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Educational Stability for Students in Foster Care

Foster Care POC/DHS Fall Training October 13, 2020



Facilitators

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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?



Oregon Department of Education Equity Lens

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>

Equity North Star



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 making 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.

<https://www.oregon.gov/dhs/DHSNEWS/Pages/Directors-Messages.aspx>

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



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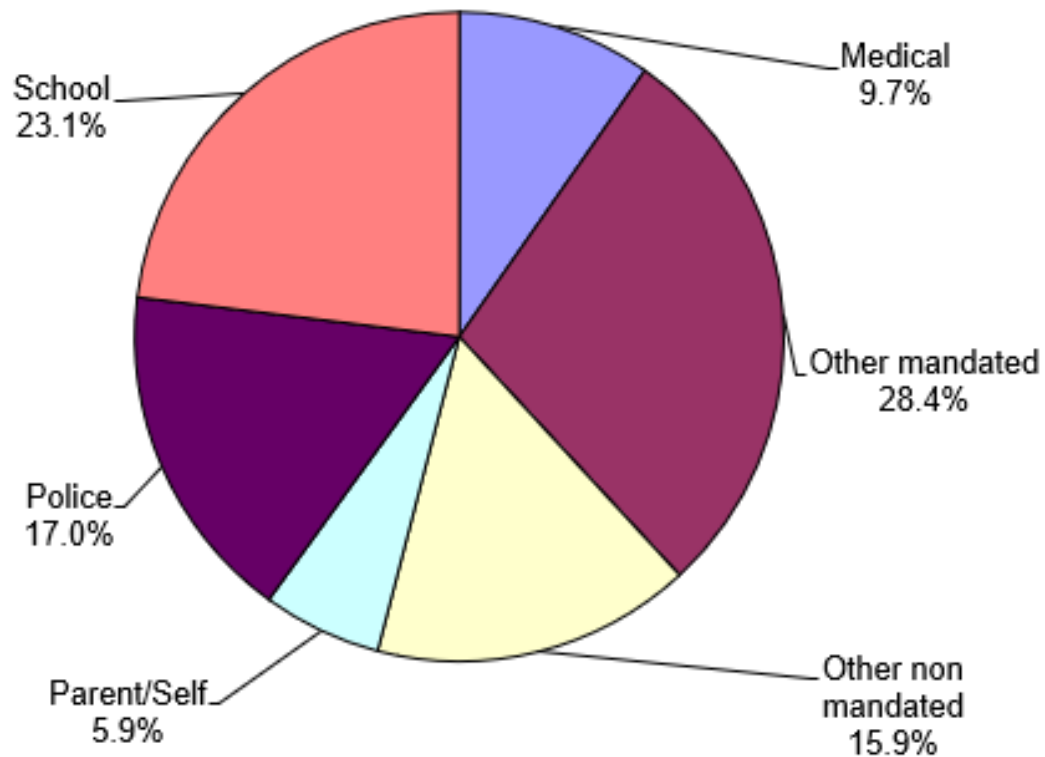
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FOSTER CARE DATA: CASES AND FACES

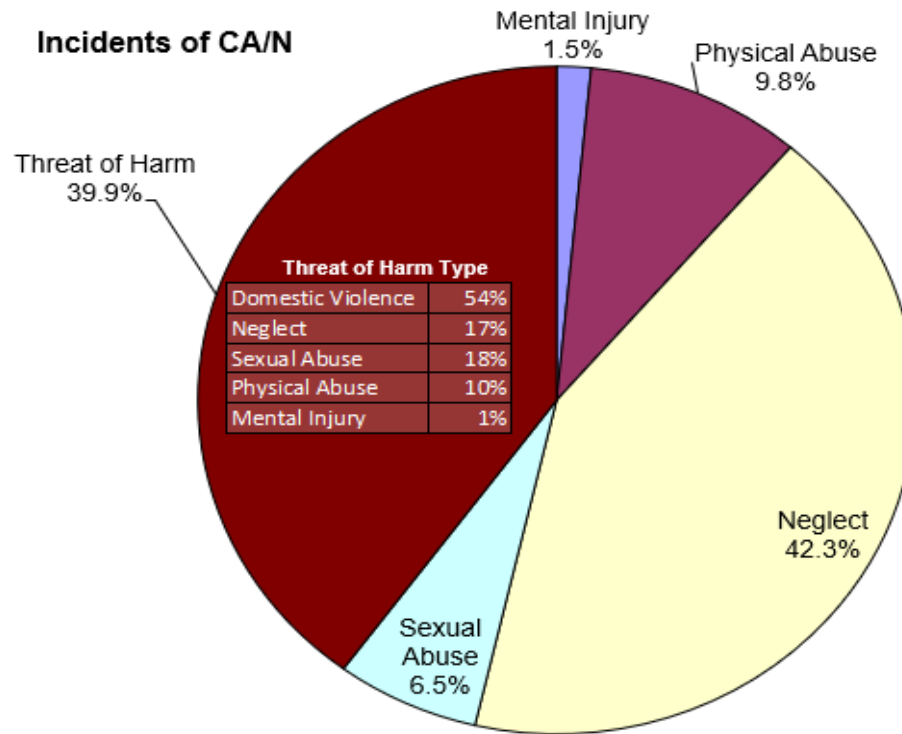


Reporters of Child Abuse

Source of Suspected Child Abuse Reports



Types of Abuse (ODHS 2019 Data Book)



2019 ODHS Data Book

10,887

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

7, 435

Average Daily Foster
Care Population

Foster Care

ODHS Data 2019 Child Welfare Data Book

- ❖ 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

<https://www.oregon.gov/dhs/children/child-abuse/Pages/Data-Publications.aspx>

Oregon Foster Care

2016-17 Graduation Rates

Student Outcome	Foster Care	Non-Foster Care
Graduates	35%	77%
Other Completers	11%	3%
Continuing Enrollment	18%	6%
Non-completers/dropouts	37%	13%



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Convergence: when two or more things come together



 **DHS**
Oregon Department
of Human Services

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

- ❖ Fostering Connections (2008)
Federal Child Welfare Laws with Education Components
- ❖ 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



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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

DHS Caseworker

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

- ❖ 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

Confidential Email/Signatures

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?





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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:

- ❖ School District/School of Origin applies to DHS Child Welfare Foster children 4- thru age 20.
- ❖ 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 Khasaa.bakri@ode.state.or.us

REIMBURSEMENT REPORTING DATES

SCHOOL YEAR 2020-2021		
Quarter	Months	Reimbursement Due
First	July 1, 2020-September 30, 2020	November 13, 2020
Second	October 1, 2020-December 31, 2020	February 12, 2021
Third	January 1, 2021-March 31, 2021	May 14, 2021
Fourth	April 1, 2021-June 30, 2021	August 13, 2021

Scenario? To Engage Group in chat

Transportation to daycare for school
Transportation required if the foster care student
resides within the walking distance area.



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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.

Conditions for the Disclosure of Information in Health and
Safety Emergencies OAR 581-021-0380.

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



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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**

ITEM	SUPPORTING DOCUMENTATION
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.	<ul style="list-style-type: none">○ Transportation Request Form○ Invoices sent to ODE
The LEA will designate a foster care Point of Contact The LEA will have district enrollment policies that provide for immediate enrollment of children in foster care.	<ul style="list-style-type: none">○ Personnel records○ 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	<ul style="list-style-type: none">○ 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	<ul style="list-style-type: none">○ District policy○ Child Nutrition records

❖ Combined with Federal Systems/I-A monitoring

❖ Districts have been identified and notified



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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



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Did we answer all the questions?

Follow up questions?

Raise hand in chat



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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>





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Resources and Materials

Resources