigation affecting the best interests of the child or youth;

(4) An attorney representing a parent, guardian or child in a petition filed in the Superior Court pursuant to section 17a-112 or 46b-129,

Substitute House Bill No. 5468

provided (A) if such records do not pertain to such attorney's client or such client's child, such records shall not be further disclosed to another individual or entity by such attorney except pursuant to the order of a court of competent jurisdiction, (B) if such records are confidential pursuant to federal law, such records shall not be disclosed to such attorney or such attorney's client unless such attorney or such attorney's client is otherwise entitled to such records, and (C) nothing in this subdivision shall limit the disclosure of records under subdivision (3) of this subsection;

(5) The Attorney General, any assistant attorney general or any other legal counsel retained to represent the department during the course of a legal proceeding involving the department or an employee of the department;

(6) The Child Advocate or the Child Advocate's designee;

(7) The Chief Public Defender or the Chief Public Defender's designee for purposes of ensuring competent representation by the attorneys with whom the Chief Public Defender contracts to provide legal and guardian ad litem services to the subjects of such records and for ensuring accurate payments for services rendered by such attorneys;

(8) The Chief State's Attorney or the Chief State's Attorney's designee for purposes of investigating or prosecuting (A) an allegation related to child abuse or neglect, (B) an allegation that an individual made a false report of suspected child abuse or neglect, (C) an allegation that a mandated reporter failed to report suspected child abuse or neglect in accordance with section 17a-101a, provided such prosecuting authority shall have access to records of a child charged with the commission of a delinquent act, who is not being charged with an offense related to child abuse, only while the case is being prosecuted and after obtaining a release, or (D) an allegation of fraud in the receipt of public or private benefits, provided no information identifying the subject of the record

Substitute House Bill No. 5468

is disclosed unless such information is essential to such investigation or prosecution;

(9) A state or federal law enforcement officer, including a military law enforcement authority under the United States Department of Defense, for purposes of investigating (A) an allegation related to child abuse or neglect, (B) an allegation that an individual made a false report of suspected child abuse or neglect, or (C) an allegation that a mandated reporter failed to report suspected child abuse or neglect in accordance with section 17a-101a;

(10) A foster or prospective adoptive parent, if the records pertain to a child or youth currently placed with the foster or prospective adoptive parent, or a child or youth being considered for placement with the foster or prospective adoptive parent, and the records are necessary to address the social, medical, psychological or educational needs of the child or youth, provided no information identifying a biological parent is disclosed without the permission of such biological parent;

(11) The Governor, when requested in writing in the course of the Governor's official functions, the joint standing committee of the General Assembly having cognizance of matters relating to human services, the joint standing committee of the General Assembly having cognizance of matters relating to the judiciary or the joint standing committee of the General Assembly having cognizance of matters relating to children, when requested in writing by any of such committees in the course of such committee's official functions, and upon a majority vote of such committee, provided no name or other identifying information is disclosed unless such information is essential to the gubernatorial or legislative purpose;

(12) The Office of Early Childhood for the purpose of (A) determining the suitability of a person to care for children in a facility licensed pursuant to section 19a-77, 19a-80, 19a-87b or 19a-421; (B) determining

Substitute House Bill No. 5468

the suitability of such person for licensure; (C) determining the suitability of a person to provide child care services to a child and receive a child care subsidy pursuant to section 17b-749k; (D) an investigation conducted pursuant to section 19a-80f; (E) notifying the office when the Department of Children and Families places an individual licensed or certified by the office on the child abuse and neglect registry pursuant to section 17a-101k; or (F) notifying the office when the Department of Children and Families possesses information regarding an office regulatory violation committed by an individual licensed or certified by the office;

(13) The Department of Developmental Services, (A) to allow said department to determine eligibility, facilitate enrollment and plan for the provision of services to a child who is a client of said department and who is applying to enroll in or is enrolled in said department's behavioral services program. At the time that a parent or guardian completes an application for enrollment of a child in the Department of Developmental Services' children's services program, or at the time that said department updates a child's annual individualized plan of care, said department shall notify such parent or guardian that the Department of Children and Families may provide records to the Department of Developmental Services for the purposes specified in this subdivision without the consent of such parent or guardian; or (B) for purposes of an investigation pursuant to section 46a-11c;

(14) Any individual or entity for the purposes of identifying resources that will promote the permanency plan of a child or youth approved by the court pursuant to sections 17a-11, 17a-111b and 46b-129;

(15) A state agency that licenses or certifies a person to educate, care for or provide services to children or youths;

(16) A judge or employee of a Probate Court who requires access to such records in order to perform such judge's or employee's official

Substitute House Bill No. 5468

duties;

(17) A judge of the Superior Court for purposes of determining the appropriate disposition of a child adjudicated as delinquent;

(18) A judge of the Superior Court in a criminal prosecution for purposes of in camera inspection whenever (A) the court has ordered that the record be provided to the court; or (B) a party to the proceeding has issued a subpoena for the record;

(19) A judge of the Superior Court and all necessary parties in a family violence proceeding when such records concern family violence with respect to the child who is the subject of the proceeding or the parent of such child who is the subject of the proceeding;

(20) The Auditors of Public Accounts, or their representative, provided no information identifying the subject of the record is disclosed unless such information is essential to an audit conducted pursuant to section 2-90;

(21) A local or regional board of education, provided the records are limited to educational records created or obtained by the state or Connecticut Unified School District #2, established pursuant to section 17a-37;

(22) The superintendent of schools for any school district for the purpose of determining the suitability of a person to be employed by the local or regional board of education for such school district pursuant to subsection (a) of section 10-221d;

(23) The Department of Motor Vehicles for the purpose of criminal history records checks pursuant to subsection (e) of section 14-44, provided information disclosed pursuant to this subdivision shall be limited to information included on the Department of Children and Families child abuse and neglect registry established pursuant to section

Substitute House Bill No. 5468

17a-101k, subject to the provisions of sections 17a-101g and 17a-101k concerning the nondisclosure of findings of responsibility for abuse and neglect;

(24) The Department of Mental Health and Addiction Services for the purpose of treatment planning for young adults who have transitioned from the care of the Department of Children and Families;

(25) The superintendent of a public school district or the executive director or other head of a public or private institution for children providing care for children or a private school (A) pursuant to sections 17a-11, 17a-101b, 17a-101c, 17a-101i, 17a-111b and 46b-129, or (B) when the Department of Children and Families places an individual employed by such institution or school on the child abuse and neglect registry pursuant to section 17a-101k;

(26) The Department of Social Services for the purpose of (A) determining the suitability of a person for payment from the Department of Social Services for providing child care; (B) promoting the health, safety and welfare of a child or youth receiving services from either department; or (C) investigating allegations of fraud provided no information identifying the subject of the record is disclosed unless such information is essential to any such investigation;

(27) The Court Support Services Division of the Judicial Branch, for the purpose of (A) determining the supervision and treatment needs of a child or youth or any other person, and provide appropriate supervision and treatment services to such child or youth or any other person, or (B) sharing common case records to track recidivism of juvenile offenders;

(28) The birth-to-three program's referral intake office for the purpose of (A) determining eligibility of, (B) facilitating enrollment for, and (C) providing services to (i) substantiated victims of child abuse and neglect

Substitute House Bill No. 5468

with suspected developmental delays, and (ii) newborns impacted by withdrawal symptoms resulting from prenatal drug exposure;

(29) The Department of Public Health for (A) the purpose of notification when the Commissioner of Children and Families places an individual licensed or certified by the Department of Public Health on the child abuse and neglect registry established pursuant to section 17a-101k, and (B) purposes relating to the licensure of the Albert J. Solnit Children's Center and the administration of licensing requirements established pursuant to or set forth in sections 19a-134 and 19a-498;

(30) The Department of Correction, for the purpose of determining the supervision and treatment needs of a child or youth, and providing appropriate supervision and treatment services to such child or youth;

(31) Any child placing agency subject to licensure by the Department of Children and Families, for the purpose of determining the suitability of a person (A) for employment by such agency, or (B) to adopt or provide foster care pursuant to sections 17a-114 and 17a-151;

(32) The Department of Administrative Services, for the purpose of determining whether an applicant for employment with the state, who would have contact with children in the course of such employment, appears on the child abuse or neglect registry maintained pursuant to section 17a-101k;

(33) Any individual, upon the request of such individual, when the information concerns an incident of abuse or neglect that resulted in the fatality or near fatality of a child or youth, provided (A) such disclosure shall be limited to (i) the cause and circumstances of such fatality or near fatality, (ii) the age and gender of such child or youth, (iii) a description of any previous reports of or investigations into child abuse or neglect that are relevant to the child abuse or neglect that led to such fatality or near fatality, (iv) the findings of any such investigations, and (v) a

Substitute House Bill No. 5468

description of any services provided and actions taken by the state on behalf of such child or youth that are relevant to the child abuse or neglect that led to such fatality or near fatality, and (B) the department shall not make any disclosure that is prohibited by the provisions of any relevant federal law, including, but not limited to, Titles IV-B and IV-E of the Social Security Act, as amended from time to time. The department may withhold the disclosure of any records described in this subdivision if the commissioner determines that such disclosure may (i) result in harm to the safety or well-being of the child or youth who is the subject of such records, the family of such child or youth, or any individual who made a report of abuse or neglect pertaining to such child or youth, or (ii) interfere with a pending criminal investigation; [and]

(34) The Office of Policy and Management, for purposes of labor relations investigations conducted on behalf of the Department of Children and Families; and

(35) A local or regional board of education pursuant to subdivision (2) of subsection (e) of section 10-184, as amended by this act.

Governor's Action:
Approved May 26, 2026