



## **ODHS Child Welfare Education Guidance for the 2022-2023 School Year**

**August 2022**

As students get ready to go back to the classrooms, this guidance serves as resource document for child welfare staff and resource parents, helping our students achieve academic success. This year, Oregon Department of Education (ODE) is moving most pandemic related health and safety measures to local school district decision making. It will be especially important to be aware of local school district procedures. All ODE state guidance pertaining to the 2022-2023 school year, can be found [here](#).

### **Communication and School Planning**

Good communication between ODHS and schools, is vitally important, to help ensure our students have access to federal protections, resources, and services to help ensure academic success. Schools need to know when students are in ODHS foster care, custody, when they are reunified with parents, and when custody is terminated, so they can involve the correct people in planning. It is also important that schools know how to contact the caseworker, in case of emergencies and to include caseworkers in school planning. Every school district has a Foster Care Point of Contact who is responsible for ensuring enrollment, assisting ODHS caseworkers with questions, and setting up school of origin transportation, when necessary.

### **School District Foster Care Points of Contact**

Every school district has a Foster Care Point of Contact, to assist with students experiencing foster care. They serve as our main communication partners for

navigating school-related issues. Please send the following, to the School District Foster Care Point of Contact:

- School Notification Forms
- School of Origin Transportation Requests
- Assist in the transfer of school records, if necessary.
- Any other school related questions or issues needing assistance

The updated, Foster Care Point of Contact list, is located on the third bullet, of the [ODE website](#). It is updated, annually, in August with staffing changes.

### **Enrollment and School Notification**

The caseworker (or designated ODHS staff person) needs to send the, [School Notification Form \(0338\)](#), to the School District Foster Care Point of Contact. If this is being sent via email, it should be done using the secure email system. If the student is changing schools, and a Best Interest Finding is needed, it can be documented on the School Notification Form. This form must also be sent when the court relieves ODHS of custody. This form needs to be sent, in addition to the letter that resource parents give to the school allowing them to enroll the student in school.

It is also very important to update the school information in the OR-Kids Education Person Management tab of OR-Kids. This information is necessary for federal reporting, and emergency management. If a student is enrolled in remote instructional model option, through their school/district, the school should still be listed in OR-Kids. Online/remote instructional models through the home school/district, should not be identified as home schooling.

### **Transportation**

Students who live within their school boundaries, will continue to receive transportation through their local school district bus routes, and can be set up by the resource parent.

Students who receive School of Origin transportation (placed in foster care outside of the school district they are attending), will need to submit a new transportation request on the [DHS 2885](#), to the School District Foster Care Point

of Contact, at the beginning of the school year. These requests need to be resubmitted every year and need to be generated by the caseworker or ODHS staff, since it is a paid service. This service can only be used while the student is in foster care or during trial reunification with a parent. ODHS must notify the Foster Care Point of Contact, when ODHS is relieved of custody, so the service can be turned off.

If a school district states that they cannot transport the student, due to a lack of resources, please notify the Education Program Coordinator. ODE will be creating a new process to evaluate these cases, at some point during the school year.

### **School Model Selection for Students in Foster Care**

Resource parents are currently in the process of needing to register students for school. Resource parents should discuss school placements or changes with the ODHS caseworker, prior to making any school changes. This ensures ODHS follows school of origin laws and gathers approvals, when necessary.

While most students will be attending in-person classrooms, some school districts may still offer a remote instructional model (formerly called Comprehensive Distance Learning) option for students and families who prefer online education. For the purposes of this guidance, it is important to distinguish between online/remote instructional model through the current school/school district versus online education through charter schools.

New for the 2022-2023 school year, ODE has developed Online & Remote Learning [Guidance](#).

**School of Origin (ORS 339.133):** Students in foster care have a federal protection, which allows them to keep attending their school, when they are placed in foster care, even if they are not living in the school district boundaries. This protection is in place for their entire stay in foster care. Caseworkers will continue to obtain a Best Interest Finding to change the school of origin, for students in foster care, when required. If there will be a change to the school of origin, for the coming school year, it is important to obtain the Best Interest Finding from the juvenile court, before the school year begins. Once a Best Interest Finding is obtained, this becomes the new school of origin, moving forward. The school notification form

can be used to document the Best Interest Finding. Please do not forward the court order if there is confidential information relating to the parents.

There are times when a Best Interest Finding ***is not*** necessary:

- When the student's IEP team makes a school placement based on specific needs of the student.
- When the student is reunified with a parent and is no longer in a substitute care placement.
- When the school is operating out of a temporary location.

When students transition home to their parents, there is flexibility to continue the student in their current school, with transportation, until a natural transition time is available, if we have legal custody.

### **ODHS Rules and Caseworker Authorization**

Current rule, [Requirements Regarding the Education of a Child or Young Adult](#) (413-200-0354) requires that certified family's must:

Enroll the *child* or *young adult* in their school or educational placement when directed by the *Department*. The *Department* must authorize enrollment of a *child* or *young adult* for any school placement not authorized by the *child* or *young adult's* Individualized Education Plan (IEP) team.

When determining and authorizing the type of school program (in-person versus remote instructional model), the caseworker should include considerations in a collaborative decision-making process. Decisions should be documented in OR-Kids and should include:

- Input from Tribes, when applicable.
- Input from the child's team, when possible (child's attorney/CASA/resource parent/parent/surrogate parent/student).
- Consult with the OCWP (Central Office) Nurse or Nurse Manager, for Medically Fragile, complex, and Nursing-Dependent students.
- Consult with the child's medical provider or OCWP (Central Office) nurse or nurse manager, when a student might have medical issues, that would make the child high-risk for COVID-19.

**Online/Remote Instructional Model:** This option is meant to be for the full school year. Each school district has a different name for these programs (ex: Edge, Flex). The following considerations should be considered when deciding to have the student enrolled in online education:

- Is the student successful at online learning?
- Does the student have special education needs, which are better suited for in-person learning?
- Stability and permanency plan, of the student's foster care placement since this option is meant to be the full school-year. If there is an anticipated move soon, this option may not be the best for the student.
- Consideration for health and safety risk factors of other's living in the resource family's home or residential program (children and adults), and include the foster home certifier, when necessary.

### **Other School Placements**

For the following school placements, the approval process outlined in the [Educational Services for a Child or Young Adult in Substitute Care](#) rules, still apply:

- Charter School (including virtual charter school)
- Alternative School
- Private School
- Home School
- Online Schools not accredited in Oregon
- GED Program
- International Study Program

### **Child Caring Agency (CCA) Placements**

- Students in CCA placements are served by a variety of education programs across the state. Some CCA's have one educational setting as part of their programming, while others may have multiple educational options. Caseworkers need to collaborate with the program in those instances to ensure the most appropriate educational setting is selected.
- Residential programs that are served by the local school district, should reach out to their school district/Foster Care Point of Contact, to determine the best way to serve students and whether extra student supports are

available. CCA programs served by the local school district, will need to adhere to the same requirements for schools, set forth by the school district, if learning occurs on premises.

- Proctor foster homes should work with the ODHS caseworker to determine the appropriate school model selection for the student.
- A Best Interest Finding, from the Juvenile Court, will still be necessary, when required by ORS 339.133

## **Visitor Logistics**

### **CPS Investigations**

Most schools will be back to in-person, but there might be times when schools limit non-essential visitors at schools, to help limit potential exposure of COVID-19 or other illnesses. It will be important for CPS workers to be familiar with the school district policies. If there are limitations, CPS workers and law enforcement will be considered “essential visitors,” which means child abuse investigations can still occur on school premises. Visitors will be expected to comply with all screening and safety measures, required by the school district.

CPS workers should also consider whether any of the collateral school interviews, can be done by phone or video conference, to decrease in-person contact. CPS workers doing phone/video meetings or interviews with school staff, should send a photo of their ODHS Child Welfare badge via state email, for identification purposes.

ODE has clarified that an ODHS child welfare ID badge, should be used in lieu of a driver’s license, so that private information can be retained. Child Welfare employees should be prepared to give the school their supervisor’s name and phone number, if the school wishes to verify their ID.

ODHS or a law enforcement agency has the authority to conduct an investigation of a report of child abuse on school premises according to ORS [419B.045](#). The school administrator must be notified that the investigation is to take place, unless the administrator is a subject of the investigation. The investigator is not required to reveal information about the investigation to the school as a condition of conducting the investigation. After the investigator provides adequate identification, school staff shall allow access to the child and provide a private

space for conducting the interview. The investigator shall be advised by a school administrator or a school staff member of a child's relevant disabling conditions, if any, prior to any interview with the child. The school administrator or designee may, at the investigator's discretion, be present to facilitate the investigation. School staff may only notify DHS, the law enforcement agency or school employees that are necessary to enable the investigation. School staff may not notify any other persons, including the child's parent(s) or guardian(s).

### **Caseworkers and SSA's**

ODHS staff who plan to visit a school or pick-up/drop off a student, should familiarize themselves with the school district's visitor protocols and safety measures. These can be found on the school/school district website.

### **Obtaining Student Records**

#### **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.

#### **When a student is in ODHS care or custody**

When a student is in ODHS care or custody, schools can share records under the federal law: The Uninterrupted Scholars Act. This act created an exception under FERPA, that makes it easier for schools to release education records to child welfare agencies without prior written consent of the parents. The school notification form can serve as the documentation of legal custody. In Oregon, [OAR 581-021-0255](#) outlines the timeframe for sending/receiving records (10 days for the new school to request and 10 days for the old school to send).

### **School-based Services**

## **Child Nutrition/Free and Reduced Meals**

All students in foster care, automatically qualify for Free and Reduced Meals, if their school participates in the program. ODHS and ODE have a data sharing agreement, which automatically qualifies the student, without the resource parent needing to fill out an application.

## **Health**

### **Masking Requirements**

Local school districts will be making health and safety decisions at the local level. The expectation is that ODHS staff, resource parents, and students in foster care will follow any masking mandates, in all school settings, should they be required.

### **ODHS Guidance around COVID-19 Vaccines**

It is important to ensure children in care have supportive adults who will assist and support them around all their medical needs. This is a good time to help children get up to date on routine immunizations as they prepare to return to school. Please refer to [Chapter 5 - Section 21 - Medical Care Services](#) of the Procedure Manual, to ensure the process for engaging and consulting with parents, prior to the child receiving immunization or vaccinations. Young people, age 15 and older can give consent for their own vaccinations, without the consent of a parent.

If the child will be excluded from school or daycare because of vaccination or immunization status, the caseworker will consult with the Child Welfare Education Coordinator and Health and Wellness Program Manager for further direction.

### **Isolation and Quarantine Protocols**

School districts will have isolation and quarantine protocols developed for sick students or when a student is COVID-19 positive. Resource parent's and CCA's will want to familiarize themselves with the local school protocols, should this impact students in their home or placement. These protocols will likely change from the last school year, since there has been updates to CDC guidance, as it applies to schools.

The CDC has also posted Back-to-School Reminders and Readiness information, [here](#), which includes COVID-19 recommendations.

## **IDEA and Special Education**

### **Recovery Services**

Many students receiving special education services during the pandemic, also qualified for Individualized Recovery Services as a part of their IEP. Updated information on these services can be found [here](#).

### **McKinney-Vento**

Students in foster care *do not* qualify for McKinney-Vento services, since they are eligible for services as a student in foster care. Some child welfare involved families (not in foster care), may qualify for services under McKinney-Vento if they meet the homeless definition. This should be considered on cases where DHS has custody, but placement is with parents or during Protective Action Plans, when a student temporarily lives outside their home.

*McKinney-Vento Act*<sup>10</sup> defines "[homeless children and youths](#)" as individuals who lack a fixed, regular, and adequate nighttime residence. The term includes—

- *Children and youths who are: - sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason (sometimes referred to as “doubled-up”); - living in motels, hotels, trailer parks, or camping grounds due to lack of alternative adequate accommodations; - living in emergency or transitional shelters; or - abandoned in hospitals;*
- *Children and youths who have a primary nighttime residence that is a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings;*
- *Children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and*
- *Migratory children who qualify as homeless because they are living in circumstances described above.*

## **CAPTA – Early Intervention**

States receiving CAPTA funds must develop and implement “provisions and procedures for referral of a child under the age of 3 who is involved in a Founded or Substantiated case of abuse or neglect to Early Intervention Services funded under Part C of the Individuals with Disabilities Education Act”. Oregon complies with this part of the act through provisions in OAR as outline below and the Child Welfare Procedure Manual.

### **OAR 413-015-0440 Determine Disposition of the CPS Assessment**

(3) When a disposition is founded or substantiated for abuse, the CPS worker must refer all victims three years old and under to Early Intervention.

The CPS to Early Intervention Referral Form [CF 323](#) must be used to make the referral. Obtaining a release of information is recommended as engages the parent or guardian in the process and keeps them informed, however, a release of information is not required.

### **413-105-0080 Early Education and Post-Secondary Education**

- (1) The caseworker must ensure that an eligible child in the care or custody of the Department has the same access to public preschool education and early intervention education programs as eligible children not in the care or custody of the Department. When a disposition is founded or substantiated for abuse, the CPS worker must refer all victims 3 years old and under to Early Intervention. When completing the referral, the CPS worker must use the “CPS to Early Intervention Referral” form (CE0323) if a release of information is not signed.
- (2) The caseworker must ensure that a child or young adult in the care or custody of the Department has access to the information and resources available to explore post-secondary education and training opportunities. In meeting this obligation, the caseworker must include education in any child’s or young adult’s plan for transition to independent living.

## **Family Time**

School activities can be a great way of engaging parents and relatives to maintain connections with the child or young adult. Schools just ask that ODHS

communicates any safety issues, so that they are clear about who can attend school activities.

**SB 279** was passed during the 2021 legislative session, which strengthens the commitment to schedule visitation outside of school hours, when possible. Chapter 5, section 26 of the procedure manual currently states: *A caseworker must consider several factors in development of the Visit and Contact Plan: (5) A child's school schedule (which should not be disrupted for visitation, if possible).*

ODHS is tracking these visits/family time through SSA Supervisors, until a permanent documentation process is available in OR-Kids.

## **Youth Transitions**

### **High School Graduation Education Incentive**

Young people who earn their high school diploma or GED **between January 1, 2022 - September 30, 2022** will receive a \$500 reloadable Visa debit card. Upload the young person's diploma or GED into the OR-Kids file cabinet and update their education tab. Then, submit notification with the young person's name, person number, case number, and current mailing address to: [ILP.Central@dhsosha.state.or.us](mailto:ILP.Central@dhsosha.state.or.us). Use the subject line "Education Incentive Verification".

### **Foster Club and InsideTrack Career Coaching Opportunity**

Foster Club and InsideTrack have an opportunity for youth who have experienced foster care, to qualify for up to a year of free support from an InsideTrack Education & Career Coach. Limited slots are available to ages, 16-26, who have experienced foster care, and currently live in Oregon (or was in foster care in Oregon). For more information: <https://www.fosterclub.com/insidetrack>.

## **Resources**

**ODE Foster Care Point of Contact list and Technical Assistance Manual regarding Students in Foster Care:** <https://www.oregon.gov/ode/students-and-family/fosteringconnections/Pages/default.aspx>

**ODE Mental Health and Social Support for Student and Families:**  
<https://www.oregon.gov/ode/students-and-family/mental-health/Pages/default.aspx>

[family/equity/SchoolSafety/Pages/Mental-Health-Students-Families-Guidance.aspx](https://family/equity/SchoolSafety/Pages/Mental-Health-Students-Families-Guidance.aspx)

**Central Oregon Disability Support Network:** <https://www.codsn.org/about-us/>

**FACT Oregon:** FACT Oregon is a good resource for parents (including resource parents) of children experiencing disabilities. They offer virtual trainings, a helpline, and toolkits for everything relating to special education.

<https://factoregon.org/>

**Child Care and Alternative Care Services:** [OAR 413-090-0010 Authorized Payments](#) (pgs 13-14) outlines the process for childcare and alternative care dollars available to resource parents.

**ODHS Education Rules:** [Educational Services For A Child or Young Adult](#)  
**Education Information:**

**ODHS Financial Aid for Higher Education for Students in Foster Care:**  
<https://www.oregon.gov/dhs/CHILDREN/FOSTERCARE/ILP/Pages/financial-aid.aspx>

**Foster Club:** <https://www.fosterclub.com/oregon>

**ODHS Foster Care Point of Contact:**

Catherine Stelzer: (503) 569-0747

[Catherine.R.Stelzer@dhsosha.state.or.us](mailto:Catherine.R.Stelzer@dhsosha.state.or.us)

**ODE Foster Care Point of Contact:**

Marlie Magill: 503-580-4857

[marlie.magill@ode.oregon.gov](mailto:marlie.magill@ode.oregon.gov)