


# ODHS Child Welfare Education Guidance: 2023-2024 School Year



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# Overview

As students get ready to go back to the classrooms, this guidance serves as a resource document for Child Welfare staff and resource parents to help our students achieve academic success.

## Communication and school planning

Good communication between the Oregon Department of Human Services (ODHS) and schools is vitally important. It helps our students access federal protections, resources and services to support their academic success.

Schools need to know when students are in ODHS custody and foster care, when they are reunified with parents and when state custody is terminated. This helps schools involve the correct people in planning for students.

Schools also need to know how to contact caseworkers 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 students' enrollment, helping ODHS caseworkers with questions and setting up [school of origin](#) transportation when necessary.

## Caseworkers and school district points of contact: working together

- Every school district has a foster care point of contact who helps students experiencing foster care resolve school-related issues.
- The updated Oregon District Foster Care Point of Contacts list is on the third bullet of the [ODE website](#). The list is updated each year.

Caseworkers: Please send the following to the school district foster care point of contact for each student in foster care:

- School Notification form
- School of origin transportation request
- School records transfer, if necessary
- Any other school-related questions or issues needing assistance

## Enrollment and school notification process

The caseworker (or designated ODHS staff person) should update and send the [School Notification form \(0338\)](#) to the school district foster care point of contact each school year. Note on the form if the student is changing schools and document the Best Interest Finding if needed. This form and the placement form resource parents give to the school are necessary to enroll the student. If emailing the School Notification form, use the secure email system. ODHS must also send the completed form when the court relieves ODHS of custody and when children are reunified with their parent(s).

It is also very important to update school information in the OR-Kids Education Person Management tab. This information is necessary for federal reporting and emergency management. If a student is enrolled in the 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 or district differ from home schooling. Clearly identify which model the student is using.

## Transportation

Students who live within their school boundaries will continue to receive transportation through their local school district bus routes. The resource parent can set this up with the school.

Students receive school of origin transportation when they are placed in foster care outside the school district they are attending. The caseworker or ODHS staff must submit a new transportation request on the [DHS 2885](#). Send this form to the school district foster care point of contact at the beginning of each school year. 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, which removes the transportation service.

If a school district states it lacks resources to transport the student, please notify the ODHS Education Program coordinator. The coordinator will contact the Oregon Department of Education (ODE) to problem-solve the situation.

## School model selection for students in foster care

Resource parents are currently registering students for school. Resource parents should discuss school placements or changes with the ODHS caseworker before making any school changes. This ensures ODHS follows school of origin laws and gathers approvals, when necessary.

Most students will attend in-person classrooms. However, some school districts still offer a remote instructional model (formerly called “comprehensive distance learning”) option for students and families who prefer online education. This online remote instructional model through the current school or school district varies from online education through charter schools. Be sure to clarify which of these two models the student is using.

## School of origin (ORS 339.133)

Federal protection allows students in foster care to keep attending their school of origin when they are placed in foster care. This law applies even if they are not living in the school district boundaries and is in place for their entire stay in foster care. When a change of school is required, caseworkers will obtain a Best Interest Finding from juvenile court for students in foster care. If the student's school of origin will change for the coming school year, obtain the Best Interest Finding before the school year begins. The student's new school then becomes the school of origin. You can use the School Notification form to document the Best Interest Finding. Please do not forward the court order if there is confidential information relating to the parents.

- A Best Interest Finding **is not** necessary when:
  - The student's IEP team makes a school placement based on specific needs of the student
  - The student is reunified with a parent and is no longer in a substitute care placement, or
  - The school is operating out of a temporary location.

When returning home to their parents, students still in ODHS custody may be able to continue in their current school, with transportation, until a natural transition time is available.

## ODHS rules and caseworker authorization

Per current Oregon Administrative Rule 413-200-0354, [Requirements Regarding the Education of a Child or Young Adult](#), resource families must do the following:

- "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. Document decisions in OR-Kids and include, when applicable:

- Input from Tribes
- Input from the child's team (child's attorney/CASA/resource parent/parent/surrogate parent/student), and
- Consultation with the Child Welfare nurse or nurse manager for medically fragile, complex and nursing-dependent students.

## Online/remote instructional model

This option is meant for the full school year. Each school district has a different name for these programs (for example, Edge, Flex). Consider the following when deciding whether to

enroll the student in online education:

- Is the student successful at online learning?
- Does the student have special education needs better suited for in-person learning?
- What is the student's foster care placement stability and permanency plan? If the student may move soon, this full school year option may not be the best.
- Consider health and safety risk factors of children and adults living in the resource family's home or residential program. Include the foster home certifier, when necessary.

## Other school placements

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

- Charter school (including virtual charter school)
- Alternative school
- Private school
- Home school
- Online schools not accredited in Oregon
- GED program, and
- International study program

## Child-caring agency (CCA) placements

- A variety of education programs serve students in CCA placements across the state. Some CCAs have one educational setting as part of their programming, while others have more educational options. Caseworkers need to collaborate with the CCA in those instances to help select the most appropriate educational setting.
- Residential programs served by the local school district should reach out to their school district/foster care point of contact to decide how to best serve students and whether extra student supports are available. When a school district provides onsite learning at CCAs, the CCAs must adhere to the school district's requirements.
- 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 ORS 339.133 requires it.

## Visitor logistics

### Child Protective Services (CPS) investigations

Some schools require visitors to submit a government ID (driver's license) before they can

gain entry to the school. ODE notes that Child Welfare employees should use an ODHS Child Welfare ID badge rather than a driver's license; this keeps the employee's personal information private. Child Welfare employees should 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, per 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 it. After the investigator provides adequate identification, school staff shall allow access to the child and provide a private space for conducting the interview. A school administrator or a school staff member shall advise the investigator 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, facilitate the investigation. School staff may only notify ODHS, the law enforcement agency or school employees necessary to enable the investigation. School staff may not notify any other persons, including the child's parent(s) or guardian(s).

It is helpful to carry a hard copy of ORS [419B.045](#) in case a school challenges a CPS investigation. If issues persist, contact the ODHS Education Program coordinator.

## Caseworkers and SSAs

ODHS staff who plan to visit a school or to pick-up or drop off a student should familiarize themselves with the school district's visitor protocols and safety measures. These can be found on the school's or school district's 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 in [ORS 336.187](#). Schools should share these records promptly to help CPS protect the health and safety of the student. Schools may ask the CPS worker to certify in writing that they 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 [Uninterrupted Scholars Act \(Public Law 112-278\)](#). This act created an exception under the [Family Educational Rights and Privacy Act \(FERPA\)](#) for schools to more easily release education records to child welfare agencies without parents' prior written consent. The School



Notification form can serve as the documentation of legal custody. In Oregon, [OAR 581-021-0255](#) requires the student's new educational agency to request records from the student's former educational agency within five days; the former educational agency must send the new one the records within five days.

## School-based services

### Child nutrition/free and reduced meals

All students in foster care or ODHS legal custody qualify for free and reduced meals if their school participates in the program. ODHS and ODE have a data sharing agreement that automatically qualifies the student; the resource parent does not need to apply.

### Health

Local school districts make health and safety decisions at the local level. ODHS staff, resource parents and students in foster care must follow any required masking mandates in all school settings.

### ODHS vaccine guidance

Children in care need supportive adults to help them with any medical need. The adults can help children get up to date on routine immunizations as they prepare to return to school. Caseworkers can refer to [Chapter 5 - Section 21 - Medical Care Services](#) of the ODHS Child Welfare Procedure Manual for information on engaging and consulting with parents before the child receives immunization or vaccinations. Young people, age 15 and older, can consent to their own vaccinations without a parent's consent.

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 direction.

## IDEA and special education

The federal [Individuals with Disabilities Education Act](#) (IDEA) and Oregon [special education law](#) prohibit state agency personnel from acting as a "parent." This means the ODHS caseworker should collaborate with the person who will act as the parent for special education purposes. The caseworker can request the school put the caseworker on the invitation list for Individual Education Plan (IEP)/504 plan meetings. The federal and Oregon education statutes allow one or more of the following people to act as the "parent" to make educational decisions:

- (A) The biological or adoptive *parent* of the *child* or *young adult*.
- (B) A *foster parent* or *relative caregiver* of the *child* or *young adult*.

(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* or *young adult* lives, or a person who is legally responsible for the welfare of the *child* or *young adult*; 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.

When a special education student enrolls in a new school, send a copy of the student's most recent IEP or 504 plan. That will help the school determine the appropriate special education placement.

Parents (including resource parents) needing special education support, information and training can access [FACT Oregon](#) for in-person and online resources.

## McKinney-Vento Act

Some families experiencing child welfare whose children are not in foster care may qualify for services under the McKinney-Vento Act if they meet the homeless definition. This should be considered either when ODHS has custody, but placement is with parents or during protective action plans, when a student temporarily lives outside their home.

“[Section 724\(2\) of the McKinney-Vento Act](#) defines homeless children and youths as individuals who lack a fixed, regular, and adequate nighttime residence. The term includes children and youth 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
- 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.”

In a few cases, a student may be dually enrolled in McKinney-Vento and foster care. For example, if a student in foster care is also on runaway status, the school district will consult with their foster care and McKinney-Vento liaisons to decide how to proceed.

## CAPTA – early intervention

States receiving Child Abuse Prevention and Treatment Act (CAPTA) funds must develop and apply “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 the Child Welfare Procedure Manual and the following OARs:

### 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.

ODHS employees must use the CPS Early Intervention Referral form [CF 323](#) to make the referral. A release of information is recommended but not required. It engages the parent or guardian in the process and keeps them informed.

### OAR 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 ask ODHS to communicate any safety issues so school staff know who can attend school activities.

[SB 279](#) was passed during the 2021 legislative session. The act 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).”

OR-Kids is expected to roll out a new documentation process in fall 2023. Staff will receive a training guide.

## FosterClub and InsideTrack career coaching opportunity

Youth who have experienced foster care may qualify for up to a year of free support from an InsideTrack education & career coach. Limited slots are available to youth ages 16–26 who have experienced foster care and currently live in Oregon (or were in foster care in Oregon). For more information, go to <https://www.fosterclub.com/insidetrack>.

## School activities fees

School districts may discount or waive activity fees for students on the free and reduced meals program. Contact the school district foster care point of contact for possible resources.

## Youth Transitions

Programs exist to help students who have experienced foster care pay for college. The [College Financial Aid for Foster Youth](#) and the [Oregon Student Aid](#) webpages give students experiencing foster care information on tuition waivers, Chafee and other grants.

## New legislation from the 2023 session

The Oregon Department of Education is now enacting new laws. Some laws require community input and rulemaking sessions to determine how they will be put into practice.

- [SB 3](#) Adds new requirements for a high school diploma in Oregon. Students will need to complete one-half credit of higher education and career path skills, and one-half credit of personal financial education. This will apply to diplomas, beginning in 2027.
- [SB 758](#) [This bill](#) provides that a parent is entitled at any reasonable time to examine all the records of the school district pertaining to the identification, evaluation and educational placement of the child and providing a free appropriate public education to the child. It also has provisions around schools not being able to prohibit or punish employees from reporting to the Child Abuse Hotline.
- [SB 819](#) [This bill](#) addresses the use of an abbreviated school day for students receiving special education. The law outlines the students' right to a meaningful education and the parents' (and resource parents') right to consent and revoke consent for an abbreviated school day. You can find more information on [SB 819 here](#).
- [HB 2669](#) This law sets up a bill of rights for students who are Deaf, Hard of Hearing or DeafBlind.

It ensures they have the same rights and potential as children who are not Deaf, Hard of Hearing or DeafBlind.

[HB 2767](#) This bill guarantees that eight recovery high schools will open across Oregon within the next six years. Recovery high schools are for students in recovery from substance use disorder (SUD) or co-occurring disorders.

## Resources

- ODE “Foster Care Point of Contacts 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/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. FACT Oregon offers virtual trainings, a helpline and toolkits for everything relating to special education. <https://factoregon.org/>
- Child care services: [OAR 413-090-0010 Authorized Payments](#) (pages 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: [Transition Services for Youth with Foster Care Experience](#)
- Foster Club: <https://www.fosterclub.com/oregon>
- ODHS Education Program Coordinator: Catherine Stelzer (503) 569-0747; [Catherine.R.Stelzer@odhs.oregon.gov](mailto:Catherine.R.Stelzer@odhs.oregon.gov)
- ODE Foster Care Point of Contact: Marlie Magill (503) 580-4857; [marlie.magill@ode.oregon.gov](mailto:marlie.magill@ode.oregon.gov)
- ODHS Nurse Manager: Heidi Beaubriand (503) 871-6662; [heidi.beaubriand@odhs.oregon.gov](mailto:heidi.beaubriand@odhs.oregon.gov).

You can get this document in other languages, large print, braille or a format you prefer free of charge. Contact the ODHS Education Program coordinator at [Catherine.R.Stelzer@odhs.oregon.gov](mailto:Catherine.R.Stelzer@odhs.oregon.gov) or (503) 569-0747 (voice/text). We accept all relay calls.