ESSA: Educational Stability for Students in Foster Care
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DHS Child Welfare Information
National Education Data for Children/Youth in Foster Care

• 56%-75% of foster students change schools when entering foster care
• 34% of 17-18 year olds in foster care who have experienced 5+ school changes
• 2.5 - 3.5 times more likely to receive special education services
• Foster students have higher rates of suspension/expulsion
• 50 % of foster students who complete high school by age 18
• 2 – 9 % of former foster youth who attain a bachelor’s degree

* Data is from the 2014 National FactSheet on the Educational Outcomes of Children in Foster Care
Oregon Data

- Historically, there has not been a good way to obtain DHS Child Welfare foster student data.
- DHS and ODE have entered into a Data Sharing agreement, as of 2018.
- DHS Child Welfare Foster Student academic achievement and graduation data will be reported on school district report cards.
• 11,645 children spent at least one day in foster care in Oregon
• 7,831 children were in foster care on an average daily basis
• 311 children/youth were served by professional shelter care or residential treatment programs
• 1,357 youth receive Independent Living Program Services
Reporters of Child Abuse/Neglect

Source of Child Abuse/Neglect Reports

- School: 20.5%
- Medical: 10.1%
- Police: 16.3%
- Parent/Self: 5.9%
- Other mandated: 31.5%
- Other non mandated: 15.7%
Different Types of Foster Care

**DHS Foster Care**
- Child Welfare (DHS custody)
- Child Welfare (Voluntary placement)
- Developmental Disabilities (DD) Foster Care
- Child Welfare & DD Foster Care
- APD (Adult Foster Care)
- Residential Treatment
- Independent Living Program

**Non DHS Foster Care**
- Oregon Youth Authority (OYA)
- Mental Health treatment foster care
- Juvenile Detention (adjudicated youth)
Confidentiality Differences with Schools

- Child Welfare – Covered under Uninterrupted Scholars Act
- Self Sufficiency – Release of Information
- Developmental Disabilities – Covered under Uninterrupted Scholars Act, only when child is also Child Welfare. Otherwise, parent retains legal authority
- Vocational Rehabilitation – Agreement with ODE
How do you know when a child is in state custody or foster care?

- DHS Child Welfare Caseworker will notify the Foster Care Point of Contact in writing that a student is in DHS Child Welfare Foster Care custody.
- DHS Child Welfare has developed a Child Welfare Foster Care Notification form. This form will be ready to use in the fall of 2018.
- When needed, DHS Child Welfare Caseworker will request transportation using the School District of Origin Transportation Request form.
- Foster Care Point of Contacts need to work with building level teams to develop efficient communication procedures.
ESSA Information
Every Student Succeeds Act
Provisions for Children in Foster Care

- ESSA only applies to students in DHS Child Welfare custody.
- Allows children in DHS Child Welfare Foster Care to remain in their School District/School of Origin even when their foster home placements change for the duration of child’s time in foster care.
- Requires School Districts to immediately enroll children in DHS Child Welfare Foster Care after a school move.
- Requires Foster Care Point of Contacts in every School District.
- Requires tracking of academic achievement and graduation data for children in DHS Child Welfare Foster Care.
School District/School of Origin Means

The School District/School in which a child is enrolled at the time of placement into DHS Child Welfare Foster Care.

• If a child has foster home placement moves within DHS Child Welfare Foster Care, the School District/School of Origin remains the same.
• The School District/School of Origin only changes when there is a Best Interest Finding made by the Juvenile Court.
• The student remains in the child’s School District/School of Origin for the duration of their time in DHS Child Welfare Foster Care.
• IEP teams still have the authority to make all Special Education placement decisions.
ORS 339.133 Residency Revision
Senate Bill 20

4)(a) An individual who is between the ages of 4 and 21 and who is placed in foster care shall be considered a resident of:

(A) The school district of origin; or

(B) The school district where the individual resides due to placement by the Department of Human Services or a tribal child welfare agency if a juvenile court determines it is not in the best interest of the individual to continue attending the School of origin or any other school in the school district of origin, based on consideration of all factors relating to the individual’s best interests.

(b) If a juvenile court makes a determination that it is not in the best interest of the individual to continue attending the School of origin, the individual shall be immediately enrolled in a new school, even if the individual is unable to produce records normally required for enrollment.
ORS 339.133 Residency Revision
Senate Bill 20 con’t

• (c) Individuals who are residents of their school district of origin pursuant to paragraph (a)(A) of this subsection shall:
  • (A) Remain in the individual’s school district of origin and, if applicable, the individual’s school of origin for the duration of the individual’s time in foster care; and
  • (B) Be provided, free of charge, transportation between the individual’s home and the individual’s school district of origin or, if applicable, the individual’s school of origin.
Best Interest Finding Determination: to Attend School Where Foster Home is Located

The Juvenile Court Judge or Referee will make this finding in Juvenile Court. Considerations include:

- Distance to School
- Age
- Relationships at School
- Permanency Plan
- Input from IEP team, DHS caseworker, child’s attorney, CASA, foster parents, & parents
- Success in current school
- Potential of loss of credits

The Juvenile Court Judge or Referee will make this finding in Juvenile Court.
Immediate Enrollment

- Immediate enrollment means that a child in DHS Child Welfare Foster Care be enrolled on the day the foster parent initiates enrollment for the student in the new school district.
- Prompt attendance in a new school is important to prevent educational discontinuity.
- In addition, enrollment must not be denied or delayed for any population of students because documents normally required for enrollment have not been provided.
DHS Access to School Records

DHS Access when Child Welfare has legal custody:

- The Uninterrupted Scholars Act (20 U.S.C § 1232g), allows DHS Child Welfare Caseworkers access to a student’s education records, without obtaining consent from the parent or guardian (FERPA exception).

- (b) To obtain the student's records, DHS Child Welfare must provide notice of legal custody and legal responsibility of the student to the school district.

- Child Welfare must not disclose records obtained pursuant to the Uninterrupted Scholars Act to any other person or entity unless that person or entity is engaged in addressing the student's educational needs and is authorized by DHS Child Welfare to receive such disclosure consistent with state confidentiality laws.
DHS Access to School Records

DHS Access when Child Welfare does not have legal custody (for example, during a CPS investigation):


- The need for records is in connection with a health and safety emergency; and
- Knowledge of the information is necessary to protect the health and safety of the student or other individuals.
- “Health or safety emergency" includes, but is not limited to, law enforcement efforts to locate a child who may be a victim of kidnap, abduction, or custodial interference and law enforcement or child protective services efforts to respond to a report of child abuse or neglect pursuant to ORS 418.750 to 418.760.
School Records

OAR 581-021-0255

Students who are in substitute care programs:

• Schools shall request the student's education records within five days of the student seeking initial enrollment; and

• When the school receives the request for a student’s records, they shall be transferred no later than five days after the receipt of the request.
School District of Origin Transportation

- In collaboration with DHS Child Welfare, ODE has developed an invoicing reimbursement system that will reimburse the non-reimbursed cost of providing school district of origin transportation.
- This will result in school district of origin transportation being cost neutral.
School District of Origin Transportation Cost Reimbursement Process

- Additional transportation costs related to providing School District/School of Origin Transportation to student in DHS Child Welfare Foster /care are eligible for reimbursement from the State School Fund Transportation Grant per the rates (70%, 80%, 90%) for the school district and OAR 581-023-0040.

- The remaining costs not reimbursed from the State School Fund Transportation Grant (10%, 20%, 30%) are now eligible for reimbursement.

- Invoices for the remaining balance should be submitted to ODE.
Special Education

- Under IDEA, each child’s Special Education placement decision must be made by a group of knowledgeable persons, including the foster child’s foster parents; this group may also include DHS/Child Welfare staff.
- It is important to note that the Juvenile Court does not make Special Education placement decisions.
- It is important that children DHS Child Welfare Foster Care receive timely and expedited evaluations and eligibility determinations.
- DHS Child Welfare Foster children must have access to comparable services, including summer and other extended school year services.
Who Acts as a Parent when a child is in Foster Care?

OAR 581-015-2000 “Parent” means:
(a) One or more of the following persons:
(A) A biological or adoptive parent of the child;
(B) A foster parent of the child,
Who Acts as a Parent when a child is in Foster Care?

OAR 581-015-2000 Parent " means:

(C) A legal guardian, other than a state agency;

(D) An individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the child lives, or an Individual who is legally responsible for the child's welfare; or

(E) A surrogate parent who has been appointed in accordance with OAR 581-015-2320
Surrogate Parents

• The School District or Juvenile Court Judge can assign a surrogate parent.
• Especially important for children in Residential Treatment Facilities.
• If the child is going to remain in foster care past 18, and there is concern a youth with an IEP will need assistance, a surrogate parent can be assigned before they turn 18.
Prekindergarten/Preschool

If the school district offers public preschool education, ESSA requires that a child in foster care remains in his or her preschool program of origin.

SB 1540 (2018 Leg. Session)

Senate Bill (SB) 1540, passed in the 2018 legislative session and effective April 3, 2018, clarifies that the Department of Human Services (DHS) and Law Enforcement Agencies (LEA) have authority to conduct child abuse investigations on school premises. It clarifies that after DHS or LEA provides adequate identification, the schools must cooperate by:

- Allowing access to the student;
- Providing a private place for the DHS or LEA staff to interview the student; and
- Providing information regarding the child’s relevant disability condition(s) prior to the interview.
SB 1540 Continued

The bill also reiterates that:

• DHS or LEA staff are not required to disclose any information about the investigation to the school;

• While the school may request that an administrator or staff person be present to facilitate the investigation, it is up to the discretion of the DHS or LEA staff to allow their presence;

• The school staff shall not notify anyone regarding the investigation, including the child’s parents or guardian, except for the appropriate school employee necessary to enable the investigation; and

• Information obtained by DHS or LEA in the investigation is not part of the child’s school record.
SB 1540 continued

• DHS will present their state-issued ID Badge as verification of who they are.
• DHS will provide Supervisor’s Name and phone number if requested.
• The school can photocopy the ID Badge if they wish.
• DHS, LEA, and OSBA worked on a Model Sample Policy for school districts to use.
High School Diploma Standards

• ORS 329.451 has been amended to allow students who have been in foster care, at some point during grades 9 to 12, to earn a high school diploma by meeting the high school diploma standards established by the State Legislature.

• The local school district must grant a waiver of diploma requirements established by the LEA board of education.
High School Diploma Standards con’t

• In this situation, the definition of foster care student would include those students in DHS Child Welfare custody as well as those foster students placed in Development Disability foster home.
• These changes became effective on 7/1/17.
McKinney-Vento Homeless Act

- ESSA takes away awaiting DHS Child Welfare Foster Care from McKinney-Vento.
- Foster Care revisions are mirroring McKinney-Vento liaison process.
- In limited circumstances, a student can qualify as both
- Example: Student is designated McKinney-Vento and then enters foster care

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Discipline, Suspension, & Expulsion

- Children in Foster Care are being excluded from class frequently.
- Children in Foster Care often report being the victim of bullying at school.
- Often behaviors are a trauma response to something else going on in the child’s life.
- When doing Threat Assessments on students in foster care, obtaining information from DHS will be very useful.
Child Nutrition

- All students in foster care are eligible for Free and Reduced Lunch under the National School Lunch Program.
- Currently, foster parents must enroll their foster student or young adult in the National School Lunch Program regardless of whether or not they intend to use it, as this may make the student or young adult eligible for other school fee discounts and exemptions.
- The state is working on an automatic data transfer for foster students. At this time, we are unsure when this will be available.
School Activities

• Students in DHS Child Welfare custody, like all students, have fees associated with school activities.
• ORS 339.147 and 339.155 give school districts the ability to waive fees for students who qualify for free or reduced price school meals
Foster Care Point of Contact: School District Responsibilities

• Coordinate with local DHS team to implement ESSA provisions.
• Facilitate information sharing with local DHS/Child Welfare office.
• Facilitate the transfer of records and immediate enrollment into school.
• Develop and coordinate school district of origin transportation plans.
• Ensure that children in foster care are enrolled and regularly attend school.
• Provide technical assistance to school team regarding foster care provisions.
Foster Care Point of Contact: State Responsibilities

- Provide professional development opportunities and technical assistance.
- Establish guidelines for school district of origin transportation plans.
- Monitor school districts to ensure compliance with ESSA mandates.
- Work with DHS to complete data sharing to add foster students to the statewide Report Card.
Information and Support

Foster Care and Education ODE webpage:
https://www.oregon.gov/ode/students-and-family/fosteringconnections/Pages/default.aspx

• Foster Care Technical Assistance Manual
• Foster Care Point of Contact Spreadsheet
• DHS Office Information
• Forms, Guidelines, and Webinars
Questions & Contact Information

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School District/School of Origin
Examples #1

• Student is in foster care, attending specialized ESD Life Skills Class, enrolled in “school district A”.
• The student is moved to foster care home in “school district B”.
• What is the school district of origin?
• Who is responsible for providing services?
School District/School of Origin Examples #2

- Student is attending “school district “A” when they enter foster care.
- The student is placed in a foster home in school district A”.
- DHS is in the process of certifying a relative's home in “school district B”.
- If the relative’s home, becomes a foster home option. What happens when the student moves into the relative placement?
School District/School of Origin Examples #3

- Student’s school district/school of origin is “school district A”.
- The student is currently attending a deaf and hard of hearing class.
- The school district decides to move the deaf/hard of hearing class to another school building within “school district A”.
- Does the student have a right to continue attending the same school?