

**Every Student Succeeds Act:**

Ensuring Educational Stability  
For Children in Foster Care

**Technical Assistance Manual  
September 2022**

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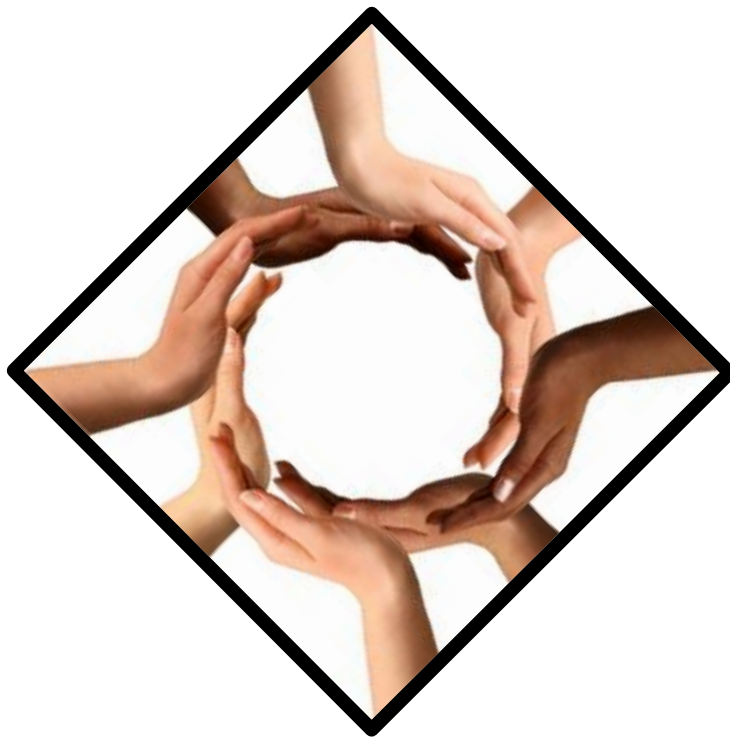
## INTRODUCTION

Children and youth in foster care represent one of the most vulnerable student subgroups in this country. Of the approximately 415,000 children in foster care in 2014, nearly 270,000 were in elementary and secondary schools. Studies find children in foster care are much more likely than their peers are to struggle academically and fall behind in school. Students in foster care at age 17 are also less likely to graduate from high school; with only 65 percent, graduating by age 21 compared to 86 percent among all youth ages 18 to 24.

[National Center for Education Statistics \(2014\) link](#)

Children in foster care experience much higher levels of residential and school instability than their peers; one study showed that 75 percent of children in foster care made an unscheduled school change in one school year, compared to less than 40 percent for children not in foster care. Unplanned school changes may be associated with delays in children's academic progress, leaving highly mobile students potentially more likely to fall behind their less mobile peers academically. Children experiencing this type of instability, including many students in foster care, are thus more likely to face a variety of academic difficulties.

The manual is a resource for ODHS staff, school district Points of Contact and staff, foster care families and all others that seek to provide educational stability for Oregon's foster care students.



### Equity Statements

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.

The Oregon Department of Human Services developed the Equity North Star that clearly articulates how they care about equity. The “North Star Statement of Equity” outlines the 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, support and well-being accessible to all. We are committed to collaborating 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.

The Oregon Department of Education and the Oregon Department of Human Services are committed to instilling our equity beliefs through our partnership in order to best serve the students, families and communities across Oregon.

## **Section I: Legal Citations and Special Populations Guidance**

Educational stability is a key component in a foster care student's success. At the federal and state level, laws have been passed that require local and state child welfare and education agencies to fully and faithfully understand and implement legislation focusing on continuity and stability in a foster care student's education. Links to each statute or rule are provided for additional information.

### [Every Student Succeed Act](#) (effective July 1, 2016)

- Allowing students in foster care to remain in the school district /school of origin even when the foster home placement changes.
- Requiring schools to immediately enroll students in foster care after a school move.
- Requiring foster care point of contact in every state education agency as well as each school district.
- Requiring plans for school district/school of origin transportation to maintain a foster student attendance in the school district/school of origin.
- Tracking achievement and graduation data for students in foster care.

### [Fostering Connections: Joint Guidance for School Stability of Children in Foster Care \(October, 2008\)](#)

The Act emphasizes the importance of school stability as well as the need for collaboration between child welfare and education agencies. Assurances that the CWA and LEA work together to consider the best educational placement for a child entering foster care.

### [Uninterrupted Scholars Act](#)

Educational records released without parent consent to a caseworker or other representative of a State or local welfare agency.

### [Individuals with Disabilities Education Act](#) (IDEA)

In Oregon, students are eligible for special education services through the end of the school year in which they turn 21 years old or until they graduate with a standard or modified diploma. All of these students and their parents are also entitled to many procedural protections, including prior written notice from the local educational agency of any changes to the child's program and access to a hearing and appeal system when disputes arise.

Under IDEA, a team of knowledgeable persons, including the foster child's parents, must make each child's special education placement decision; this team may also include staff from a child welfare agency. It is important to note that the Juvenile Court does not make special education placement decisions.

While IDEA presumes that the first placement option considered for each student with a disability is the regular classroom with appropriate supplementary aids and services, there is no one size fits all approach. School districts must make available a range of placement options to meet the needs of students with disabilities for special education and related services, including regular classes, special classes, separate schools, home instruction, and instruction in hospitals and institutions.

IDEA requires that the educational placement of each eligible student with a disability, including students with disabilities in foster care, be determined at least annually, and be based on the student's IEP in accordance with the child's individual needs, and in the least restrictive environment (LRE)

It is important that students in foster care receive timely and expedited evaluations and eligibility determinations, as is the case for any student. In addition, foster students must have access to comparable services, including extended school year services

If a student is currently eligible for special education and an IEP has been developed, then the student's current school district/school of origin continues to provide the services as written in the IEP. When a student is placed into DHS Child Welfare custody, by default the student would continue to attend the school district/school of origin, which would be the school the student is currently attending, and the location of the student's current special education services.

When a Best Interest Finding is made by the Juvenile Court, the Best Interest Finding will result in the student attending the school district where the foster home is located. In this case, it will be the school district's (resident school district) where the foster home is located responsibility to enroll the student and provide the services as outlined in the student's IEP.

#### [Additional Special Education Guidance](#)

##### [Section 504, Rehabilitation Act](#)

- The primary difference between an IEP and a 504 plan is the concept of specially designed instruction. To qualify for special education eligibility, the student must need specially designed instruction. IEPs contain goals that provide the framework for specially designed instruction. However, 504 plans do not contain goals. Rather, a 504 plan defines the supports and accommodations that a student needs to access the student's educational program.
- As is true under IDEA, Section 504 also requires that, to the maximum extent appropriate, students with disabilities be educated in the regular educational environment, unless they cannot be educated satisfactorily in that environment with the use of supplementary aids and services.

##### [Family Education Rights and Privacy Act \(FERPA\)](#)

- FERPA allows schools to disclose student records, without consent, to the following parties or under the following conditions (34 CFR § 99.31):
  - School officials with legitimate educational interest;
  - Other schools to which a student is transferring;
- Specified officials for audit or evaluation purposes.
- Appropriate parties in connection with financial aid to a student.
- Organizations conducting certain studies for or on behalf of the school.
- Accrediting organizations.
- To comply with a judicial order or lawfully issued subpoena;
  - Appropriate officials in cases of health and safety emergencies; and
  - State and local authorities, within a juvenile justice system, pursuant to specific State law.

[Oregon Revised Statute 339.133](#) and [ORS 339.134](#)

- Determination of residency of student for school purposes
- School/district of origin
- Definition of foster care
- Notification
- Best Interest Finding
- [ORS 339.133 \(SB 905 Revised\)](#) Impacts residency determinations for students voluntarily placed in foster care.
- ODE guide to [Voluntary Placement](#)

[Prekindergarten/Preschool](#)

An LEA must meet the ESSA requirements for preschool students in foster care if the school district of origin offers public preschool education this includes ensuring that a child in foster care remains in his or her preschool program of origin.

OAR 581-019-0005 Definitions

*(11) "Prekindergarten" means those programs which provide comprehensive health, education, and social services in order to maximize the potential of three- and four-year-old children. The "State Prekindergarten Programs" means the statewide administrative activities carried out within the Department of Education to allocate, award, and monitor state funds appropriated to create or assist local prekindergarten programs.*

[English Language Learner](#)

Some students in foster care are also English learners (ELs)—students identified as needing additional support with their English proficiency in speaking, listening, reading, or writing English through EL identification procedures required by ESSA and OAR. Title VI (Civil Rights) and the Equal Educational Opportunities Act of 1974 (EEOA) require public schools to ensure that all EL students, including EL students in foster care, can participate meaningfully and equally in educational programs. In order to meet their obligations under Title VI and the EEOA, LEAs must:

- Identify and assess all potential EL students in a timely, valid, and reliable manner;
- Provide EL students with a language assistance program that is educationally sound and proven successful;
- Sufficiently staff and support the language assistance programs for EL students;
- Ensure that EL students have equal opportunities to meaningfully participate in all curricular and extracurricular activities;
- Avoid unnecessary segregation of EL students;
- Ensure that EL students with disabilities are evaluated in a timely and appropriate manner for special education and disability-related services and that their language needs are considered in these evaluations and delivery of services;
- Meet the needs of EL students who opt out of language assistance programs;
- Monitor and evaluate EL students in language assistance programs to ensure their progress with respect to acquiring English proficiency and grade level core content, exit EL students from language assistance programs when they are proficient in English, and monitor exited students to ensure they were not prematurely exited and that any academic deficits incurred in the language assistance program have been remedied;



- Evaluate the effectiveness of a school district's language assistance program(s) to ensure that EL students in each program acquire English proficiency and that each program was reasonably calculated to allow EL students to attain parity of participation in the standard instructional program within a reasonable period of time; and
- Ensure meaningful communication with limited English proficient (LEP) parents.

#### [High School Diploma Standards](#)

ORS 329.451 has been amended by the State Legislature in 2017 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. In order to do this, the local school district must grant a waiver of diploma requirements established by the LEA Board of Education. In this situation, the definition of foster care students would include those students in DHS Child Welfare custody as well as those foster students placed in a Developmental Disability foster home. These changes took place on January 1, 2018.

#### [Child Nutrition/National School Lunch Program](#)

All students in foster care are automatically certified eligible for meals at no cost under the School Breakfast Programs as well as the National School Lunch Program. ODHS and ODE have a data sharing agreement, so students in foster care are automatically certified for the school lunch program, without having to fill out an application.

#### [School Activity Fees](#)

Students in DHS Child Welfare custody, like all students, have fees associated with school activities. Given that 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, under the National School Lunch Program. Since students in DHS Child Welfare custody automatically qualify for free or reduced price school meals under, the National School Lunch Program, these students also automatically qualify to have their fees considered and reduced by the school district. However, in some situations, school districts may choose to use Title 1 funds to pay for fees occurred by DHS Child Welfare custody foster care students.

- ORS 339.147 When tuition authorized; waiver of tuition and fees  
(1)(b) As used in this subsection, "low-income family" means a family whose children qualify for free or reduced price school meals under a federal program, including but not limited to the National School Lunch Act and the Child Nutrition Act of 1966, and all their subsequent amendments.

## **Section II. Communication**

One of the most critical ways to ensure educational stability for students in foster care is coordinated, accurate and regular communication between the school districts and the caseworker. Several mechanisms are in place to encourage this communication.

- By law, each school district must have a Point of Contact (POC) that coordinates, manages and communicates with the DHS caseworker. School districts are to send ODE the most recent Point



of Contact and to keep ODE updated if there are staff changes. This list is kept current and posted on the [ODE Foster Care Webpage](#).

- The school district Point of Contact is the first line of contact for students entering foster care or changing foster care placement. Some of the roles and responsibilities include:
  - Maintaining an understanding of the Title I, Part A provisions for foster care youth under the Every Student Succeeds Act (ESSA).
  - Serve as the primary education link between LEAs and ODHS.
  - Maintain routine coordination with DHS caseworkers to best serve foster students enrolled in schools.
  - Ensure immediate enrollment and records transfer, which may require the LEA POC to work with school administrators, enrollment and records offices, or guidance departments.
  - Coordinate transportation, if needed.
  - In order for the LEA POC to perform the full scope of their duties and responsibilities, it is essential that all district staff are familiar with this liaison and the purpose of their role in order to utilize their services when needed to support students in Foster Care. Training opportunities should be provided for all staff to ensure a POCs role is clearly stated and broadly understood. Along with this, districts should have established protocols and procedures around the exchanging and movement of relevant student information between all staff, schools, and departments within the district.

**NOTE: Given the emphasis of dual-agency collaboration, LEAs will work with the caseworker regarding educational placement, Best Interest Findings, transportation coordination, enrollment and records transfers and ongoing review of foster student’s academic progress.**

- While ODHS is not required to have an education Point of Contact, it is recommended that each region or branch have a person designated to provide information on school placement/assigned caseworker and other non-confidential information a school may need.

**The chart below outlines the major roles and responsibilities of the Point of Contact and DHS Caseworker.**

▪ <b>ODHS CASEWORKER</b>	▪ <b>SCHOOL DISTRICT POINT OF CONTACT</b>
<ul style="list-style-type: none"> <li>▪ Serve as the primary contact between children in foster care and school staff.</li> <li>▪ Notify the school when a child is placed in foster care or there has been a change in foster care placement <a href="#">Child Welfare School Notification</a>.</li> <li>▪ Provide records, if available/applicable.</li> <li>▪ Work with LEA to ensure immediate enrollment and coordinate transportation services.</li> <li>▪ Refer students in foster care for special education assessments and participate in IEP/504 meetings.</li> <li>▪ Coordinate services so children in foster care can access early educational service.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Coordinate with corresponding ODHS Child Welfare on implementation of foster care provisions.</li> <li>▪ Facilitate the transfer of records and immediate enrollment.</li> <li>▪ Facilitate data sharing with ODHS Child Welfare, consistent with FERPA and other privacy protocols.</li> <li>▪ Develop and coordinate school district/school of origin transportation procedures.</li> <li>▪ Ensure students in foster care are enrolled in and regularly attending school.</li> </ul>

<ul style="list-style-type: none"> <li>▪ <b>ODHS CASEWORKER</b></li> </ul>	<ul style="list-style-type: none"> <li>▪ <b>SCHOOL DISTRICT POINT OF CONTACT</b></li> </ul>
<ul style="list-style-type: none"> <li>▪ Inform parents or educational decision-makers of child's educational rights.</li> </ul>	

### Section III. School Notification Process

*Please note: The following, is a sample description of the process. School Districts and DHS branch offices may have different operating procedures. Each school district should have procedures communicated to schools and office staff on their role, especially in receiving the school notifications.*

- Caseworker or office staff sends the district Point of Contact the school notification form and transportation request form, if necessary. Office staff should have a clear understanding of the protocol around the exchange/movement of this information from ODHS to the district's POC.
- Point of Contact arranges for the student records request, transportation (if needed) and communicates with school.
- Point of Contact changes the student/parent information system with new information (based on school notification form);
- Points of Contact should make sure to remove biological/legal parents' access to student and parent information while the student is in foster care/ODHS custody.
- School provides for immediate enrollment.
- Point of Contact reviews the regular attendance report to ensure the foster care student is attending school regularly.
- If a Best Interest Finding is considered, the caseworker may reach out to school staff for input.
- The student is automatically certified for Free and Reduced Meals through the Child Nutrition program, at the state level.
- If a student is on an IEP or 504 plan, services may need to be reviewed upon placement.

### Section IV. School Records and Information Sharing

**School Records Requests during a CPS investigation:** During a CPS investigation, when ODHS Child Welfare does not yet have care or custody of the student, ODHS may obtain school records under the health and safety protocol, outlined in ORS 336.187. CPS investigations are done to protect the health and safety of the student, and records should be shared promptly. Schools may ask the CPS worker to certify, in writing, that the person will not disclose the information to a third party other than another court or juvenile justice agency or a person or organization providing direct services to the student on behalf of a juvenile justice agency. ([https://www.oregonlegislature.gov/bills\\_laws/ors/ors336.html](https://www.oregonlegislature.gov/bills_laws/ors/ors336.html) )

**School Records Requests when ODHS has Care or Custody:** When a student is in foster care or in ODHS custody, schools can share records under the Uninterrupted Scholars Act.

### **Section V. Transportation**

Transportation is a critical component of educational stability, to help students remain in their school of origin. To facilitate transportation for foster care students, the LEA must collaborate with ODE to ensure that transportation is provided, arranged, and funded. The LEA must develop and implement clear written procedures governing how transportation will be maintained for foster care students to remain in the school district/school of origin. Some school districts may want to reflect their school district/school of origin transportation policy within their school board policies.

#### **Transportation procedures must ensure that:**

- Students in foster care, needing transportation to their school district/school of origin will promptly receive the transportation in a cost-effective manner.
- Even if the LEA does not provide transportation to other students, it must still ensure that school district/school of origin transportation is provided for students in child welfare foster care. Since the students are in foster care placements across school district or county lines, in developing transportation procedures, LEAs may want to work with local school districts to establish clear written procedures.
- LEAs must provide students in foster care with transportation to the school district/school of origin for the duration of the student's time in foster care or until a Best Interest Finding, decision is made, consistent with the educational stability requirements under the ESSA. ESSA transportation requirements are required, when the student is in foster care. The transportation agreement allows reimbursement for transportation, when the student returns home to their parent on Trial Reunification status. If a school change is necessary, transportation is only reimbursed while the student is in DHS custody.
- ODHS cannot reimburse transportation, once a student turns 21 years old.
- Charter schools, all of which are public schools in Oregon, are included in this requirement if they are the school district/school of origin.
- Should any updates or changes occur which may impact procedures related to transporting students in Foster Care, this information will be shared with relevant parties efficiently and comprehensively.

#### **School District/School of Origin Transportation Cost Reimbursement**

- Transportation costs for qualifying students are eligible for reimbursement from the [State School Fund Transportation Grant](#) based on the rates (70%, 80%, and 90%) for the school district origin. The remaining costs not reimbursed from the State School Fund Transportation Grant (10%, 20%, 30%) are also eligible for reimbursement.
- Invoices for the remaining balance are submitted to the Department of Education per the department's approved invoice system, where federal matching funds from the Department of Human Services are to be used to pay the remaining balances. Reimbursements will not exceed 100% of the total of approved costs. Failure to use the Department of Education's invoice system and/or supply required information may result in denial of claim(s).
- School Districts should only provide school of origin transportation, when there is a transportation request on file from the ODHS caseworker.
- ODE and ODHS will work collaboratively to develop a secure referral and invoicing process

that ensures the protection of personal protected information.

[A Guideline for Developing Foster Care Transportation Procedures](#)

**Foster Student School of Origin Transportation Reimbursement Process (form attached)**

ODE is requesting that school districts submit an invoice approximately 6 weeks after the end of each quarter using the [Transportation Reimbursement Form](#).

▪ **STEPS FOR REQUESTING TRANSPORTATION REIMBURESMENT**

- Coordinate with district transportation department and business office.
- Use the note tab to indicate any information that may further describe the transportation arrangement (foster family is providing transportation, agreement between districts to share transportation).
- Information districts need to provide on the reimbursement form are;
- School District of Residence (Foster Student Resident Home)
- Student Name
- SSID #
- Case #
- ODHS Participant ID # (formerly ODHS Person ID #)
- Service Start Date (of foster care transportation)
- Service End Date (of foster care transportation)
- Foster Care Home Residence Address
- Type of Transportation Scheduled
- Average miles transported (one-way)
- Number of School Days Transportation Schedule
- Total cost of transportation (per day)
- Send reimbursement form to ODE via secure file transfer protocol. Within the file transfer link, select [FosterCare@ode.state.or.us](mailto:FosterCare@ode.state.or.us)
- The secure file transfer link and instructions link is located on the reimbursement form
- ODE reviews and approves requests
- ODE submits request to DHS for approval for their portion on reimbursement
- Total reimbursement is drawn down through Electronic Grant Management System (EGMS)

**2022-2023 Quarterly Reimbursement Submission Dates:**

Quarter	Months	Reimbursement Due
First	July 1, 2022-September 30, 2022	November 11, 2022
Second	October 1, 2022-December 31, 2022	February 10, 2023
Third	January 1, 2023-March 31, 2023	May 12, 2023
Fourth	April 1, 2023-June 30, 2023	August 11, 2023

**Section VI. Best Interest Finding:**

Best Interest Findings, are legal findings, made by the Juvenile Court. A variety of factors guide the decision including but not limited to: school stability; maintaining established relationships with

teachers, peers, and siblings; potential loss of credits; distance and time of transportation; special needs of the student; and need for behavioral rehabilitation services.

Child safety should always be the most important consideration in the school placement decision. This decision should be an inclusive process with input from the members of a child's team that inform educational progress.

- Once the Juvenile Court makes a Best Interesting finding for a student not to attend their school district/school of origin, the student is immediately enrolled in the school district where the foster home is located. The school district where the student enrolls will be responsible for implementing all components of a student's IEP. Given the specific needs of the student, the IEP placement team may determine the student requires a more restrictive setting that may or may not be within the context of the school districts. The IEP team determines all special education placements. This school/school district becomes the new school of origin, while the student is in foster care.
- Engaging Key Partners for Input in Making Best Interest Determinations:  
The caseworker will contact and collect recommendations from members of the child's team who informs educational decisions. This includes, but is not limited to; the child or young adult, the child or young adult's parents, attorney, foster parents, CASA, surrogate parent, IEP team, Tribe, Developmental Disability caseworker, and others when applicable. It is preferable that the school or school district have the opportunity to present their opinion and supporting information when making the Best Interest Determination. The court considers all recommendations and is responsible for the final decision of the Best Interest Determination. Some factors of consideration beyond safety include:
  - The child or young adult's preference to remain in the school.
  - Timing of the school year.
  - Travel time or distance from foster home to school.
  - The child or young adult has already experienced school disruptions.
  - The child or young adult may return home soon.
  - The child is a member of a Tribe, and the Tribe's recommendation.
  - Siblings or other family members attend the same school.
  - The child or young adult has significant relationships to friends, teachers, counselors, or other school staff.
  - The IEP team's recommendation, when applicable.
  - Is the child or young adult receiving Developmental Disability services; input from the ODDS caseworker should be obtained.
  - The child or young adult is involved in sports or other school activities of significance.
  - The child or young adult is behind academically and a school move could delay further academic progress.
  - The child or young adult would lose high school credits if moved to a new school.
  - Additional trauma of moving the child or young adult to another school.
  - The child is in a foster home that will be the permanent placement.
  - The child is in a specialized program meeting their needs academically and an equivalent program would not be available in the local school district.
  - The child or young adult expresses an interest in attending the same school as other foster siblings in the foster home; and

- Natural transitions when the child or young adult is changing schools. The impetus for the school move is not based upon the preference or convenience of the foster parent, caseworker, or school staff.
- School or School District Information Regarding a Best Interest Finding: This information given to the caseworker, in writing, for distribution to the parties of the Juvenile Court case. The documentation of the Best Interest decision can be stated and signed on the School Notification Form.

Best Interest Findings are not necessary when a student reunifies with a parent, but is still in ODHS custody, due to no longer being “placed away from their parent.” When a student reunifies with a parent, it may make sense to continue to have the student attend their current school, until there is a better natural transition time. School of Origin transportation can continue to be provided during a reunification, until ODHS no longer has custody. A number of factors will be considered when making a school decision when a student is reunified with their parent: distance of school to where the parent lives; time of school year and whether a natural transition time is near (end of semester or summer); and whether another school transition will impact educational needs.

### **Section VII: Ready Schools, Safe Learners (RSSL)**

Per formal guidance shared in January of 2022, RSSL has transitioned from the *RSSL Resiliency Framework* initiated in Spring of 2020, to the *Safe Return to In-Person Instruction & Continuity of Service Plans and ESSER III District Plans*. As a part of this new approach, schools will create Safe Return Plans which aim to...

- Replace the required Ready Schools, Safe Learners Operational Blueprint under Executive Order 21-06
- Fulfill the requirements of ESSER III
- Fulfill the requirements of the Oregon State Board of Education requirement (OAR 581-022-0105); and
- Reflect the Ready Schools, Safe Learners Resiliency Framework for the 2021-22 School Year.

ODE remains committed to a set of guiding principles which continue to drive the progression of RSSL and COVID-10 Guidance. These principles include:

- Ensure safety and wellness. The decision to return to school settings is driven by health and safety considerations. In planning, prioritize basic needs such as food, shelter, and wellness and support the mental, social, and emotional health of students and staff.
- Cultivate connection and relationship. Quality learning experiences require deep interpersonal relationships and a learning environment where people feel safe, seen, and valued. Especially in the midst of returning to school settings from an extended school closure, supporting students and families should begin with connection and relationship.



- Center equity. Recognize the disproportionate impact of COVID-19 on Black, American Indian/Alaska Native, and Latino/a/x, Pacific Islander communities; students experiencing disabilities; and students and families navigating poverty.
- Apply an equity-informed, anti-racist, and anti-oppressive lens to promote culturally sustaining and revitalizing educational systems that support every child.
- Innovate. The complex circumstances in which learning has been situated requires ongoing reflection and iteration to assure deep learning for every student.

*\*School plans will be developed in accordance with the information provided by ODE\**

[District Supplemental Plan](#)

### **Section VIII: COVID-19 Guidance**

As formal guidance remains responsive to changes in the progression of the COVID-19 pandemic, resources continue to be made available to inform staff, students, and families. At present, suggested actions on the part of districts and schools include...

- Promoting equity in educational systems that support every child's identity, health and well-being, beauty and strength.
- Maintaining communicable disease mitigation measures in order to adhere to Oregon laws which outline responsibilities for communicable disease control in the school setting.
- Collaborating with school health experts and school staff across all disciplines to maintain effective prevention-oriented health services programs.
- Implementing prevention strategies to reduce communicable disease transmission.
- Excluding students and staff when necessary based on current guidance around symptoms, diagnoses, or exposure to communicable disease.

*\*As guidance continues to evolve, information and resources can be found on the ODE website\**

[Planning for the 2022-23 School Year](#)

### **Section IX: Title I Requirements**

The requirements for ensuing educational stability for children in foster care under section 1111(g) (1) (E) apply to all children in ODHS Child Welfare Foster Care enrolled in schools in the SEA. Consistent with the Fostering Connections Act, "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, childcare institutions, and pre-adoptive homes. A child in foster care with this definition regardless of whether the foster care facility is licensed and payments are made by the State, Tribal or local agency for the care of the child, whether adoption subsidy payments are being made prior to the finalization of an adoption, or whether there is Federal matching of any payments that are made. (45 C.F.R. § 1355.20(a)).



## Section X: Tribal Child Welfare

Tribal child welfare workers are responsible for understanding and applying emerging evidence-based child welfare practice in their work while also providing tailored services to the American Indian and Alaska Native families and children in their jurisdiction. Tribal professionals must meet standards and requirements set forth by Federal, State, Tribal, and local governments while working to improve child welfare practice; support and engage families; and achieve safety, permanency, and well-being.

Because both states and tribes may operate Title IV-B and IV-E programs, the term “State agency responsible for administering State plans under parts B and E of Title IV of the Social Security Act” as used in ESEA section 1111(g)(1)(E) includes both States and tribes responsible for administering plans under Titles IV-B and IV-E. Therefore, the term “the State or tribal child welfare agency” as used in this guidance means both State and tribal agencies responsible for administering plans under Titles IV-B and IV-E.

[Oregon Tribal Websites](#): The Nine Federally Recognized Tribes of Oregon:  
[U.S. Department of the Interior, Bureau of Indian Affairs: Indian Child Custody Proceedings](#)

## Section XI: Post High School Transition Information and Resources

### **ODHS/Independent Living Programs:**

The Independent Living Program (ILP) helps youth who are, or were, in foster care to become self-sufficient adults. It gives an opportunity to learn valuable skills necessary to make a successful transition from state or tribal custody to living on your own in the community.

You may be eligible for services through the Independent Living Program to help with building skills to live on your own, funds for continuing your education and assistance with housing.

[Independent Living Programs Guide](#)

### **ODHS/Oregon Fee Waiver:**

If you are a student from foster care, college may seem impossible. With little to no family support or savings, a college degree can seem out of reach. Can you relate to these feelings? If so, you should know that relief is here. A new law guarantees that you have access to Oregon community colleges and public universities tuition free.

<https://www.oregon.gov/dhs/CHILDREN/FOSTERCARE/ILP/Documents/Foster%20Youth%20Tuition%20and%20Fee%20Waiver%20FAQs.pdf>

### **ODHS/Financial Aid for Higher Education:**

FAFSA (Free Application for Federal Student Aid) - Applying for federal student aid is quicker and easier than ever. <https://www.oregon.gov/DHS/CHILDREN/FOSTERCARE/ILP/Pages/financial-aid.aspx>

**Oregon Foster Youth Connection:**

Free College Tuition for Former Foster Youth. New law gives tuition & fee waivers to youth for Oregon community colleges and public universities.

<https://www.ofyc.org/>

**21 Things every Foster Youth should do before Leaving Foster Care:**

Transitioning out of foster care can be a scary journey if you are not prepared. Foster Club recommends twenty-one things that every foster youth should do before they exit out of care in order to be prepared and have a successful transition to independence.

[Foster Club: 21 Things to know before Leaving Foster Care](#)

**Foster Care to Success (FC2S):**

FC2S has partnerships with organizations, foundations, and individuals to deliver scholarships to foster youth across the country. With this funding and our support, hundreds of young people reach their educational goals every year.

[FC2S Information](#)

**My Skills My Future:**

Tell us a job you have had .2- We will find careers with similar skills 3- Pick a career and explore!

[Explore New Careers](#)

**Western Oregon University: Fostering Success Program:**

Western Oregon University's Fostering Success Initiative is a grassroots, campus-based program begun in 2015 with the goal of effectively serving students who have experienced foster care. We work to connect students with the many support services available at WOU and in the community and we contribute to a foster-friendly campus environment through education, awareness, mentorship and support services. Most importantly, we strive to create a community and college campus that foster students can call "home."

[WOU Fostering Success](#)

**Portland State University: Project Futures**

The focus of this project is to enhance self-determination and community participation to help young adults build skills to navigate the university system and increase postsecondary success and engagement. Project FUTURES will identify and outreach to young adults who are a freshman, sophomore, or junior at PSU or PCC, who have a history of significant mental health challenges, who are 26 or younger and who were or are currently in foster care. Young adults who are in or were in foster care and are entering their first year at Portland State University are paired with an upper division student at Portland State University. Upper division students are identified as near-peer coaches who are further along in their education and will support first year students for one year. Both the near-peer coaches and participants of FUTURES will have lived experience in the foster care system and mental health challenges.

[Pathways to Positive Futures](#)

**Portland Community College: Fostering Success Program:**

Welcome to the PCC Fostering Success resource page. Our program provides a support network and individual coaching to enable students who have experienced foster care to successfully complete career and educational goals.

<https://www.pcc.edu/fostering-success/>

### **Section XI: Additional Information**

1. [Non-regulatory Guidance: Ensuring Educational Stability for Children in Foster Care](#)
2. [National Association for the Education of Homeless Children and Youth](#)
3. [Every Student, Every Day: A Community Toolkit to Address and Eliminate Chronic Absenteeism](#)
4. [Every Student Succeeds Act: Implementation Toolkit](#)
5. [Federal Resources on ESSA's Foster Care Provisions](#)
6. [Educators Guide to Supporting Children in Foster Care](#) (excellent resource for basic understanding of the foster care system-provides checklists and other best practices)
7. [Elementary and Secondary Education Act](#)
8. ODE guide to [Voluntary Placement](#)
9. [A Guideline for Developing Foster Care Transportation Procedures:](#)
10. [Resources for Tribal Professionals](#)

### **Section XII: Resources/Forms**

- [School Notification Form \(required\)](#)
- [Transportation Request Form \(required\)](#)
- [Abbreviated School Day Notice and Acknowledgement \(required\)](#)
- Transportation Reimbursement Form (required)
- School Selection: A Guide for Decision Making (best practice)
- Checklist for Foster Care Student Enrollment (best practice)
- Point Of Contact Foster Care Checklist (best practice)
- [OSBA Model Sample Policy](#)
- [Guide for Helpers in a Virtual Environment: Recognize the Signs of Child Abuse During the COVID-19 Pandemic](#)
- [Guidance for Special Education Evaluation During COVID-19](#)
- [Oregon Child Abuse Hotline](#)
  - [How to Report Child Abuse](#)
  - [Child Abuse Reporting Guide](#)
  - [Mandatory Reporting of Child Abuse Training](#)

*\*Oregon's Child Abuse Hotline operates as a statewide reporting system. The guides and training listed above will help mandatory reporters understand what constitutes child abuse and what information will be helpful for a report. The child abuse hotline should only be used to report child abuse. All other calls should be directed to the local child welfare office\**

### Glossary:

**Child:** A person under 18 years of age.

**Child's Attorney:** Many children in foster care receive a court appointed attorney to represent them in Juvenile Court. This attorney is an important member of a child's team, and often advocates for the child or young adult's education needs.

**Child Protective Service Assessment:** means an investigation into a report of abuse pursuant to *ORS 419B.020 or ORS 418.205 - 418.327* that includes activities and interventions to identify and analyze safety threats, determine if there is reasonable cause to believe abuse occurred, and ensure safety through protective action plans, initial safety plans, or ongoing safety planning. : An ODHS

**Child Welfare Caseworker:** This is the primary person responsible for the student's case. Over time, this caseworker may change as the case moves through the system. Each Child Welfare branch is set up a little differently. You might hear workers called CPS workers, permanency workers, ongoing workers, adoption workers, and teen workers. Each type of caseworker essentially has the same function, with differing areas of expertise.

**Court Appointed Special Advocate (CASA):** Community member volunteers, appointed by the Juvenile Court, to advocate on behalf of the child or youth in foster care. Some counties appoint CASA's more often than other counties, so not every case will have one assigned. There is statute that CASA's can have access to a student's education records, and the CASA should be working with the caseworker and other members of the child or youth's team. An advocate for the child pursuant to *ORS 419A.170*.

**ODDS Caseworker: A caseworker who works for the Office of Developmental Disability Services.** Some children and young adults in child welfare foster care, also qualify for developmental disabilities services, which can include foster care. These students will also have an ODDS caseworker, who will work in tandem with the child welfare caseworker.

**Disability:** One of the following conditions or diagnoses that causes the child or student to require special education: autism spectrum disorder; communication disorder; deaf blindness; developmental disability emotional disturbance; hearing impairment, including deafness; Intellectual disability; orthopedic other health impairment; specific learning disability; traumatic brain injury; or visual impairment, including blindness.

**EI/ECSE:** means early intervention/early childhood special education and refers to services or programs for preschool children with disabilities.

**FAPE under Section 504:** The provision of regular or special education and related aids and services that are designed to meet individual educational needs of students with disabilities as adequately as the

needs of students without disabilities are met, and that include adherence to specific procedural requirements.

**Foster Care:** Substitute care for children placed by the 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, childcare institutions, and pre-adoptive homes.

**Foster /Resource Parent or Substitute Caregiver:** means a relative caregiver, foster parent, or provider authorized to provide care to a child or young adult in the legal or physical custody of the Department. Federal and state laws refers to foster parents, while ODHS most often uses the terms Resource Parent or Substitute Caregiver.

**GED:** A General Educational Development certificate issued pursuant to *ORS 350.175*.

**Guardian:** An individual granted guardianship of the child through a judgment of the court.

**Health Assessment Statement:** A written statement issued by a nurse practitioner licensed by a State Board of Nursing specially certified as a nurse practitioner, or by a physician assistant licensed by a State Board of Medical Examiners. Both a nurse practitioner and a physician assistant must be practicing within his or her area of specialty.

**Independent Living Program (ILP) Provider:** Many older youth in foster care are involved in the Independent Living program. ODHS contracts with providers to assist youth learn independent living skills in order to learn how to transition into adulthood. ILP providers can be an important member of the child or youth's team, especially as transition plans to adulthood are being created.

**Individualized Education Program (IEP):** A legal written statement of an educational program, developed, reviewed, revised and implemented for a school-aged child with a disability.

**Least Restrictive Environment:** To the maximum extent appropriate, children with disabilities are educated with children who are not disabled, and that special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that the child cannot be educated satisfactorily in regular classes with the provision of supplementary aids and services (*34 C.F.R. § 300.114(a)*).

**Legal custody:** A person or agency has legal authority:

- (a) To have physical custody and control of a child;
- (b) To supply the child with food, clothing, shelter and other necessities;
- (c) To provide the child with care, education and discipline;
- (d) To authorize medical, dental, psychiatric, psychological, hygienic or other remedial care or treatment for the child, and in any emergency where the child's safety appears urgently to require it, to authorize surgery or other extraordinary care; and
- (e) "Legal custody" includes temporary custody of a child under an order of a court.

**Local Education Agency:** A state school district.

**Medical Statement:** A statement written by a physician licensed by a State Board of Medical Examiners.

**Office of Child Welfare Programs or OCWP:** The Office of Child Welfare Programs within the Department. "OCWP" includes all the individual programs that are responsible for various functions relating to child welfare, such as child safety, foster care, and permanency.

**Relative Caregiver:** Refers to an individual who operates a home that has been approved by the Department to provide care for a related child or young adult placed in the home by the Department.

**School District of Origin:** The school district where an individual was a resident before: the individual was placed into foster care; or the foster care placement of the individual changed. *ORS 339.133(c)(A)(B)*

**School of Origin:** The school that an individual attended before: the individual was placed into foster care; or the foster care placement of the individual changed. *ORS 339.133(d) (A)(B)*

**School District Point of Contact:** Designated person in school district who carry out certain responsibilities to ensure the educational stability and rights of a student in foster care.

**Special Education:** Defined in *OAR 581-015-2000*; means specially designed instruction provided at no cost to parents to meet the unique needs of a child with a disability. Includes instruction that:

- May be conducted in the classroom, the home, a hospital, an institution, a special school or another setting; and
- May involve physical education services, speech language services, transition services or other related services designated by rule to be services to meet the unique needs of a child with a disability.

**State Education Agency:** The Oregon Department of Education.

**Substitute Care:** The out-of-home placement of a child or young adult who is in the legal or physical custody of the Department.

**Substitute Caregiver:** A relative caregiver, foster parent, or provider authorized to provide care to a child who is in the legal or physical custody of the Department.

**Surrogate Parent:** A child or young adult in foster care is assigned a surrogate parent; this person will be making the legal education decisions for the student. The surrogate parent assigned by the Juvenile Court will work with the student's caseworker on education planning. An individual appointed pursuant to *OAR 581-015-2320* for school-aged children, *OAR 581-015-2760* for preschool-aged children or *ORS 419B.220*. The surrogate parent acts in place of a biological or adoptive parent in safeguarding a child's rights in the special-education decision-making process.

**Tribal Caseworker:** When a child or young adult in foster care is eligible for enrollment in a Tribe, the Tribe will decide whether to assign a caseworker to the case. Some Tribes have their own foster care and juvenile court programs, and will take jurisdiction over the Child Welfare case. When a Tribe has jurisdiction, they operate as their own legal entity.

**Young Adult:** A person aged 18 through 20 years.



**504 Plan:** A plan created pursuant to Section 504 of the Rehabilitation Act of 1973, which ensures that a child who is legally disabled and is attending an elementary or secondary educational institution receives accommodations that will ensure the child's academic success and access to the learning environment.