

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:**

County Purchasing Department

**Department**al Concurrence

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

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Susan Loew, Dire	ector				
Department of Public Socjal Services				1	
Mark	A Hake	anul	1/angua	/	
Mark Hake,	Chief Probation Officer	Jerry Wengerd, D	orector/		
Probation Department		Department of Me			
FINANCIAL	Current F.Y. Total Cost:	\$ 0	In Current Year I	Budget: Yes	
1	Current F.Y. Net County Cost:	\$ 0	Budget Adjustm	ent: No	
DATA	Annual Net County Cost:	\$ 0	For Fiscal Year:	12/13	
SOURCE OF FUNDS: Federal Funding: 0%; County		y Funding: 0%; Ro	ealignment	Positions To Be Deleted Per A-30	
	Other Funding: 0%			Requires 4/5 Vote	
C.E.O. RECOM	MENDATION:	APPROVE			
County Executi	ve Office Signature	By Jelug Debra Cou	Cournage	(	
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MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Ashley, seconded by Supervisor Stone and duly carried, IT

Policy

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Jeffries, Stone, Benoit and Ashley

Ayes: Nays:

None

Absent:

**Tavaglione** June 4, 2013

DPSS, Mental Health, Probation

rev. Agn. Ref.:

District: All

WAS ORDERED that the above matter is approved as recommended.

**Agenda Number:** 

Kecia Harper-Ihem

Dep't Recomm.:

ATTACHMENTS FILED WITH THE CLERK OF THE BOARD 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
Nuview 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		
Ву:	Date:	
Kenneth M. Young		
Riverside County Superintendent of Schools		
Alvord Unified School District		
Ву:	Date:	1 4
Dr. Nicholas Ferguson		
Interim District Superintendent		
<b>Banning Unified School District</b>		
By:	Date:	
Bryan Astrachan		
Interim District Superintendent		
Beaumont Unified School District		
Ву:	Date:	
Dr. Maureen Latham		
District Superintendent		
Coachella Valley Unified School District		
Ву:	Date:	
Dr. Darryl Adams		
District Superintendent		
Corona-Norco Unified School District		
Ву:	Date:	
By: Dr. Michael H. Lin		
District Superintendent		

Desert Center Unined School District		
By:	Date:	
Dr. Norman Guith		· · · · · · · · · · · · · · · · · · ·
District Superintendent		
<b>Desert Sands Unified School District</b>		
By: Dr. Sharon P. McGhee	Date:	
Dr. Sharon P. McGhee		
Acting District Superintendent		•
Hemet Unified School District		
By:	Date:	
Dr. Barry Kayrell		
District Superintendent		
Jurupa Unified School District		
Ву:	Date:	
Mr. Elliott Duchon		******
District Superintendent		
Lake Elsinore Unified School District		
Ву:	Date:	
Dr. Douglas Kimberly		
District Superintendent		
Menifee Union School District		
Ву:	Date:	
Dr. Linda Callaway		
District Superintendent		
Moreno Valley Unified School District		
Ву:	Date:	_
Dr. Judy D. White		
District Superintendent		
Murrieta Valley Unified School District		
Ву:	Date:	
Mr. Patrick Kelley		
District Superintendent		

Nuview Union School District		
Ву:	Date:	
Mr. David Pyle		
District Superintendent		
Palm Springs Unified School District		
By: Dr. Christine J. Anderson	Date:	
Dr. Christine J. Anderson		
District Superintendent		
Palo Verde Unified School District		
By:	Date:	
Mr. Bob Bilek		
Acting District Superintendent		
Perris Elementary School District		
Ву:	Date:	
Mr. Vincent Ponce		
District Superintendent		
Perris Union High School District		
Ву:	Date:	
Dr. Jonathan Greenberg		
District Superintendent		
Riverside Unified School District		
Ву:	Date:	
Dr. Richard Miller		
District Superintendent		
Romoland School District		
Ву:	Date:	
Dr. Anthony Rosilez		
District Superintendent		
San Jacinto Unified School District		
Ву:	Date:	
Dr. Shari Fox		
District Superintendent		

By:	Date:
Mr. Tim Ritter District Superintendent	
Val Verde Unified School District	
By: Dr. Michelle Richardson Interim District Superintendent	Date:
By: Denot, Chair Board of Supervisors	Date: <u>1/4/13</u>
ATTEST: KECJA:HARPER-IHEM, Cjerk BY DEPUTY	

FORM APPROVED COUNTY COUNSEL

BY ELENA MODEVA DATE

WHEN DOCUMENT IS FULLY EXECUTED RETURN CLERK'S COPY

Riverside County Clerk of the Board, Stop 1010 ns. Office Box 1147, Riverside, Ca 92502-1147 thank you.

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

In re the Matter of:	)
Riverside County Office of Education	) PROTECTIVE ORDER RE: FOSTER
Foster Youth Services Program	) YOUTH STUDENT INFORMATION ) SYSTEM (FOSTER FOCUS)
	<b>}</b>

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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2. FYS program representatives shall have access to and receive copies of records concerning foster youth maintained by any school or educational institution, public agency, service provider, group home provider, or foster care provider serving Riverside County wards and dependents.

- 3. The records subject to this order are those health and education records of youths currently subject to the jurisdiction of the Riverside County Juvenile Court. The following types of information shall be made available for the purposes of the FYS program: health and education summaries for youth placed in foster care, foster care home placement details including name, address, and phone number, youth demographics, assigned Children's Services staff, and juvenile court case number.
  - 4. Copies of this order shall be distributed to:
  - a) Riverside County Department of Public Social Services;
  - b) Riverside County Probation Department, Juvenile Division;
  - c) Riverside County Office of Education;
  - d) Riverside County Department of Mental Health;
  - e) All school districts within Riverside County;
  - f) All directors of Special Education Local Plan Area in Riverside County;
  - g) All private and non-public schools in Riverside County;
  - h) All other educational institutions serving foster youth in Riverside County;
  - i) All foster care providers and foster family agencies in Riverside County;
  - j) All group home providers utilized by Riverside County;
  - k) All health agencies and immunization registry;
  - 1) All attorneys representing clients in juvenile court proceedings;
  - m) All out-of-county Foster Youth Services Coordinators; and
  - n) All out-of-county providers serving Riverside County wards and dependents.

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- 4. FYS representatives may share information from the database with the above-listed persons and agencies if:
  - a) Such disclosure will be in the best interests of the youth whose records are sought; and
- b) The information contained in those records is necessary and relevant to the provision of services to the youth.
- 5. The information subject to this order may be transmitted electronically if Petitioner FYS establishes a method of electronic transmission that ensures the information will be kept confidential.
- 6. Any person or agency receiving records and/or information pursuant to this order shall maintain the confidentiality of such records and information and shall use them only to the extent necessary for the FYS program.
- 7. The Riverside County Office of Education Foster Youth Service Unit shall bear the responsibility of providing a copy of this order, upon request, to persons and agencies involved in the FYS program.
- 8. Any unauthorized disclosure of confidential information or any failure to comply with the terms of this order may result in this order being vacated and/or may be punishable as contempt of court.
- 9. This order is not intended to replace, nullify, or conflict with any existing polices of the Department of Public Social Services, the Probation Department, Riverside County Mental Health, or any other public or private agency.

[20 U.S.C. §1232g(b)(1)(E)(ii)(II) & (b)(2)(B); 42 U.S.C § 622(b)(15)(A)(iii); 42 U.S.C.

§671(a)(8) & (c); 42 U.S.C § 675(1)(C)& (G); Ed. Code, §§ 49076(a)(1)(K) & (a)(4), 49077;

Welf. & Institutions Code, §§ 16010(a) & (b); 34 C.F.R. §§99.31, 99.38(a); 45 C.F.R. §1355.53]

Dated: 3/8/13

F. Paul Dickerson

Presiding Judge of the Juvenile Court Riverside County Superior Court

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

WAIVER OF CONFIDENTIALITY FOR DPSS CHILDREN'S SERVICES DIVISION DATA MATCH

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.

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

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

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

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

- 1. Staff members of RCOE and school districts in Riverside County may share the following child-specific information on a monthly basis with DPSS staff who will actually perform the data match:
  - Child's full name and any "also known as" names, birth date, gender, address, and social security number;
    - Ethnicity:
    - Language classification:

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ATTACHMENT B



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

co	an employee of	ion currently or previously in, ice of Education's Foster Yout	signed may have access to confidential or to be entered into, the <i>Foster Focus</i> system, h Services department. In consideration of said s, the undersigned agrees as follows:	
1.	miormation defined as such under federal and s	tate law currently in the dambase. Fo.	nformation" shall be considered to include any and all ster Focus, information previously part of the database, ag all or any part of the information into the database,	
2.	Confidential information shall be accessed only	as necessary to perform legitimate for	oster youth services related job duties.	
3.			against such information inadvertently being disclosed.	
4.	· · ·			
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			
<b>7</b> .	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.			
Edi	Applicant's Name (print)	iployment or working relation	ship with the Sacramento County Office of  Signature	
···········	Title (print)	Phone	Date	
TOF follo	the purpose of performing authorized FY wing:)	/S partnership duties subject to	oyee to access the data system, Foster Focus, the terms of this agreement. (Please complete the	
Thi Ci-	s employee is authorized to have reach	d only or 🔲 data entry privile	<del>-</del>	
Ciri Thi	cle access to be granted: M T W Th F	from (time) to	or 24/7.	
Thi	s employee may access Foster Focus fro s employee may view primary disab	mone computer ormi	ultiple computers.	
Plea	ase set expiration date of this agreement	for $\Box$ 6 months $\Box$ 1 year	☐ all IEP documents. (check one). ☐ None, until further notice (check one).	
l ag wor	ree to notify the Sacramento County Off k assignment changes to non-Foster You	ice of Education when this em th Services activities.	ployee's employment terminates or his/her	
	Application 1 State of the stat			
	Applicant's Supervisor's Name (print)		Signature	
	Title (print)		Signature	

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 PRIVILEDGES: Access shall be: (Check one) ☐ INDEFINITE User is granted access to the Foster Youth population as defined by: ☐ District only ☐ Group Home Program Number User may browse records of the following student types: (Check all that apply) □ Dependents □ Delinquents ☐ Dual Jurisdiction (171300/600) □ ALL TYPES User is granted access to the following areas: (Check all that apply) ☐ Residential Placement ☐ Educational Placements ☐ Grades ☐ Attendance ☐ Immunications □ 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: Authorized by (Supervisor's name): Supervisor's Signature \_\_\_\_\_ \_\_\_\_\_\_Date: \_\_\_\_\_ Supervisor's Email: dddiggganostgatagan an gallan gaaraa an gallan gaaraa an gallan gallan