# **2020-2021 Questions at top of section**

**COVID-19**

**Q**: Does the district have to provide transportation for these students participating in after school sports practice/games?

**A:** Transportation does need to be provided and it can be reimbursed for however the transportation is decided (bus, van etc).  Make sure to connect with the caseworker and the family so this transportation is added to their plan/form or have the caseworker fill out a new transportation form to include the practice/game times.

**Q:** We are providing school of origin transportation to two students not living in our district. After school sports are returning and they want to participate. We do not have our regular after school programs in session due to COVID and the students are needing a place to be after school between practice and game times. **Are we required to provide a place to stay on campus between school hours and practice?**

**A:** We want to encourage students in foster care to participate in after school sports and other activities and in doing so it is important to develop ways that barriers to participate are removed.Although you are not required to provide a space for students after school between practices and games, it is best to work with the family to come to an arrangement or agreement about where the students will or can be safely after school, especially if they are not living in close proximity to the school.

**Q:**  CDL. How is attendance policy affected by COVID and during CDL? Attendance is part of the records the courts request. Last spring attendance was not in affect. How is it different now?

**A:** For the 2020-21 school year, ODE plans to suspend the “10-day drop,” pending approval from the State Board of Education, with the expectation that a student will only be unenrolled when a school or district has received notice that the student has been enrolled in another setting. This change of practice is being made to ensure continuity of service and lean into a culture of care across the state. By not allowing a student to be dropped for enrollment until another school notifies of their enrollment in another school, we significantly increase the role, responsibility, and trust in districts to keep reaching out and attending to students and families who might be experiencing challenges of access, health, or resources.

**Points of Contact**

**Q:** Who are the Points of Contact (POC) in each school district?

**A:** Each district must have a designated Point of Contact.

* + The most [current POC list](https://www.oregon.gov/ode/students-and-family/fosteringconnections/Pages/default.aspx) is located on the ODE website.

**Q:** Does DHS have a corresponding POC list?

**A:** No, at this time there is not a specific education liaison list. Contact the [DHS district offices](https://www.oregon.gov/DHS/Offices/Pages/Child-Welfare.aspx) for caseworker contact information.

**Q:** Can both the foster care POC and McKinney Vento liaison be held by one person or should the district hire two separate individuals?

**A:** The same person may hold both McKinney Vento and Foster Care Point of Contact position. However, the position needs to reflect additional FTE with the addition of POC

responsibilities. If the McKinney Vento position was .5 then additional FTE should be added to reflect Foster Care duties.

***Policy***

**Q:** Does ESSA Educational Stability apply to all DHS foster care students?

**A:** ESSA foster care applies only to children placed in foster care by DHS Child Welfare. There are many other types of foster care (i.e. DD, XXXXX) so it is important to determine the precise type of placement.

**Q:** Does the [Abbreviated School Day Notice and Acknowledgement](https://www.oregon.gov/ode/students-and-family/SpecialEducation/publications/Documents/sb263.pdf)(ORS 343.161) need to be signed by the foster parent?

**A:** Yes. Foster parents must be notified and, if at all possible, included in the planning of an abbreviated school day.

**Q:** To which students do the Foster Care requirements to ensure the educational stability of students in foster care apply?

**A:** These stability provisions apply to students in DHS Child Welfare and tribal care and custody. In ESSA, “foster care” means 24-hour substitute care for children placed away from their parents or guardians and for whom the child welfare agency has placement and care responsibility. This includes, but is not limited to, placements in foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities, child care institutions, and pre-adoptive homes.

**Q:** What are the responsibilities on the disclosure of information to individuals working with the foster care student?

**A:** [SB 905](https://olis.leg.state.or.us/liz/2019R1/Downloads/MeasureDocument/SB905/Enrolled)

**Q:** Do the ESSA provisions apply to preschool-age children in foster care?

**A:** Foster Care ESSA provisions apply only if the preschool is considered a school district program.

***Best Interest Finding***

**Q:** Can a best interest be made for a school or district outside the school district of origin or the district of residence?

**A**: No. A best interest determines that the school of origin is no longer the best educational setting for the student. The new school can be within the school district of origin OR in a new district and school of origin based on the residence of the placement (District of Residence).

**Q:** If a best interest is approved by court for a school/district outside district of origin or district of residence do we have to accept the finding as a new district/school?

**A:**

**Q:** What is a Best Interest Finding and when is it necessary?

**A:** Best Interest Findings are ONLY required when it is determined a student should no longer attend their school of origin. The child must remain in their school of origin until the court approves with the finding.

**Q:** Is a Best Interest Finding required if a student is on an IEP?

**A:** No, A Best Interest Finding is not required if the school placement decision is part of the Special Education/IEP team’s decision making process.

**Q:** Are school staff to be involved in Best Interest Findings?

**A:** Best practice indicates school staff should be considered an integral part of the decision. While school staff are not party to the court decision, their input should be included-if at all possible. Please note there are times a caseworker must make an emergency Best Interest Finding request and school staff may not be advised or consulted.

**Q:** Is there a timeline for caseworkers and schools to make the BIF? Is there an established Best Interest Finding process?

**A:** There is no timeline for a Best Interest Finding. Best practice indicates that the people most closely working with the foster care student be involved in the decision. While there is not a standard process, best practice indicates involvement from interested parties (school, foster family, CASA, caseworker etc.) is optimal.

**Q:** Is a best interest finding needed when there is a change in a foster child’s living arrangement, but not the school setting?

**A:** No. The Best Interest Finding is ONLY necessary when a foster care student will no longer be attending their district/school of origin. However, a school notification is required with the new living arrangement information.

**Q:** Does a child stay in their school of origin while the best interest finding is being made?

**A:** Yes. A child remains in their school of origin during the determination process.

**Q:** Is a Best Interest finding always needed for a student to attend the school/district in which they are living instead of their school of origin?

**A:** The exceptions to this process:

* When a student is in foster care prior to being school-aged. Once they become school-aged, the School of Origin would be the school/school district in which the foster care residence is located;
* When a student enters foster care and has not been attending school for a significant period of time and is not enrolled in a school, the School of Origin can be the school/school district in which the foster care residence is located;
* When a student is placed in foster care from out of state, the Oregon laws apply once they are living in Oregon. The School of Origin would be the school/district in which the Oregon foster care residence is located.

***School of Origin***

**Q:** Should students in foster care remain in their school of origin?

**A:** Yes. This is the basic premise of educational stability.

**Q:** How long does a foster care student remain in their school of origin?

**A:** A foster care student remains in their school of origin until there is a Best Interest Finding or until the child is no longer in ODHS Child Welfare custody or has graduated.

**Q:** What happens if a child is placed in a foster care home outside of their district of origin?

**A:** ESSA requires that a student placed outside their district be allowed to continue attending their school of origin (the school they were attending before being placed in foster care. Transportation would need to be arranged between their residence and school of origin.

**Q:** A student is attending their School of Origin, which also happens to be the school in the neighborhood where the foster parents live. The foster parents are planning to move to another school district. Would the student stay in the current school or move to the school in the boundaries of the foster parent’s new home?

**A:** The student’s School of Origin will remain to be the same school they are currently attending. If the plan were to have the student go to school in the new school district, a Best Interest Finding from the Juvenile Court would need to be obtained, before the school placement could change.

**Q:** A student is placed into ODHS Child Welfare Foster Care, but has not attended school for the last two years and has no current school enrollment. What is the student’s School of Origin?

**A:** If the student has no clear School of Origin due to non-attendance, the student can be enrolled in the school within the boundaries where the foster parent lives, which will become the School of Origin.

**Q:** We have a student who is placed into ODHS Child Welfare Foster Home outside our School District boundaries. What is the School District of Origin for this student when they enter kindergarten?

**A:** This student should be enrolled in the School District where the Foster Home is located. This will become the student’s School District of Origin. This School District will be responsible for School District of Origin Transportation (if needed), as well as all needed Special Education service.

***Education Rights***

**Q:**A biological parent reached out to the school for educational information (grades, attendance). Do they have rights to the student information?

**A:** Yes. Although the foster parent is the decision maker for the child and legal custodial “parent” during the foster care placement, biological parents can request educational information about their child. However, the biological parents should NOT have online access to their student’s information. These request should include grades and attendance and should be mailed or emailed without any student or foster parent information.

* **EXCEPTION:** If the court order terminates or limits the biological parent’s rights, including education. In these cases, **NO CONTACT** is allowed between the parent and school or the school to the parent.
* **BEST PRACTICE**: Schools can refer the parent to the caseworker to obtain educational updates. Parents receive that information from the caseworker during check-ins, visitations, and court hearings/proceedings.

**Q:** Who is responsible for education during a CPS investigation?

**A:** The child remains in their school during the investigation. It is the responsibility of ODHS and the temporary guardians to provide transportation to and from their school.

***School Notification***

**Q:** How will districts be notified regarding which students are in foster care?

**A:** The ODHS School Notification form is the official document notifying the District POC of the enrollment of a foster care student. District POC’s should distribute the School Notification information to a build level registrar to immediately enroll the student.

***Immediate Enrollment/Educational Records***

**Q:** A student in foster care is attending our school based on a BID and when we requested the records from the previous district we were told there was a debit payment was needed. Is there a fee to receive records for students in foster care.

**A:** No. Records are to be requested and returned within 5 days from the previous school with no fees.

**Q:** Does the school district Nutrition services need a copy of the school notification form to enroll the student into the school nutrition program?

**A:** No. Students are automatically eligible and enrolled into the state School Nutrition program by DHS.

**Q:** What does it mean for students to be immediately enrolled in a new school?

**A:** Prompt attendance in a new school is important to prevent educational discontinuity. If possible, a student in foster care should be enrolled within a day or two of the caseworker or foster parent-initiating enrollment. In addition, enrollment must not be denied or delayed for any population of students (e.g., justice-involved youth in foster care, students with disabilities receiving special education and related services, or English Language Learners receiving language services) because documents normally required for enrollment have not been provided. It is recommended that the district review all policies

and procedures that may include barriers that prevent a foster care student from being immediately enrolled.

**Q:** Can a district withhold records and transcripts due to unpaid fines or fees?

**A:** No, when a school or district receives an official records request, it may not withhold records due to unpaid fines or fees. There is a five day maximum for a school to request and/or send foster care records.

**Q:** Can students in foster care receive Child Nutrition services?

**A:** Yes. DHS automatically enrolls a child into the Child Nutrition program once they enter foster care.

***Transportation***

**Q:** We have limited in-person instruction (LIPI) provided as an after school support for students. One of our foster care student’s has moved outside of our school and transportation boundary and the foster parent cannot provide transportation. This is a voluntary LIPI, are we required to provide transportation and is this reimbursed?

**A:** Transportation guidance it mentions “after school” or voluntary activities that Foster Care students want to attend that transportation would be provided.

**Q:** We have a student who is in our school boundary but is needing to be transported to day treatment in another school district. Are we still the school of origin?

**A:** Yes. With the residence remaining in your district, the school would still be the school of origin.

**Q:** We have a student in foster care in Lincoln County. The student is signed up for virtual school but was having trouble accessing the content due to internet barriers that we have not yet overcome. The student was able to attend a learning center where they get internet and supervision. There has been a request for mileage reimbursement for the person transporting the student, as the foster parent does not have transportation.

It is not "school of origin" transportation but I am wondering if mileage reimbursement is 100% reimbursable by DHS in this case? Is it allowable? Is it optional? In addition, a step further, is it required to help the student access education.

**A:** Yes. Transportation is reimbursed at 100%. The school district will need to submit it with their quarterly invoice to ODE. The school district will then be reimbursed.

**Q:** If a student is in residential treatment and enrolled in their school program with PPS but is being placed with a family outside of her school of origin (original school when placed in FC and Treatment) do we enroll her in the new foster care family district or is her primary school of origin responsible to provide transportation?

**A:** The district that the student was enrolled in at the time of foster care placement remains the school of origin until a best interest determination is completed. Transportation would need to be provided from the new placement home to the school of origin.

**Q:** Who is responsible for paying for the school of origin transportation?

**A:** In Oregon, districts are reimbursed for school of origin transportation. The reimbursement is provided by ODE and DHS.

**Q:** Are school districts required to provide school of origin transportation to students in foster care?

**A:** Yes, transportation is a requirement for ODHS Child Welfare foster care students.

**Q:** Is there a timeline for developing and implementing a foster student’s transportation plan?

**A:** While there is no requirement for developing and implementing a transportation plan, it is essential this happen as quickly as possible.

**Q:** Who is responsible for transporting the student while the transportation plan is being developed?

**A:** The district of origin is responsible for providing transportation.

**Q:** Who notifies whom when a Foster Student needs transportation established?

**A:** ODHS will notify the Foster Care Point of Contact and submit a Request for Transportation.

**Q:** What types of transportation are allowable and reimbursable?

**A:** A variety of transportation may be used-school bus, school vans, public transportation, and foster care family transportation.

**Q:** Could there be additional costs in providing transportation to a foster care student?

**A:** Yes, depending on the situation there may be additional costs. For example, a child’s IEP or foster care team may deem it necessary to have another adult (besides the driver) accompany the child. This would be allowed.

**Q:** Does the district “walking distance” guidance apply to foster care students?

**A:** This should be decided on a case-by-case basis. There may be some situations in which a foster care student is not safe (physically or emotionally) to walk to school. The caseworker would indicate this to the POC so that transportation can be arranged.

**Q:** If a district does not provide transportation to children who are not in foster care, is it required to transport children in foster care to their schools of origin?

**A:** Yes, the district is responsible for providing transportation.

**Q:** Are districts required to provide transportation to and from extracurricular activities?

**A:** Participation in school activities is encouraged as it is one more opportunity for foster care students to be connected. Reasonable transportation is highly encouraged.

**Q:** Do School Districts provide School District of Origin Transportation when a parent is doing a voluntary placement into a DHS Developmental Disability (DD) Foster home?

**A:** ESSA provisions only apply to children in Child Welfare Foster Care and Custody. Children placed in DD Foster home, where the parent retains legal custody, attend school where the DD Foster Home is located.

**Q:** A preschool student in DHS Child Welfare Foster Care who has an Individual Family Service Plan (IFSP) and needs transportation to their Early Childhood Special Education (ECSE) program. Is School District of Origin Transportation required in this situation?

**A:** Early Childhood Special Education programs do not fall under ESSA regulations. In this case, the student would attend an ECSE program in the Foster Home area. It will be the responsibility of the School District in this area to provide transportation to/from the ECSE as a part of the students IFSP. This transportation is not eligible for School District of Origin Transportation Cost reimbursement.

**Q:** Do School Districts need to provide transportation to these LTCT programs in the summer for students in DHS Child Welfare Custody?

**A:** Yes, School Districts must provide transportation to/from LTCT for all students enrolled in this type of programming.

* OAR 581-015-2574 *Resident District Obligations for Students in Long-Term Care and Treatment (LTCT) Education Programs*

**Q:** Can city bus pass be provided by DHS?

**A:** Yes, check with the DHS Caseworker.

**Q:** Can Foster Parents be reimbursed for providing transportation to/from the School District of Origin?

**A:** Yes, Foster Parents can be reimbursed for providing School District of Origin Transportation. This cost can then be reimbursed through the School District of Origin Transportation Reimbursement process.

**Q:** Does a ODHS Case Worker need to submit a School District of Origin Transportation Request form each time the pickup location for the Foster Child changes?

**A:** Yes, The School District needs to know the Foster Child’s new address along with any new emergency contact information.

***Graduation and Academic Barriers***

**Q:** What types of barriers to graduation do students in foster care sometimes experience? How are these mitigated?

**A:** Foster care students transfer frequently. These changes, especially in high school, can become a barrier to graduation. [The Oregon Diploma](https://www.oregon.gov/ode/students-and-family/OregonDiploma/Pages/Credit-Req.aspx) (24 credits) may be used for foster cares students instead of each individual district’s requirements which many times are 26 or

27 credits with specific district course requirements. In addition, districts are encouraged to be flexible when examining the credits a foster care student has earned in another district.

***Foster Care Transitions***

**Q:** What happens once a child exits foster care?

**A:** Once a child official exits child welfare custody, the ESSA school of origin and transportation requirements no longer apply. In the case of trial home visit, a time the child lives with parents but remains in the DHS custody, school of origin and transportation would still be required.

* Trial home visits usually last from 3-6 months.
* Decision makers are encouraged to consider natural transition times (end of semester, beginning or end of school) to exit the child from foster care.

***Investigations***

**Q:** Has the law changed on the child abuse investigation conducted on school premises?

**A:** Yes, [Oregon School Board Sample Policy:](https://www.oregon.gov/ode/students-and-family/fosteringconnections/Documents/osbachildabuseinvestigationsform.pdf) Abuse of a Child Investigation Conducted on District Premises JHFE-AR (2)

The Department of Human Services or a law enforcement agency has the authority to conduct an investigation of a report of child abuse on school premises according to Oregon Revised Statute (ORS) 419B.045. The school administrator must be notified that the investigation is to take place, unless the administrator is a subject of the investigation. The investigator is not required to reveal information about the investigation to the school as a condition of conducting the investigation. Please note that DHS and Law Enforcement Agencies, and District Attorneys have developed a new process.

***Charter Schools***

**Q:** A DHS Caseworker has requested transportation for a student who attends a Charter School. This is a school in which a parent enrolled the student into a lottery and received

a slot to attend. This student has been attending this school since September 2017. When a student is chosen through the lottery process and given a slot to attend this school, it is with the understanding that the parent will provide transportation to/from the school. Now that the student is in DHS Child Welfare custody is School District of Origin Transportation required?

**A:** Yes, to the extent that a charter school is considered an LEA under a State’s charter school law, it must meet the transportation requirements on the same basis as any other LEA. (ESSA Non-Regulatory Guidance #31).

***Data Systems***

**Q:** Is there a notification system in place that informs School Districts when children are placed into ODHS Child Welfare Foster Care?

**A:** ODHS Caseworkers must notify the school district Foster Care Point of Contact in writing, when ODHS has care and custody of a student granted or dismissed. The school district

should identify procedures so that notification is also given to the school in which the student attends.

***Educational Programming and School Activities***

**Q:** Are districts required to provide transportation to/from school activities and supports?

**A:** Yes, we want our Foster Care students to access a full range of school activities. If the Foster Parents are unwilling or unable to provide transportation to/from school activities and sports, the school district must provide this transportation. Transportation could be provided by a bus or reimbursement to foster parents. Transportation could be provided by other individuals, but these individuals would need to meet the background check required for bus drivers or other school staff. The cost of this transportation could be reimbursed by the School District of Origin Transportation Reimbursement Process.

**Q:** If a school is offering summer school for credit recovery, and a foster family would like their Foster Child to access it, does the School District of Origin need to provide transportation to this service.

**A:** LEA must ensure that students in ODHS Child Welfare have equal opportunities to meaningfully participate in all educational programming, as well as curricular and extracurricular activities. If the student needs to access School District of Origin Transportation to participate in these activities then the School District of Origin needs to provide this transportation.

***Free and Reduced Meals***

**Q:** Our FRL manager always wants the placement papers before she will add students to the FRL list, even when the state sends her the info. Should we put a different procedure together?

**A:** All foster children qualify automatically for FRL. Foster Care parents are not required to complete the Free and Reduced application. District Nutrition services receives the information directly from ODHS and no further paperwork is necessary. Foster children are categorically eligible for free meal benefits. An application is not needed yet there does need to be documentation of status by a state or local entity familiar with the child's status. However, a change in the regulations states that Foster children may be included in the household application as part of the household size

**Q:** Who enters the data for a Foster Child to be enrolled in the free/reduced meal program?

**A:** Once a DHS Foster Child is enrolled the Foster Care Point of Contact can share this information with the food service staff. There is no need for the Foster Parent to fill out the Free/Reduced Meals paper work. DHS Child Welfare Foster Care children automatically qualify for Free/Reduced meals.

[ORS 339.155 Prohibition of certain fees as condition of admission; allowable fee link](https://www.oregonlegislature.gov/bills_laws/ors/ors339.html)

**Q:** Not all Foster Parents are accessing free meals for their Foster Students. Would it be allowable for a School District Foster Care Point of Contact to authorize free meals when we learn of students in DHS Child Welfare Foster Care?

**A:** Yes, it would be appropriate for School District Foster Care Point of Contacts to authorize free meals. All students in foster care are eligible for meals at no cost under the School Breakfast Programs as well as the National School Lunch Program

***Homeless and McKinney-Vento***

**Q:** A student had been in DHS Child Welfare Foster Care and then became homeless because DHS placed the child back with a parent on a trial basis. The parent is living in a doubled up situation so they **are considered homeless**. The location where the parent is

currently living is well outside the School District of Origin. Who should be setting up and paying for transportation? The School District of Origin or the School District where the parent is currently living?

**A:** The student’s School District of Origin should continue to provide the educational programming and transportation for this student. Since the student is no longer “in foster care” away from their parents, McKinney-Vento may apply. Check in with your statewide McKinney-Vento coordinator when it appears both Foster Care and McKinney-Vento may apply.

***LEA Foster Care Point of Contact***

**Q:** Is there a guideline for the amount of FTE a school district should allocate for the Foster Care Point of Contact position?

**A:** ODE and DHS do not provide any guidance regarding the FTE a school district should allocate for the Foster Care Point of Contact position. This is an allocation each school district will need to determine.

***Preschool***

**Q:** I have a question about School District of Origin Transportation for a preschooler. For our homeless preschoolers, we provide transportation to non-public preschools. Is this the same for Foster Care Students, if a Juvenile Court Places a child?

**A:** ESSA School District of Origin Transportation only applies for children attending preschools ran by a school district. It does not apply to Head Start, Migrant Preschools, or private preschools. So, in these situations the School District of Origin would not provide transportation to and from these preschools, even when a Juvenile Court has made a determination for the student to attend preschool in the area where the Foster Home is located. However, if the child receives special education services and the child has specialized transportation on their Individual Family Service Plan, in this case, the school district where the student is living would be responsible for proving special education transportation.

**Q:** It is my understanding that Head Start programs are not funded by LEA. Is School District of Origin Transportation required for these students?

**A:** Head Start Programs are not provided by Public School Districts. So, they don’t fall under the ESSA regulations. If an LEA offers a public preschool education, an LEA must meet the Title I requirements for children in foster care in preschool, including ensuring that a child in foster care remains in his or her preschool of origin, unless a Best Interest determination is made that it is not in the child’s best interest. (See ESEA section 1111(g)(1)(E)).

**Q:** A caseworker contacted the district about an incoming kindergartner. The foster parent (grandma) lives in School District A, which is the School District of Origin. The caseworker is

wanting the child to go to a school in School District B, as it would be a better fit for the student. The caseworker would also be requesting transportation. Am I allowed to tell the caseworker that child needs to register in the child’s neighborhood school?

**A:** Yes, this student needs to register at their neighborhood school where the foster home is located, since it is the School of Origin. You’ll need to provide regular transportation for this student to attend their neighborhood school.

***Trial Reunification/Reunification***

**Q:** A student who is being returned to their family by ODHS Child Welfare, but they are calling this a ODHS Child Welfare Foster Placement for the next 6 months. Is School District of Origin Transportation required in this situation?

**A:** There are some differences between the ESSA definition of foster care and DHS definition of foster care. DHS will often do a trial home visit for a period of up to six months, before DHS custody is released, and this is considered foster care. ESSA states foster care is placement away from the parents. While the school may not be legally mandated to provide attendance at School of Origin and transportation during this trial home visit, it would be good practice. For this reason, ODHS and ODE will pay for School of Origin transportation as long as ODHS maintains legal custody.

We ask schools and caseworkers to think thru the following factors:

* How long will ODHS maintain custody?
* Where are we in the school year calendar?
* Can the parent provide transportation when DHS no longer has custody?
* Is there a natural transition in the school calendar which would be a good time for the student to enroll in the school within the boundaries of the parent?
* How difficult will it be for the student to transition to a new school?

**Q:** Do we transport when a Foster Child is being transitioned back home with a parent?

**A:** Transportation can only be provided while the student remains in DHS Child Welfare custody. When students are returned home mid school-year, several factors need to be considered. How long does DHS plan to maintain custody? Would the parent be able to transport when custody ends? Is there a natural transition time where it makes sense for the child to enroll in the school of residence? Even though ESSA mandates end, when children are returned to their parents, best practice would be to have the child continue in the school, until a natural transition to a new school can occur. For this reason, we will pay for transportation, but once ODHS no longer has custody the transportation would be the responsibility of the parent.

***Special Education***

**Q:** What happens when a student is in their “school district/school of origin,” but the IEP determines a different school or educational setting is more appropriate to meet the child’s special education needs?

**A:** The school district of origin is responsible for providing a continuum of special education services. In the case when a foster student is eligible for special education services, the IEP team will determine the appropriate special education placement. If this special education placement is in a different school or school district, a Best Interest Finding from the Juvenile Court *would not* be necessary to make the school placement. The IEP team will be made up

of the foster parent, special education teacher, special education specialist, content area teacher/grade level teacher, building and/or district level administrator, and when available the DHS caseworker.

**Q:** What happens when a Best Interest Finding is made for a student eligible for special education services?

**A:** If a court determines that a student with a disability should no longer attend the school district/school of origin, the Best Interest Finding would result in the student with a disability attending the school district where the foster home is located. In this case, it would be the responsibility of the school district (school district of residency) where the foster home is located to enroll the student and develop a school placement, and provide IEP services based on the information included in the student’s IEP.

***Parent/Surrogate Parent***

**Q:** Regarding surrogate parents, has there been a rule change to allow ODHS Caseworkers to act as the surrogate parent for Special Education purposes? Several DHS Caseworkers are indicating to us that they can sign for all educational purposes.

**A:** No. Caseworkers sometimes get confused because they are the legal guardian who signs for all other parts of a child’s life. When children are in foster care, the foster parent will act as the parent for educational purposes, unless a surrogate parent has been assigned. See the definition of “parent” below:

* [OAR 581-015-2000](https://oregon.public.law/rules/oar_581-015-2000) –Definition of Parent

***Transportation Reimbursement/Costs***

**Q:** Can we recover administrative costs?

**A:** Yes, by using established mileage rates along with any costs associated with employee salary/pay.

**Q:** How do I record student that is placed in multiple foster homes during Time Period?

**A:** If a student experiences placement in more than one foster residence, requiring transportation to school of origin, use multiple lines on the invoice for same student, altering the dates of Service Start and End date as well as the mileage/cost data that pertains to that route and mode of transport.

**Q:** When placement is for entire family – how do you track and provide continuity?

**A:** ODHS will make this placement on a per child basis based on the individual needs.

**Q:** Is the tracking on a school calendar, the budget year, or the calendar year?

**A:** School Year. July 1 – June 30.

**Q:** How do we track students that have 504 or IEP needs?

**A:** The Transportation Request Form allows for this information to be indicated and the IEP attached. The following links on the ODE website will provide further information in regard to the 504 or IEP.

**Q:** Would a column for court ordered service be added?

**A:** No. ESSA set’s the default to the child stays in his school of origin. A court order is no longer required. A court order would be drafted 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.

**Q:** Is there a column for reimbursement received or when the loop financially is closed? Is there a way to know?

**A:** Reimbursement will be done through the Electronic Grant Management System (EGMS), so the forms don’t go back to the district.

**Q:** We currently have a transportation company providing transportation for some of our MV & Foster Care students.  They charge us a service fee and a per student fee instead of a mileage fee.  Can I claim both of those fees for reimbursement?

**A:** Yes

**Q:** Is there a formula for how to determine costs or can it be provided?

**A:** Based on the current model for transportation, where school districts are reimbursed for approved costs, we have elected not to establish a definitive formula. We will have a sample formula to use (similar to the marginal cost calculation already in rule) for when students are added to a bus route. Many students may be transported individual in type 10, so we want districts to be able to just claim the full cost of that. Marginal costs wouldn’t work because it looks at the district wide cost per mile per student. An individual ride would be more expensive.

**Q:** Can we drop (copy/paste) information into the form? Are the fields requesting our information locked?

**A:** Yes, you should be able to copy and paste into the fields requesting information as they are not locked on the template.

**Q:** Does ODE/DHS expect us to alter our electronic tracking system to accommodate this?

**A:** The School District of Origin Transportation Request Form you receive from DHS will have the DHS person ID number provided in order for you to establish a transportation plan.

**Q:** If the foster parent requests transportation but we don't have the official ODHS form, can we still bill for that - as long as we have the needed information?

**A:** You really need to get the appropriate form from the ODHS Case Worker.  Not only do you need to know the ODHS person ID number located on this form, but there is also critically important contact information on this form as well as special ed., behavior, health information.  You cannot submit a claim for reimbursement without the ODHS person ID number.

**Q:** Should we plan to use the ODE rate for mileage unless there is an extraordinary cost for some reason?

**A:** You need to determine how much the additional cost will be to provide this transportation.  The mileage rate per mile may not be an appropriate method to establish how much it cost to transport a student on a bus… or other transportation modes (van, cab… etc.)

**Q:** We think there may be multiple line entries per student if placements change - and hence the mileage/route. That won't present a problem will it - as long as the service dates are different?

**A:** No, we anticipate that some students will have multiple lines of the form, that’s the nature of these students moving around.

**Q:** How does an LEA submit claims on EGMS?

**A:** To access EGMS, go to the ODE District website at this secure [webpage](https://district.ode.state.or.us/). Once there, go to Central Login. To enter, you will need a Username and Password. This is obtained from your Security Administrator. If you don’t know who your Security Administrator is, click on “Locate your District Security Administrator,” indicate your Institution ID or District Name, and your Security Administrator will be identified. When you are able to log-in, click on “E-Grant Management Systems (EGMS).” All LEAs and agencies will submit claims electronically when they wish to request funds for sub-grants issued by ODE. For EGMS purposes, people who submit claims are identified as Claim Administrator(s). Each LEA or agency must identify their Claim Administrator(s) so the Web-Claims feature will appear on their menu when they log in. To access the Claim Administrator form and other information concerning the E-Grant Management System (EGMS), please visit this [webpage](http://www.oregon.gov/ode/schools-and-districts/finance/Pages/Procurement-Services.aspx)

***Tribal Child Welfare***

**Q:** How do ESSA Foster Care Stability mandates apply to children in Tribal Child Welfare custody?

**A:** Children in Tribal or Indian Child Welfare Custody have the same ESSA Foster Care Stability support systems as all children in ODHS Child Welfare Foster Care. The Tribal or Indian Child Welfare Courts make Best Interest Findings in the same manner as Juvenile Courts.

***Student Privacy***

**Q:** Are there any specific laws about recording the Google Meets that our foster students are in?

**A**: Follow state and district guidelines for student privacy. If students are already on the district permissions list stating “DO NOT video, follow those guidelines. Additionally, specific consideration for the student should be cross-referenced with enrollment and court documentation as some cases have specific safe guards in place for the student.

 [COVID guidance](https://www.oregon.gov/ode/educator-resources/standards/Documents/Student%20Privacy%20Considerations%20and%20Distance%20Learning%20for%20All.pdf)