

Policy Transmittal

Developmental Disabilities Services



UPDATED

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Authorized signature

Number: DD-PT-22-081

Issue date: 07/13/2023

Topic: Developmental Disabilities

Due date:

Transmitting (check the box that best applies):

- ☐ New policy ☒ Policy change ☐ Policy clarification ☐ Executive letter
☐ Administrative Rule ☐ Manual update ☐ Other:

Applies to (check all that apply):

- | | |
|--|--|
| <input type="checkbox"/> All ODHS Employees | <input type="checkbox"/> County Mental Health Directors |
| <input type="checkbox"/> Area Agencies on Aging: {Select type} | <input type="checkbox"/> Health Services |
| <input type="checkbox"/> Aging and People with Disabilities | <input checked="" type="checkbox"/> Office of Developmental Disabilities Services (ODDS) |
| <input type="checkbox"/> Self Sufficiency Programs | <input checked="" type="checkbox"/> ODDS Children's Intensive In Home Services |
| <input checked="" type="checkbox"/> County DD Program Managers | <input checked="" type="checkbox"/> Stabilization and Crisis Unit (SACU) |
| <input checked="" type="checkbox"/> Support Service Brokerage Directors | <input checked="" type="checkbox"/> Other (please specify): All DD Provider Agencies |
| <input checked="" type="checkbox"/> ODDS Children's Residential Services | |
| <input type="checkbox"/> Child Welfare Programs | |

Policy/rule title:	Attendant Care During the School Day		
Policy/rule number(s):		Release number:	
Effective date:	October 1, 2022	Expiration date:	
References:			
Web address:			

Discussion/interpretation:

Updated July 13, 2023:

The COVID-19 public health emergency (PHE) ended on May 11, 2023. In [PT-23-018](#), ODDS described policy changes affected by the end of the PHE, including ending exceptions for attendant care during distance learning activities. This PT remains active but has been updated. ODDS cannot approve any exceptions for

attendant care use during distance learning or in-person public or private school. The scenarios described below help clarify what is still allowed without an exception and what is not allowed.

Early in the COVID-19 pandemic, ODDS introduced flexibility for children's attendant care. This was during statewide distance learning and the transition to schools opening for in-person learning. This flexibility is no longer in effect now that schools are reopened, and most children are attending in-person learning. This transmittal provides guidance for case managers to support families and in-home providers to come into compliance with current rule and includes an exceptions process.

Monthly authorizations for the higher pool of "summer hours" continues to be available, when needed, until further notice. However, attendant care **cannot be utilized during a child's school day**. Children can utilize the higher number of hours during **other** times of the day or week as described in their Individual Support Plan (ISP), provider service agreement(s), and plan of care.

A child's "school day" means the period of time an individual child is engaged in school activities according to their local school district's schedule **or** what is outlined in their Individualized Education Program (IEP). This may be in-person school, online or distance learning, or while receiving homebound instruction from a local teacher. For homeschooled children educated by family or private tutors, the school day means whenever the child is engaged in homeschool or tutoring activities.

Oregon Administrative Rules (OARs) for in-home attendant care services prohibit accessing ODDS-funded services for the following purposes:

- Homeschooling activities.
- Tutoring activities.
- Private school.
- Special education and related services required under the Individuals with Disabilities Education Act (IDEA). This includes the personal care, ADL/IADL and health-related services a child needs to participate in school.
- Other public education services.

What this means:

ADL/IADL supports provided while a child is engaged in public school educational activities are the responsibility of local school districts or education agencies. Department-funded attendant care can only be used for ADL/IADL supports when children are **not** engaged in educational activities except in limited circumstances.

Examples:

- Children **can** access attendant care during what is usually their in-person school day (as determined by their local school district or IEP) when home sick, quarantined, or intermittently absent for other reasons. No exception is needed in these situations.
- Children with alternative schedules that are different than their local school day **cannot** access attendant care during their scheduled school hours. No exception is needed in these situations; however, the child's school schedule must be documented in a progress note.
- ~~Children enrolled in online public school programs or receiving homebound special education services cannot access attendant care during their virtual classes or learning activities without an approved exception. An exception request is needed to ensure that, if approved, the attendant care services do not supplant the role of special education and relate to serious behavioral or medical supports or conditions. Please note, this is the only scenario where an exception may be approved and is limited to while the federal Public Health Emergency (PHE) is in effect. When the PHE ends, ODDS will update this guidance. Instructions for these exception requests are in the "Instructions" section of this transmittal below.~~
- Children who are homeschooled without support from their local public school or who attend private school **cannot** access attendant care during their school day or during educational activities. Case management entities should support families and providers in understanding their roles and responsibilities and ensuring there is a plan in place to differentiate between private school or homeschool time as well as times when attendant care is provided.

~~Other COVID-19 related policy is located in the ODDS COVID-19 Policy Guide here: <https://www.oregon.gov/dhs/SENIORS-DISABILITIES/DD/ODDS%20Resource%20Library/ODDS-COVID-19-Policy-Guide.pdf>~~

There are no exceptions to these policies.

Training/communication plan:

This transmittal will be discussed during the next Monthly Transmittal Review. Please send questions in advance to ODDS.Questions@odhsoha.oregon.gov.

The Monthly Transmittal Reviews are held the second Wednesday of every month at 2 pm using the Zoom platform. Please register in advance for these meetings:

<https://www.zoomgov.com/meeting/register/vJlsc-qvqD8iGURx5OQk8TAdIS6Arg9ZAf4>

After registering, you will receive a confirmation email containing an appointment and information about joining the meeting. American Sign Language (ASL) and live captioning will be provided. To request other accommodations or languages, please send an email to ODDS.Questions@odhsoha.oregon.gov at least three business days prior to the meeting.

Field/stakeholder review: ☒ Yes ☐ No

If yes, reviewed by: CIIS team

If you have any questions about this policy, contact:

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