

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

120



FROM: Department of Public Social Services, Department of Mental Health,
Riverside County Probation Department

SUBMITTAL DATE:
March 19, 2013

SUBJECT: Foster Focus Agreement (CS-02620) with Riverside County Superintendent of Schools

RECOMMENDED MOTION: That the Board of Supervisors approves the Foster Focus MOU (CS-02620) with Riverside County Superintendent of Schools (RCSS).

BACKGROUND:

Foster Focus is a new database with information on 10,000 of the state's foster children, compiled by the Sacramento County Office of Education (SCOE) which allows school officials to access essential information when foster children move into their districts. The database was set up with a start-up grant of \$750,000. Foster Focus tracks students' grades, credits, course schedules, residential history, shot records, attendance, Individual Education Plan, the name of the child's social worker, and other information. Access to this kind of information by school officials can avert frustrating situations for foster children, such as being enrolled in classes they have already completed or not being enrolled in time to start school, and reduces the risk being held back a grade or even dropping out of school.

Susan Loew

Susan Loew, Director
Department of Public Social Services

Mark A. Hake

Mark Hake, Chief Probation Officer
Probation Department

Jerry Wengerd
Jerry Wengerd, Director
Department of Mental Health

FINANCIAL DATA

Current F.Y. Total Cost:	\$ 0	In Current Year Budget:	Yes
Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	No
Annual Net County Cost:	\$ 0	For Fiscal Year:	12/13

SOURCE OF FUNDS:

Federal Funding: 0% State Funding: 0%; County Funding: 0%; Realignment Funding: 0%; Other Funding: 0%

Positions To Be Deleted Per A-30	<input type="checkbox"/>
Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION:

APPROVE

BY: *Debra Cournoyer*
Debra Cournoyer

County Executive Office Signature

- Policy
- Policy
- Consent
- Consent
- Consent
- Consent

Dept't Recomm.:
Per Exec. Ofc.:

Prev. Agn. Ref.:

District: All

Agenda Number:

2-8

ATTACHMENTS FILED WITH THE CLERK OF THE BOARD

Munipone 5-20-13

County Purchasing Department

Departmental Concurrence

County Counsel

RE: FOSTER FOCUS AGREEMENT (CS-02620) WITH RIVERSIDE COUNTY
SUPERINTENDENT OF SCHOOLS

DATE: March, 19, 2013

Page 2

BACKGROUND (Continued):

Twenty-one California districts are currently using Foster Focus; last year, records were accessed 106,000 times. Foster Focus also notifies district officials when a foster child has moved into its region. The Juvenile Courts, DPSS Children's Services Division, Department of Mental Health, County Probation Department, and Riverside County School Districts will access necessary information regarding the County's foster children and youth via the Foster Focus database. There is no fiscal impact with this agreement.

FINANCIAL:

There is no fiscal impact with this agreement.

ATTACHMENT(S):

1. Memorandum of Understanding agreement (CS-02620) with Riverside County Superintendent of Schools (3 copies)

CONCUR/EXECUTE –

County Counsel

MEMORANDUM OF UNDERSTANDING

Use of Data Base for Providing Student Information

Riverside County Superintendent of Schools

WHEREAS, AB 490 establishes legislative intent that foster youth are ensured access to the same opportunities to meet academic achievement standards to which all students are held, maintain stable school placements, be placed in the least restrictive educational placement, and have access to the same academic resources, services and extracurricular and enrichment activities as all other children. Makes it clear that **education and school placement decisions** are to be dictated by the **best interest** of the child;

WHEREAS, AB 490 makes Local Educational Agencies (LEAs) and county social workers or probation officers jointly responsible for the timely transfer of students and their records when a change of schools occurs;

WHEREAS, AB 490 allows a foster child to be immediately enrolled in school even if all typically required school records, immunizations, or school uniforms are not available; and,

WHEREAS, AB 490 requires an LEA to deliver the pupil's education information and records to the next educational placement within two (2) days of receiving a transfer request from a county placing agency or school district.

WHEREAS, The Riverside County Juvenile Court has issued an order requiring each Riverside County K-12 public school district and all county placing agencies to release all pertinent student information when available. Pertinent student information is defined as name and address of the student's residential placement; names and addresses of education providers; the students grade level performance; attendance records; disciplinary history (including suspensions/expulsions and reinstatements condition); start date and leave date; current class schedule; home language survey results; educational testing scores; Individual Education Plan (IEP), Student Study Team (SST) and 504 information in the Rehabilitation Act of 1974 Accommodation Plan; behavioral intervention plans; psycho-educational reports; information related to special education programs or other services offered to or utilized by the student; and, any related reports.

NOW, THEREFORE, it is mutually agreed as follows:

1. As long as funding continues to be available, the Riverside County Office of Education shall provide access to a software application for the purposes of maintaining pertinent student information required to comply with the legislation intent. The software application will be known as (FOSTER FOCUS)
2. As long as funds are provided for this purpose, the Riverside County Office of Education Foster Youth Services will make available and provide access to the application for the Riverside County Juvenile Court, Riverside County Department of Public Social Services, Riverside County Probation Department, Riverside County Mental Health Department, and the following 23 school districts of Riverside County:

Alvord Unified School District
Banning Unified School District
Beaumont Unified School District
Coachella Valley Unified School District
Corona-Norco Unified School District
Desert Center Unified School District
Desert Sands Unified School District
Hemet Unified School District
Jurupa Unified School District
Lake Elsinore Unified School District
Menifee Union School District
Moreno Valley Unified School District

Murrieta Valley Unified School District
Nuvview Union School District
Palm Springs Unified School District
Palo Verde Unified School District
Perris School District
Perris Union High School District
Riverside Unified School District
Romoland School District
San Jacinto Unified School District
Temecula Valley Unified School District
Val Verde Unified School District

The FOSTER FOCUS will provide access to the following information:

- Foster Youth's caseworker (social worker or probation officer).
 - Group home and Foster Home name and contact information.
 - Name and contact information for the person holding educational rights.
 - A record of immunizations and allergies.
 - Known medical problems.
 - Any other relevant health-related information.
 - Name, address and phone number of current school as well as a school contact name.
 - Student start date at current school.
 - Graduation status, including current grade, number of credits completed, GPA, grades for each class, attendance information, and student ID.
 - Known Special Education information.
3. The Riverside County Office of Education will provide an orientation/training session to all participating agencies to facilitate access and use of FOSTER FOCUS.
 4. The target date for the FOSTER FOCUS applications is **February 1, 2013**.
 5. All active records will be available for processing, however, only exact matches for foster children will be available on the website. All participating agencies agree to maintain the accuracy of the confidential data on the FOSTER FOCUS in accordance with the following guidelines:
 - a. Riverside County Office of Education will identify for Riverside County's Department of Public Social Services authorized user(s); user(s) will be assigned a User ID and Password to access the software application. The assigned User ID and Password are for the exclusive use of the designated staff and sharing among staff or subsequent contractors is prohibited.
 - b. Riverside County Office of Education will immediately notify Riverside County's Department of Public Social Services when a user no longer has a right to access this data.
 - c. All information will be kept strictly confidential, and only participating agencies or court order authorized individuals will be given access to the pertinent student information. School district(s) agree the information disclosed shall be used solely for the purposes of educational needs and monitoring of the foster youth's progress in school.

6. The records released by the Riverside County Department of Public Social Services, Probation Department and Mental Health Department under this Memorandum of Understanding shall occur as authorized by the Riverside County Juvenile Court's Order Authorizing Release of Juvenile Records for Use in Foster Youth Services Program (Protective Order); Protective Order dated June 13, 2006, attached as Exhibit A for review. Data provided by DPSS cannot be used for any purpose not covered by this court order. The data provided by the Probation Department located within FOSTER FOCUS can only be accessed by individuals who have submitted and received confirmation that the Contracts, Grants and Special Projects Unit of the Probation Department has received their signed confidentiality form. Individuals who do not have a signed confidentiality form on record with the Probation Department are not approved to access Probation Department information within FOSTER FOCUS.
 - a. DPSS will have access to the FOSTER FOCUS for use by designated staff.
 - b. DPSS will have access to specific reports contained in the FOSTER FOCUS.
 - c. The probation officers will have access to the FOSTER FOCUS for use by designated staff.
 - d. The probation officers will have access to specific reports contained in the FOSTER FOCUS.
 - e. The Probation Department, Administrative and Business Services-Information Technology Division will provide the name of the juvenile offenders who are actively in Placement and the probation officer's name and phone number once per month for the purpose of this MOU.
 - f. The Probation Department will have access to the FOSTER FOCUS application to ensure that the names of past juvenile offenders have been removed.
7. Every agency understands and agrees that it is responsible for maintaining the confidentiality and security of the FOSTER FOCUS information. Any failure of employees to maintain the required confidentiality of the Probation Department juvenile offenders shall result in the immediate denial of that person's review of the Probation Department's data. Failure to maintain minors' confidentiality may also result in legal ramifications for that individual and their representing agency.
8. Each participating agency understands and agrees that it is responsible for assuring each of its employees accessing the application will comply with HIPPA and other privacy statutory standards in order to maintain the confidentiality and security of confidential student information.
9. Each participating agency shall assure that each employee accessing the FOSTER FOCUS application have reviewed and executed confidentiality and security agreements substantially in the form as set forth in Exhibit B hereto.
10. Each participating agency shall assume that each employee accessing the FOSTER FOCUS application shall complete a FOSTER FOCUS Access request form substantially in the form as set forth in Exhibit C hereto.
11. For the purpose of indemnification, each participating agency (Indemnitor) shall hold the other agency harmless against any losses, damages, or liabilities arising out of

Indemnitor, its principals, employees and agents' activities arising out of or relating to the Foster FOCUS database. Each participating agency shall be responsible for the acts of its own employees while participating in the project. Personnel assigned to the project shall be deemed to be continuing under the employment of their agency and shall have the same powers, duties, privileges, responsibilities, and immunities as are conferred upon them by law. There is no intent on the part of any agency to this MOU to create a separate legal entity subject to suit.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly authorized officers in the County of Riverside, State of California.

Riverside County Superintendent of Schools

By: _____ Date: _____
Kenneth M. Young
Riverside County Superintendent of Schools

Alvord Unified School District

By: _____ Date: _____
Dr. Nicholas Ferguson
Interim District Superintendent

Banning Unified School District

By: _____ Date: _____
Bryan Astrachan
Interim District Superintendent

Beaumont Unified School District

By: _____ Date: _____
Dr. Maureen Latham
District Superintendent

Coachella Valley Unified School District

By: _____ Date: _____
Dr. Darryl Adams
District Superintendent

Corona-Norco Unified School District

By: _____ Date: _____
Dr. Michael H. Lin
District Superintendent

Desert Center Unified School District

By: _____
Dr. Norman Guith
District Superintendent

Date: _____

Desert Sands Unified School District

By: _____
Dr. Sharon P. McGhee
Acting District Superintendent

Date: _____

Hemet Unified School District

By: _____
Dr. Barry Kayrell
District Superintendent

Date: _____

Jurupa Unified School District

By: _____
Mr. Elliott Duchon
District Superintendent

Date: _____

Lake Elsinore Unified School District

By: _____
Dr. Douglas Kimberly
District Superintendent

Date: _____

Menifee Union School District

By: _____
Dr. Linda Callaway
District Superintendent

Date: _____

Moreno Valley Unified School District

By: _____
Dr. Judy D. White
District Superintendent

Date: _____

Murrieta Valley Unified School District

By: _____
Mr. Patrick Kelley
District Superintendent

Date: _____

Nuview Union School District

By: _____
Mr. David Pyle
District Superintendent

Date: _____

Palm Springs Unified School District

By: _____
Dr. Christine J. Anderson
District Superintendent

Date: _____

Palo Verde Unified School District

By: _____
Mr. Bob Bilek
Acting District Superintendent

Date: _____

Perris Elementary School District

By: _____
Mr. Vincent Ponce
District Superintendent

Date: _____

Perris Union High School District

By: _____
Dr. Jonathan Greenberg
District Superintendent

Date: _____

Riverside Unified School District

By: _____
Dr. Richard Miller
District Superintendent

Date: _____

Romoland School District

By: _____
Dr. Anthony Rosilez
District Superintendent

Date: _____

San Jacinto Unified School District

By: _____
Dr. Shari Fox
District Superintendent

Date: _____

Temecula Valley Unified School District

By: _____
Mr. Tim Ritter
District Superintendent

Date: _____

Val Verde Unified School District

By: _____
Dr. Michelle Richardson
Interim District Superintendent

Date: _____

County of Riverside

By: _____
Mr. John J. Benoit, Chair
Board of Supervisors

Date: _____

FORM APPROVED COUNTY COUNSEL

BY: *Elena M. Boeva* *5-20-13*
ELENA M. BOEVA DATE

Temecula Valley Unified School District

By: _____
Mr. Tim Ritter
District Superintendent

Date: _____

Val Verde Unified School District

By: _____
Dr. Michelle Richardson
Interim District Superintendent

Date: _____

County of Riverside

By: _____
Mr. John J. Benoit, Chair
Board of Supervisors

Date: _____

FORM APPROVED COUNTY COUNSEL

BY: *Elena M. Boeva* *5-20-13*
ELENA M. BOEVA DATE

Temecula Valley Unified School District

By: _____
Mr. Tim Ritter
District Superintendent

Date: _____

Val Verde Unified School District

By: _____
Dr. Michelle Richardson
Interim District Superintendent

Date: _____

County of Riverside

By: _____
Mr. John J. Benoit, Chair
Board of Supervisors

Date: _____

FORM APPROVED COUNTY COUNSEL

BY: *Stenapause* *5-20-13*
ETIENNA BOEVA DATE

ATTACHMENT A

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF RIVERSIDE**

In re the Matter of:

Riverside County Office of Education
Foster Youth Services Program

PROTECTIVE ORDER RE: FOSTER
YOUTH STUDENT INFORMATION
SYSTEM (FOSTER FOCUS)

Petitioner Riverside County Office of Education, Foster Youth Services ("FYS"),
requested a court order granting the release of juvenile records for the following purposes:

1- To develop foster youth information system to house current health and education
records for youth in foster care who are under the jurisdiction of the Riverside County Superior
Court Juvenile Division;

2- To determine the educational needs for such youth; and

3- To facilitate the transfer of health and education records between agencies.

Juvenile records and proceedings are subject to the confidentiality provisions and
privileges of the law and the constitutional right to privacy. (Cal. Const., art. I, §1; Welf. & Inst.
Code, §§ 346, 676, 827, 828, 10850; Cal. Rules of Court, rule 5.552.) Petitioner has voluntarily
agreed that, should the court exercise its discretion to grant this request, Petitioner will abide by
the terms and conditions of this order.

GOOD CAUSE APPEARING, the court hereby makes the following orders:

1. The court grants Petitioner's request for release of juvenile records to the extent
necessary for the implementation of the FYS program.

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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF RIVERSIDE**

)
) WAIVER OF CONFIDENTIALITY FOR
) DPSS CHILDREN'S SERVICES DIVISION
) DATA MATCH
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In an effort to increase the academic achievement of youth in the child welfare and/or probation system, particularly the ultimate achievement of obtaining a high school diploma, the Riverside County Department of Public Social Services (DPSS) Children's Services Division, in the role of personal representative of each foster youth, [requests a limited waiver of confidentiality for DPSS], the Riverside County Probation Department, the Riverside County Office of Education (RCOE), and all school districts within the County of Riverside to share identifying information and records from their case files.

The purpose of this data is to determine which schools the dependent and/or probation children attend, the child's attendance record, the child's grade level performance, the child's standardized achievement test scores, the children's discipline record, and whether and when the child will graduate from high school.

1 The goal of the data matching and sharing is to help plan for the educational and
2 supportive resources needed by the students, their families and caregivers so that the children can
3 be more successful in school, obtain a high school diploma, and hopefully to strengthen their
4 ability to grow into independent adults. Identifying foster and probation youth by school would
5 help educational liaisons and other child welfare system of care partners to better target the
6 particular available services needed by each child in order to be successful in school.
7

8 Child welfare system of care partners need to collaborate to ensure maximum utilization
9 of available federal monies, explore public-private partnerships, and access any other funding
10 sources to promote the well-being of foster children through educational stability. This requires
11 identification of youth eligible to enroll in specific academic programs, including those uniquely
12 available to dependent and/or probation children through Ed. Code, §48853.5 and enhanced
13 federal finding, and help them refer youth to additional services provided during non-school
14 hours (e.g. high school exit exam preparatory classes, etc.)

15 Participation in these data sharing efforts by DPSS, Probation, RCOE, and school
16 districts within Riverside County is voluntary.
17

18 UPON CONSIDERATION of the request and responses thereto, the juvenile court
19 hereby issues the following order pursuant to Welf. & Inst. Code, §827 and Cal. Rules of Court,
20 rule 5.552:
21

22 1. Staff members of RCOE and school districts in Riverside County may share the
23 following child-specific information on a monthly basis with DPSS staff who will actually
24 perform the data match:

25 ■ Child's full name and any "also known as" names, birth date, gender, address,
26 and social security number;

27 ■ Ethnicity;

28 ■ Language classification;

- 1 ■ Grade level performance, including expected date of graduation and possible
- 2 grade retention;
- 3 ■ Special education status, including primary disability code, RSSP, special day,
- 4 etc.;
- 5 ■ Gifted/Talented status;
- 6 ■ California Standards Test Scores;
- 7 ■ Number of absences;
- 8 ■ Disciplinary instances, including suspensions and/or expulsions;
- 9

10 2. DPSS and Probation may share the following case information with RCOE and
11 participating Riverside County school districts:

- 12 ■ The office handling the DPSS or Probation case for the child;
- 13 ■ Child's full name and any "also known as" names, birth date, gender, and social
- 14 security number;
- 15 ■ Child's case number, case start date, date of removal; and
- 16 ■ Placement type and full address of placement;
- 17

18 3. Any and all information and records received pursuant to this order shall be kept in
19 confidence for the limited purpose for which it was provided and shall not be further
20 disseminated except as necessary and relevant for the data match and the offering of services to
21 dependent/delinquent children. Additionally, upon the completion of any data matching, all
22 information and records obtained from DPSS and/or Probation shall not be placed in any file or
23 maintained in any manner such that it is accessible, except by those expressly authorized by
24 Welf. & Inst. Code, §827. The confidentiality of the identity of the children as dependents of the
25 juvenile court must be ensured.

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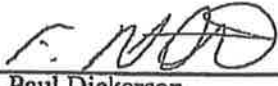
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4. This order shall remain in effect until or unless revoked or otherwise amended on the motion of the Presiding Judge of the juvenile court or at the request of any interested party.

IT IS SO ORDERED

[See e.g. Cal. Rules of Court, rule 5.650; WIC §827.]

Dated: 5/8/13



F. Paul Dickerson
Presiding Judge of the Juvenile Court
Riverside County Superior Court



**Foster Youth Services Program of Sacramento
Foster Focus Confidentiality Agreement**

As an employee of _____, the undersigned may have access to confidential communications and foster youth information currently or previously in, or to be entered into, the *Foster Focus* system, maintained by the Sacramento County Office of Education's Foster Youth Services department. In consideration of said relationship and in consideration of the granting of access to *Foster Focus*, the undersigned agrees as follows:

1. For the purposes of this agreement, "confidential communications and foster youth information" shall be considered to include any and all information defined as such under federal and state law currently in the database, *Foster Focus*, information previously part of the database, *Foster Focus*, or information accessible to the undersigned for the purpose of entering all or any part of the information into the database, *Foster Focus*, at some future time.
2. Confidential information shall be accessed only as necessary to perform legitimate foster youth services related job duties.
3. Confidential information shall be handled carefully and with due diligence to protect against such information inadvertently being disclosed.
4. Confidential information shall not be divulged, copied, released, sold, loaned, reviewed, transmitted, altered or destroyed except as authorized by FYS.
5. The undersigned's login identity, password or other access codes shall be safeguarded to avoid their unauthorized use by others. The undersigned agrees to be responsible for all activities undertaken using his or her login, password or other access codes.
6. The undersigned agrees not to divulge his or her password to others.
7. The undersigned agrees to immediately request a new login identity and password if there is reason to suspect that another person may have access to his or her login or password.
8. The undersigned understands and agrees that the obligations under this agreement will continue after termination of employment with the agency identified above and/or after access to the database, *Foster Focus*, has terminated.

I understand revealing confidential information is a violation of FYS policy and could result in organizational, civil, or criminal action and/or termination of my employment or working relationship with the Sacramento County Office of Education.

Applicant's Name (print)	Signature
Title (print)	Date

As the applicant's supervisor, I hereby authorize the above-named employee to access the data system, *Foster Focus*, for the purpose of performing authorized FYS partnership duties subject to the terms of this agreement. (Please complete the following :)

This employee is authorized to have read only or data entry privileges (check one).

Circle access to be granted: **M T W Th F** from (time) _____ to _____ or 24/7.

This employee may access *Foster Focus* from one computer or multiple computers.

This employee may view primary disability category and service, or all IEP documents. (check one).

Please set expiration date of this agreement for 6 months 1 year None, until further notice (check one).

I agree to notify the Sacramento County Office of Education when this employee's employment terminates or his/her work assignment changes to non-Foster Youth Services activities.

Applicant's Supervisor's Name (print)	Signature
Title (print)	Date

COE or Agency Approval - signature and date



ATTACHMENT C

Foster Focus Student Information System (FFSIS)
ACCESS REQUEST

Supervisor: Please complete

ACCESS FOR APPLICANT: (Check one) ADDED UPDATED TERMINATED

ACCESS PRIVILEGES: Access shall be: (Check one)

INDEFINITE TEMPORARY (from _____ to _____)

User is granted access to the Foster Youth population as defined by:

Entire County District only Group Home Program Number

User may browse records of the following student types: (Check all that apply)

Dependents Delinquents Dual Jurisdiction (W1300/600) ALL TYPES

User is granted access to the following areas: (Check all that apply)

Residential Placement Educational Placements Grades Attendance Immunizations

Special Education Information Education Rights Information Disciplinary Actions ALL AREAS

User is granted permission to PRINT: (Check all that apply)

Student Information Summary Unofficial transcripts Grades Summary

Attendance Summary ALL PRINTS

User is granted WRITE privileges for the following: (Check all that apply)

New Child Records Educational Rights School Placement

Residential Placement Notes in Authorized Areas

Special Instruction (restriction / permissions): _____

AS SUPERVISOR YOU AGREE TO NOTIFY FFSIS ADMINISTRATION (Riverside County Office of Education) WITHIN 10 DAYS OF THE APPLICANT'S JOB TERMINATION OR TRANSFER TO A NEW POSITION.

A typical User Policy of Acknowledgement of Confidentiality on file: Yes _____ No _____

Applicant/User Name: _____ Phone: _____

Authorized by (Supervisor's name): _____

Supervisor's Signature _____ Date: _____

Supervisor's Title: _____ Supervisor's Email: _____

FFS Approval: _____ Date: _____