Educational Stability for Students in Foster Care
Foster Care POC/DHS Fall Training
October 13, 2020
Facilitators

Catherine Stelzer
ODHS Education Coordinator

Janay Cookson
ODE Foster Care Point of Contact

Joni Gilles
ODE Private Schools Liaison
Logistics

**Video:** Turn on Camera, Turn mute on -unless asking a question
Breaks: turn/keep off camera if you need to take a break

**Presentation:** Turn Camera off.

**Questions:**
- Virtual Parking Lot: Add to chat
- Raise hand for immediate answer
- Time at end of session
Who is in the room?
Education equity is the equitable implementation of policy, practices, procedures, and legislation that translates into resource allocation, education rigor, and opportunities for historically and currently marginalized youth, students, and families including civil rights protected classes. This means the restructuring and dismantling of systems and institutions that create the dichotomy of beneficiaries and the oppressed and marginalized.

It will take all of us working together at every level to ensure true equity in our schools.

https://www.oregon.gov/ode/students-and-family/equity/equityinitiatives/Pages/default.aspx
The “North Star Statement on Equity” is a brief purpose and vision statement that clearly articulates why we care about equity; helps us visualize the end state; and inspires and motivates action on equity. It will provide direction for the agency’s decisions and actions.

The Oregon Department of Human Services inclusively leads with race and intersectionality in order to address the roots of systemic oppression that impact all protected classes.

We are dedicated to make services, supports and well-being accessible to all.

We are committed to partnering with communities to develop and deliver policies and programs that are equitable and improve community conditions.

Staff and communities will know services and supports are working when all who live in Oregon, regardless of identity or place can achieve well-being.

Learning Objectives

Session 101

- Data
- Federal and State Legal Foundations
- Essential Components of ESSA/State Laws
- Common Understanding of Key Concepts
- Roles and Responsibilities of DHS and School District POCs
FOSTER CARE DATA: CASES AND FACES
Reporters of Child Abuse

Source of Suspected Child Abuse Reports

- School: 23.1%
- Medical: 9.7%
- Other mandated: 28.4%
- Police: 17.0%
- Parent/Self: 5.9%
- Other non mandated: 15.9%

Types of Abuse (ODHS 2019 Data Book)

[Diagram showing the percentage distribution of different types of abuse: Threat of Harm 39.9%, Domestic Violence 54%, Neglect 17%, Sexual Abuse 18%, Physical Abuse 10%, Mental Injury 1%, Neglect 42.3%, Sexual Abuse 6.5%]

10,887
Total number of children who spent at least one day in foster care

7,435
Average Daily Foster Care Population

10.8% of foster care exits occurred within three months of entry
57.8% children who left foster care were reunified w/parents
47.2% of children were placed with relatives in foster care
82.2% were placed with one or more siblings
59.5% had two or fewer placements in foster care

# Oregon Foster Care
## 2016-17 Graduation Rates

<table>
<thead>
<tr>
<th>Student Outcome</th>
<th>Foster Care</th>
<th>Non-Foster Care</th>
</tr>
</thead>
<tbody>
<tr>
<td>Graduates</td>
<td>35%</td>
<td>77%</td>
</tr>
<tr>
<td>Other Completers</td>
<td>11%</td>
<td>3%</td>
</tr>
<tr>
<td>Continuing Enrollment</td>
<td>18%</td>
<td>6%</td>
</tr>
<tr>
<td>Non-completers/dropouts</td>
<td>37%</td>
<td>13%</td>
</tr>
</tbody>
</table>

* Data represents unverified 2016-17 school year data; based on 10,800 students in public schools in foster care between January 1, 2012 and December 31, 2017.
Convergence: when two or more things come together
Federal and State Legal Foundations

- Fostering Connections (2008)
- Uninterrupted Scholars Act (2013)
- Every Student Succeeds Act (ESSA, 2016)
- Individuals With Disabilities Education Act
- Section 504 Rehabilitation Act
- Oregon Revised Statute 339.133 (2017)
Federal and State Legal Foundations

- Uninterrupted Scholars Act (2013) Exception to FERPA for Child Welfare to have access to education records
- Every Student Succeeds Act (ESSA, 2016) Federal Education Law with Foster Care Components
Federal and State Legal Foundations

- Individuals With Disabilities Education Act
- Federal Special Education Law
- Section 504 Rehabilitation Act
- Federal Disability Civil Rights Law
- Oregon Revised Statute 339.133 (2017)
- State Residency Law where School of Origin is located
Educational Language and Acronyms: Why Language is Important

We all speak the same language, but the words have different meanings.

Examples:
- School Placement
- LEA
- Parent
- Guardian
- LRE
- Disability
- ESSA
- CDL
- DHS vs. ODHS
Foster Care: Common Understanding of Key Definitions

1. Foster Care
2. Different Types of Foster Care
3. Different Types of Child Welfare Involvement
4. DHS/Child Welfare Support Team
5. Role and Definition of Parent
6. Consent: Foster Parent and Caseworker
7. Other Educational Settings
Recent Legislation

- ORS 339.133
  School of Origin

- ORS 134/SB 905
  School of Origin for Voluntary Cases

- Senate Bill 475 ORS 343.161
  Abbreviated School Day for Foster Students

- ORS 419-B.045
  CPS Investigations on School Premises
Foster Care means…..

Substitute care for children placed by the Oregon Department of Human Services or a Tribal child welfare agency away from their parents and for whom the department or agency has placement and care responsibility, including placements in;

- foster family homes
- foster homes of relatives
- group homes
- emergency shelters
- residential facilities
- child care institutions and pre-adoptive homes.
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)
Scenario

Student who has been in foster care, and is attending their school of origin, returns to their parent on Trial Reunification Status. The parent wants the child to continue attending the school, but needs transportation, as they live in another school district.

Can the student continue to attend the school?
Can the district provide transportation?
SUPPORTIVE SYSTEM: BEGINS WITH the ODHS Child’s Team

- Caseworker
- Foster Parent
- Child’s Attorney
- Court Appointed Special Advocate (CASA)
- Parent
- Independent Living Provider
- IDD Caseworker
- Tribal Caseworker (ICWA)
TYPES OF CHILD WELFARE INVOLVEMENT

- CPS investigations
- Safety Service Provider/Protective Actions
- Child Welfare custody with placement with parent
- Child Welfare custody with foster care placement
- Trial home visit
- Voluntary Placement (very low numbers)
Parent Means:

Who acts as a parent when a child is in foster care?

(22) “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;
(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, for school-age children, or 581-015-2760 for preschool children.

TAM pages 14 and 30
OAR 581-015-2000(22)
IDEA
# Parents and Consents

## Foster Parents
- Enrollment
- Unenrollment
- Routine school related activities and records
- Routine medical (immunizations, medications at school, school health center)
- IEP Testing or Assessment

## DHS Caseworker
- School Approval for foster parent (if different than school of origin:)
  - Private, charter, alternative and Home school
  - International Study Abroad
  - GED
  - Psychological Evaluation
# Points of Contact and Caseworkers

## Points of Contact
- POC in each district required by law
- Coordinates with DHS/Child Welfare on implementation of foster care provision
- Responsible for receiving and disseminating School Notification forms (each district may develop its own process)
- Facilitate transfer of records and immediate enrollment
  - Schedule team meeting with school counselor, POC, caseworker, school admin
- Develop and coordinate school/district of origin transportation procedures
- Facilitate data-sharing, consistent with FERPA and other privacy protocols

## Caseworker
- Primary contact between children in foster care and school staff
- Establish a process to notify a school when a child has been placed into foster care or there has been a change in foster care placement
- Complete School Notification form and give to POC
- Fill out transportation request (if needed) and give to POC
- Provide records/information
- Work with POC to provide immediate enrollment
- Work with POC to coordinate transportation
Alert!!

- Confidential Emails Expire
- Check with your District to get set up for receiving and sending confidential emails and adding signatures.
Session One Wrap up and Questions

Questions:
Learning Objectives

Session 201:

- “Model” Processes for both school/district of origin and BIF
- Nuanced and Complex Situations
- 2020-2021 Monitoring
- Guidance Updates: Attendance, Grading, IDEA
- Other Educational Considerations: Bill of Rights
- CDL: Comprehensive Distance Learning
Who is in the room?
Guidelines to Support Students

- School Notification
- Best Interest Finding
- School of Origin
- Transportation
- School Enrollment
School District/School of Origin Means Residency revision ORS 339.133

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

**If a child has foster home placement:**

- Moves within DHS Child Welfare Foster Care, the School District/School of Origin remains the same.
- 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.
- Student is 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.
- IEP teams still have the authority to make all Special Education placement decisions.
School Notification/Enrollment Forms

School Notification Form Changes
- Added a space for foster parent address
- Added a box to keep foster parent address confidential.

Transportation Request Form Changes
- Date field added
- Space for ODHS Person ID number & Case Number
Best Interest Findings: Considerations

- Age
- Relationships at School
- Permanency Plan
- Distance to school

- 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.
Best Interest Findings: Considerations cont.

- Best Interest Determination is a legal finding in juvenile court
- Best Interest Finding/Court Orders may look different county to county
- The court might be considering information the school is not aware of
- Can occur at any court hearing or through a paper move/ex parte process
  - If done ex parte, can take up to two weeks

- Initial court hearings occur within 24 hours of child coming into foster care, where there is often not a lot of time to gather information.
- Applies to any placement moves in foster care or foster parents moving
- Schools are not a party to a DHS case, but can send written information to caseworker for distribution to parties.
School District of Origin Transportation

- Each district should have clear, written procedures outlining how transportation will be provided to maintain DHS foster care students in district/school of origin
- DHS and district work collaboratively to ensure transportation
- Transportation form is filled out and given to POC
- Transportation is provided for duration of student’s time in foster care & can be used for Trial Home Visit
- Thoughtful transitions are encouraged
Transportation Requests and Reimbursement

DHS makes request via the transportation form to Foster Care Point of Contact

New Requests should be made every school year

- School District arranges transportation
- SD sends reimbursement form to ODE
- ODE invoices DHS for the DHS portion of payment
- Reimbursement for Foster Care and Trial Home Visit only
- Reimbursement cannot be made when DHS terminates custody or child turns 21.
- ODE Transportation Reimbursement
  - Contact Khasaa Bakri  Khansaa.bakri@ode.state.or.us
# Reimbursement Reporting Dates

**School Year 2020-2021**

<table>
<thead>
<tr>
<th>Quarter</th>
<th>Months</th>
<th>Reimbursement Due</th>
</tr>
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<tbody>
<tr>
<td>First</td>
<td>July 1, 2020-September 30, 2020</td>
<td>November 13, 2020</td>
</tr>
<tr>
<td>Second</td>
<td>October 1, 2020-December 31, 2020</td>
<td>February 12, 2021</td>
</tr>
<tr>
<td>Third</td>
<td>January 1, 2021-March 31, 2021</td>
<td>May 14, 2021</td>
</tr>
<tr>
<td>Fourth</td>
<td>April 1, 2021-June 30, 2021</td>
<td>August 13, 2021</td>
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Scenario? To Engage Group in chat

Transportation to daycare for school

Transportation required if the foster care student resides within the walking distance area.
Enrollment and School Records
Goal: Immediate Enrollment

- Prompt attendance in new school can prevent educational discontinuity
- Enrollment cannot be denied or delayed because normally required documentation has not been provided
- Review and revise policies and practices to remove barriers
- All district/school training (registrars, front office etc)
- Inter-district transfer agreement is not required
- New requirements for Transfer of Student Records
Student Records

- Highly mobile students may not always have the documentation required for enrollment
- Transferring records can also create delays
- These delays can negatively impact attendance, being incorrectly enrolled in classes and not receiving academic services/support
- Students in foster care cuts the 10/10 timeline in half.
  - A new school has **FIVE** days to request records
  - The former school has **FIVE** days to send the records.
- Families and caseworkers are encouraged to bring as much information as possible to help inform initial enrollment
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).

- 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.
Access to School Records, continued

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 District Instructional Model

Current Options for return to school
- Comprehensive Distance Learning (CDL)
- Hybrid
- In-Person or limited In-Person

Weekly school model update
- ODE/OHA State Return to School Metrix

Examples based on scenario of school model
Other Educational Considerations

- High school diploma standards
- Child Nutrition/National School Lunch Program
- School Activity Fees
- Discipline, Suspension and Expulsion
- Post Secondary Resources
- Court Timelines
- Caseworker ID @ schools
## Three questions Monitoring

<table>
<thead>
<tr>
<th>ITEM</th>
<th>SUPPORTING DOCUMENTATION</th>
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| The LEA has developed and implemented clear written procedures for how transportation will be provided, arranged and funded for the duration of a child's time in foster care. | ○ Transportation Request Form  
○ Invoices sent to ODE                                                                |
| The LEA will designate a foster care Point of Contact                | ○ Personnel records                                                                     |
| The LEA will have district enrollment policies that provide for immediate enrollment of children in foster care.  | ○ Record request documentation  
○ Enrollment data                                                                |
| The LEA will collaborate with the DHS caseworkers to ensure the students in foster care remain in their school of origin if this is in the student's best interest | ○ Meeting notes  
○ School Notification Form  
○ Best Interest Finding decision (Juvenile Court) |
| The LEA ensures that students in foster care are eligible (receive?) free and reduced meals | ○ District policy  
○ Child Nutrition records                                                        |

- Combined with Federal Systems/I-A monitoring
- Districts have been identified and notified
Looking Ahead

- Advisory and Support Group:
  - Monthly Webinars for FAQ, Updates and Connection
- Revision of Webpage
  - Technical Assistance Manual –COMING SOON
  - New forms
  - New Point of Contact list
  - ODHS caseworker contact
- Regular Updates
Did we answer all the questions?

Follow up questions?

Raise hand in chat
Foster Care Point of Contact List
https://www.oregon.gov/ode/students-and-family/fosteringconnections/Pages/default.aspx

DHS Child Welfare Office List
https://secure.sos.state.or.us/oard/displayDivisionRules.action?selectedDivision=4734
Janay Cookson
ODE Foster Care Point of Contact
Janay.cookson@state.or.us

Catherine Stelzer
ODHS Education Coordinator
503-569-0747
Catherine.R.Stelzer@dhsoha.state.or.us

Khansaa Bakri
ODE Transportation Reimbursement
Khansaa.bakri@ode.state.or.us
Resources and Materials

Resources