

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—112th Cong., 2d Sess.

S. 3472

To amend the Family Educational Rights and Privacy Act of 1974 to provide improvements to such Act.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by Ms. LANDRIEU

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Uninterrupted Schol-
5 ars Act (USA)”.

6 **SEC. 2. FAMILY EDUCATIONAL RIGHTS AND PRIVACY.**

7 Section 444(b) of the General Education Provisions
8 Act (20 U.S.C. 1232g(b)) (commonly known as the “Fam-
9 ily Educational Rights and Privaey Act of 1974”) is
10 amended—

11 (1) in paragraph (1)—

1 (A) in subparagraph (J)(ii), by striking
2 “and” after the semicolon at the end;

3 (B) in subparagraph (K)(ii), by striking
4 the period at the end and inserting “; and”;
5 and

6 (C) by inserting after subparagraph (K),
7 the following:

8 “(L) an agency caseworker or other representa-
9 tive of a State or local child welfare agency, or tribal
10 organization (as defined in section 4 of the Indian
11 Self-Determination and Education Assistance Act
12 (25 U.S. C. 450b)), who has the right to access a
13 student’s case plan, as defined and determined by
14 the State or tribal organization, when such agency
15 or organization is legally responsible, in accordance
16 with State or tribal law, for the care and protection
17 of the student, provided that the education records,
18 or the personally identifiable information contained
19 in such records, of the student will not be disclosed
20 by such agency or organization, except to an indi-
21 vidual or entity engaged in addressing the student’s
22 education needs and authorized by such agency or
23 organization to receive such disclosure and such dis-
24 closure is consistent with the State or tribal laws ap-

1 plicable to protecting the confidentiality of a stu-
2 dent’s education records.”; and

3 (2) in paragraph (2)(B), by inserting “, except
4 when a parent is a party to a court proceeding in-
5 volving child abuse and neglect (as defined in section
6 3 of the Child Abuse Prevention and Treatment Act
7 (42 U.S.C. 5101 note)) or dependency matters, and
8 the order is issued in the context of that proceeding,
9 additional notice to the parent by the educational
10 agency or institution is not required” after “edu-
11 cational institution or agency”.