

**ESSA: Educational Stability
for Students in Foster Care**



OREGON
DEPARTMENT OF
EDUCATION



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DHS Child Welfare Information

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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

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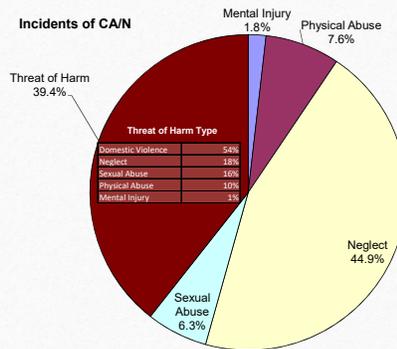
Oregon DHS 2015 Child Welfare Data Book

- 11, 238 children spent at least one day in foster care in Oregon
- 7, 570 children were in foster care on an average daily basis
- 328 children/youth were served by professional shelter care or residential treatment programs
- 1,411 youth receive Independent Living Program Services

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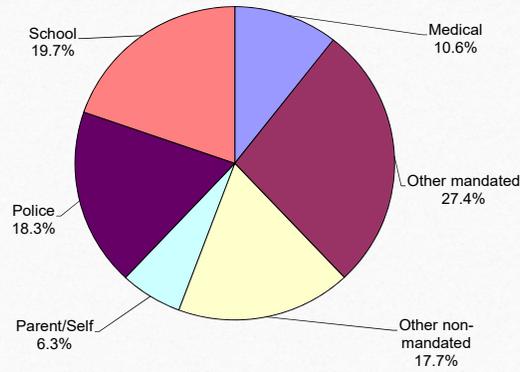
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Reporters of Child Abuse/Neglect

Source of Child Abuse/Neglect Reports



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Age & Gender of Children in Foster Care

FFY 2015 Age of Children Served in Foster Care

Age Group	Number	Percent
Age 0 - 5	4,328	38.5%
Age 6 - 12	3,714	33.0%
Age 13 - 17	2,318	20.6%
Age 18+	878	7.8%
Total	11,238	100.0%

FFY 2015 Gender of Children Served in Foster Care

Gender	Number	Percent
Boys	5,806	51.7%
Girls	5,432	48.3%
Total	11,238	100.0%

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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)

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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.

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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.

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What Does the Revision of ORS 339.133 Mean?

- Default will be that all children in child welfare foster care will automatically remain in their school district/school of origin.
- When a student moves to a different foster home the foster student will continue to attend the school district/school of origin.

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What Does the Revision of ORS 339.133 Mean?

- Juvenile Court can make a “Best Interest Finding” for the student to attend the school district where the foster home is located.
- School district/school of origin has been expanded to include students ages 18-20, continuing in school.
- School district/school of origin also includes children in preschool.

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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

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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

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How do you know when a child is in state custody or foster care?

- Child welfare caseworker will notify the **school in writing**, that a student is in child welfare foster care.
- Foster care points of contact needs to work with the schools to determine a communication procedure.
- DHS will be revising Education OAR's (rules) and notification forms/procedures this fall.
- Transportation requests will occur on a different form.

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ESSA Information

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Every Student Succeeds Act Provisions for Children in Foster Care

- ESSA only applies to students in child welfare foster care.
- Allows youth in foster care to remain in their school district/school of origin school even when their foster home placements are changed, for duration of time in foster care.
- Requires schools to immediately enroll children in foster care after a school move.

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Every Student Succeeds Act Provisions for Children in Foster Care con't

- Requires foster care points of contact in every school district.
- Requires a school district/school of origin transportation plan for youth in foster care.
- Tracks achievement data for youth in care.

[ODE ESSA link:](#)

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School District/School of Origin Means

- The district/school in which a child is enrolled at the time of placement into foster care.
- LEAs must ensure that a child in foster care remains in the school district/school of origin unless a determination is made by the juvenile court that it is not in the best interest of the individual.

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School District/School of Origin Means

- If a child's foster care placement changes, the school district/school of origin would then be considered the school district/school in which the child is enrolled at the time of the placement change.
- The student remains 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.

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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?

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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?

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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?

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Immediate Enrollment

- Immediate enrollment means that a student in foster care be enrolled on the day the foster parent initiates enrollment for the foster 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.

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School Records

OAR 581-021-0255

(6) Notwithstanding subsections (1) and (2) of this section, for students who are in substitute care programs:

(a) A school, institution, agency, facility or center shall notify the school, institution, agency, facility or center in which the student was formerly enrolled and shall request the student's education records within **five days** of the student seeking initial enrollment; and

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School Records con't

OAR 581-021-0255

(6) (b) Any school, institution, agency, facility or center receiving a request for a student's education records shall transfer all student education records relating to the particular student to the requesting school, institution, agency, facility or center no later than **five days** after the receipt of the request.

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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

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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.

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School District of Origin Transportation Cost Reimbursement Process

- Transportation costs related to services provided for qualifying students 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.

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Specific Student Situations

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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 students in foster care receive timely and expedited evaluations and eligibility determinations.
- Foster students must have access to comparable services, including summer and other extended school year services.

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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,**

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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

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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.

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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
 - Examples: Salem-Keizer School District Head Start, Portland Public School District Head Start Program, Medford School District Early Education Program, Eugene School District Deaf & Hard of Hearing Preschool.

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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.

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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.

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McKinney-Vento Homeless Act

- ESSA takes away awaiting 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
- Contact Dona Bolt, ODE McKinney-Vento Coordinator for guidance and assistance.

Dona.Bolt@ode.state.or.us 503-947-5781

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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.

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Child Nutrition

- All students in foster care are eligible for Free and Reduced Lunch under the National School Lunch Program.
- 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, but it will not be available this school year.

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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

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Information and Support

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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.

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Questions & Contact Information

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