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August 20, 2012

To: Supervisor Zev Yaroslavsky, Chairman
Supervisor Gloria Molina
Supervisor Mark Ridley-Thomas
Supervisor Don Knabe
Supervisor Michael D. Antonovich

From: William T Fujioka
Chief Executive Officer

MOTION BY SUPERVISOR ANTONOVICH TO SEND A FIVE-SIGNATURE LETTER IN SUPPORT OF H.R. 5871, S. 3472, OR SIMILAR LEGISLATION (ITEM NO. 54-A, SUPPLEMENTAL AGENDA OF AUGUST 21, 2012)

Item No. 54-A on the Supplemental Agenda for August 21, 2012, is a motion by Supervisor Antonovich for the Board of Supervisors to send a five-signature letter to the County's Congressional delegation in support of H.R. 5871 and S. 3472, or similar legislation which would specifically amend the Family Educational Rights and Privacy Act (FERPA) to provide child welfare and juvenile probation agencies with access to the school records of children under their supervision.

H.R. 5871 was introduced by Representative Karen Bass (D-CA) on behalf of the bipartisan Congressional Caucus on Foster Care on May 31, 2012, and S. 3472 was introduced by Senator Mary Landrieu (D-LA) on August 1, 2012. Both bills would amend the FERPA to provide child welfare agencies with access to the school records of foster children who are under their supervision. The two measures have bipartisan support. Under current law, FERPA gives legal control over a child's school records to his or her parents, hindering the ability of child welfare agencies and social workers to obtain school records of children under their supervision and to monitor their enrollment, attendance, and educational progress and to intervene to improve their educational outcomes. It also limits the access of juvenile probation agencies to the school records of juveniles under their supervision.

Support for H.R. 5871, S. 3472, and similar FERPA legislation is consistent with the policy in the Board's Federal Legislative Agenda to support proposals that would provide child welfare agencies with access to educational records on children whom they are serving. The Department of Children and Family Services, the Probation Department, and this office recommend that the Board approve this motion because it would improve the ability of County staff to monitor and improve the educational progress of children under the County's custody. The motion also would enable the County's Legislative Advocates to pursue amendments to H.R. 5871 and S. 3472 which would provide juvenile justice agencies as well as child welfare agencies with access to the educational records of children under their supervision, not limited to children in foster care.

H.R. 5871 has been referred to the House Education and the Workforce Committee while S. 3472 was referred to the Health, Education, Labor, and Pensions. Neither committee has scheduled any hearings or action on the bills.

We will continue to keep you advised.

WTF:RA
MR:MT:ma

c: Executive Office, Board of Supervisors
County Counsel
Department of Children and Family Services
Probation Department