



EDUCATION STABILITY MATTERS
OREGON



PRESENTATION OVERVIEW

- Foster Care Demystified
- State Rules
- Federal Regulations
 - Fostering Connections
 - Uninterrupted Scholars Act
- Resources for Foster Children
 - College Resources



CHILDREN IN FOSTER CARE

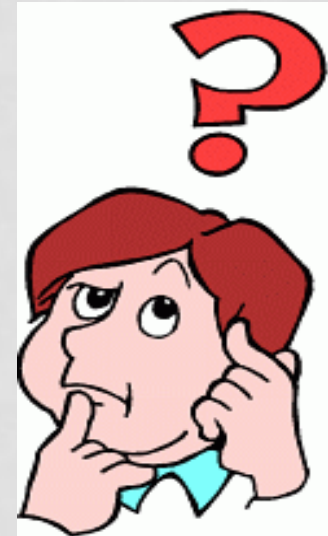
- Nationally, the graduation rate from high school is 70%, it drops to around 50% for foster youth (US Dept of Ed, 2000).
- Foster youth are more likely to experience the following in adulthood (Casey Family Programs)
 - Homelessness
 - Incarceration
 - Unemployment
 - Mental Health (PTSD, Depression, etc)
- Of former foster youth over age 25, only 2.7 % go on to receive a bachelor's degree (Casey Family Programs)

CHILD WELFARE & FOSTER CARE

- What happens when a report is made to the Child Abuse Hotline?
 - Assessment vs Custody
 - Voluntary Placement or Voluntary Custody
- Difference between DD foster care & Child Welfare foster care
 - DD foster care w/ CW custody
 - DD foster care w/out CW custody
- Who has education decision making rights when Child Welfare has custody?

FOSTER CARE CON'T

- What are the roles of a child's team?
 - Caseworker
 - Foster parent
 - Child's Attorney
 - CASA
 - Parent
 - Independent Living Provider



FOSTER CARE CON'T

- How does a school know a child is in foster care?
 - School Records Request Letter & form
 - May be customized at the local level

http://dhsresources.hr.state.or.us/WORD_DOCS/CE0338.doc

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ENROLLMENT & RECORDS

- Enrollment Process
 - Foster Parent Enrollment
 - Free & Reduced Lunch eligibility
 - DHS Forms
 - Alternative Education Programs
- What is the school's responsibility by law?
 - Records Transfer
 - Immediate Enrollment



TRANSFER OF RECORDS

581-021-0255

Transfer of Student Education Records

- (1) Within ten days of a student seeking enrollment in or services from a public or private school including an ESD, or when a student is placed in a state institution other than an institution of postsecondary education, or a private agency or youth care center (hereinafter referred to as the new educational agency), the new educational agency must notify the public or private school, education service district, institution, agency, or youth care center in which the student was formerly enrolled (hereinafter referred to as the former educational agency), and request the student's education records.
- (2) The former educational agency must transfer all requested student education records to the new educational agency no later than 10 days after receiving the request.
- (3) The education records transferred to the new educational agency must include any education records relating to the particular student retained by an education service district.
- (4) The educational agency must retain originals of student education records for the time periods and under the conditions described in the record retention rule, OAR 166-400-0060, except that originals shall be transferred to a new education agency upon request.
- (5) When original records have been transferred to a new educational agency as required in subsection (2) of this rule, readable photocopies of the following documents must be retained by the former educational agency or institution for the time periods and under the conditions as prescribed in the record retention rule, OAR 166-400-0060:
 - (a) The student's permanent record as defined in subsection (11) of OAR 581-021-0220; and
 - (b) Such special education records as are necessary to document compliance with state and federal audits.
- (6) Notwithstanding subsections (1) and (2) of this section, for students who are in substitute care programs:
 - (a) A school, institution, agency, facility or center shall notify the school, institution, agency, facility or center in which the student was formerly enrolled and shall request the student's education records within five days of the student seeking initial enrollment; and
 - (b) Any school, institution, agency, facility or center receiving a request for a student's education records shall transfer all student education records relating to the particular student to the requesting school, institution, agency, facility or center no later than five days after the receipt of the request.

Stat. Auth.: ORS 326.565, 34 CFR § 99.6

Stats. Implemented: ORS 326.565

Hist.: ODE 8-2007, f. & cert. ef. 3-1-07; ODE 17-2011, f. 12-15-11, cert. ef. 1-1-12

RECORDS OF FOSTER CHILDREN

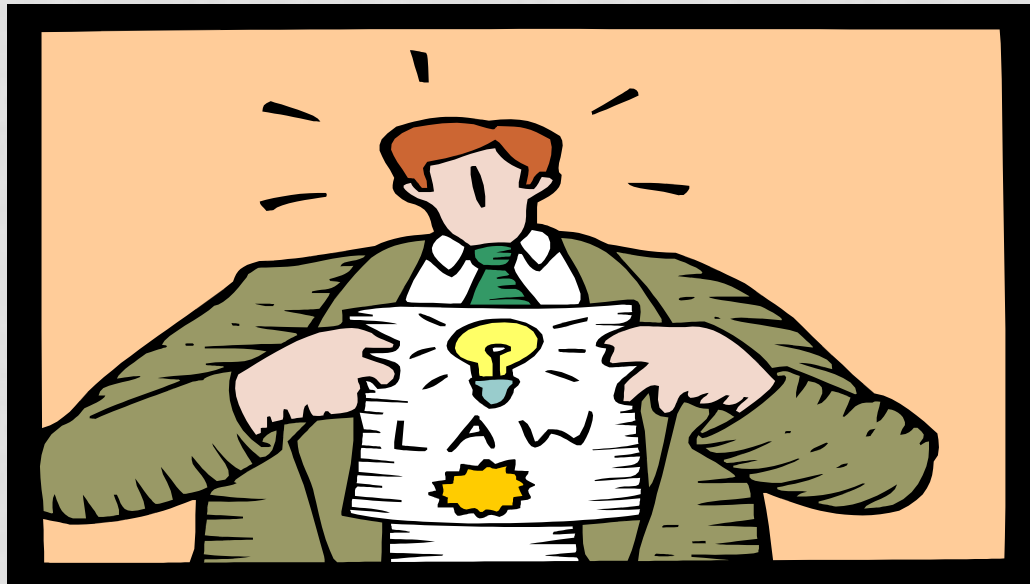
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FEDERAL REGULATIONS

- Fostering Connections
- FERPA
- Uninterrupted Scholars Act



FOSTERING CONNECTIONS

- In 2008, federal legislation was passed called The Fostering Connections to Success and Increasing Adoptions Act.
- This Act requires Child Welfare to make certain assurances for children in their care which include:
 - Consideration of foster care placement to continue school stability and Best Interest of the Child.
 - Immediate enrollment and timely transfer of school records.
 - State agency coordination with LEA's
 - Allows IV-E funds to be used for school transportation.



FOSTERING CONNECTIONS AMENDMENT

- **Fostering Connections Amendment H.R. 2883, Jan. 2011**

SEC. 106. PROVISIONS RELATING TO FOSTER CARE OR
Adoption

(a) EDUCATIONAL STABILITY FOR EACH FOSTER
PLACEMENT.—

Section 475(1)(G) of the Social Security Act (42 U.S.C.
675(1)(G)) is amended—

(1) in clause (i), by striking “the placement” and inserting
“**each placement**”; and

(2) in clause (ii)(I), by inserting “each” before
“placement”.

FEDERAL REGULATIONS

- Best Interest Determination & School Stability
 - What Happens?
 - Who is Involved?
 - Does the school get an opinion?

- ORS 339.133
**Determination of
residency of student
for school purposes.**

https://www.oregonlegislature.gov/bills_laws/lawsstatutes/2013ors339.html



philliemartin.info

TRANSPORTATION



- Transportation
 - Foster Parent Reimbursement
 - Volunteers
 - Local Transport Agreements & Contracts

FERPA

- Gives parents and eligible students the right to access and seek to amend education records
- Protects personally identifiable information (PII) from education records from unauthorized disclosure
- Written consent is required to disclose PII- **unless an exception applies**



WHAT ARE EDUCATION RECORDS?

- Records that directly relate to a student; and
- Are maintained by an educational agency or institution or by a party acting for the agency or institution. Education records include:



- General Education Records
- Special Education Records
- Disciplinary Records

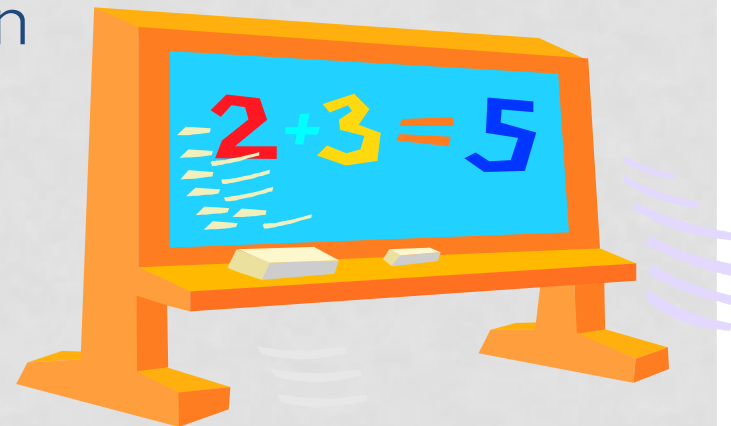
WHAT IS PERSONALLY IDENTIFIABLE INFORMATION (PII)?

- Name
- Mother's maiden name
- Address
- Date of Birth
- Social Security Number
- Parent's Name



WHAT IS AN EDUCATION PROGRAM?

- Any program principally engaged in the provision of education, including but not limited to, early childhood education, elementary and secondary education, postsecondary education, special education, job training, career and technical education, and adult education; and
- Any program that is administered by an educational agency or institution



WHAT ARE THE EXCEPTIONS TO CONSENT?

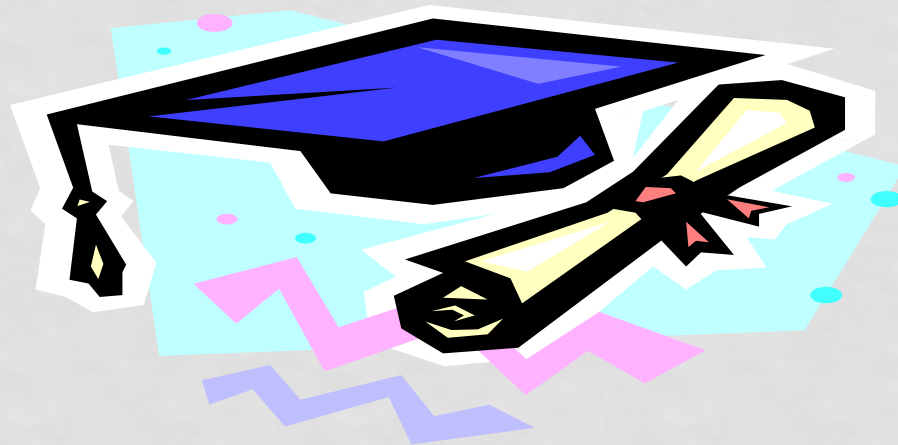
Some of the exceptions include:

- School officials with legitimate educational interests
- Schools in which a student seeks or intends to enroll
- State and local officials pursuant to a State statute in connection with serving the student under the juvenile justice system
- To comply with a judicial order or subpoena
- Audits, evaluations, and studies
- Directory Information
- Health and safety emergencies
- ...and now...



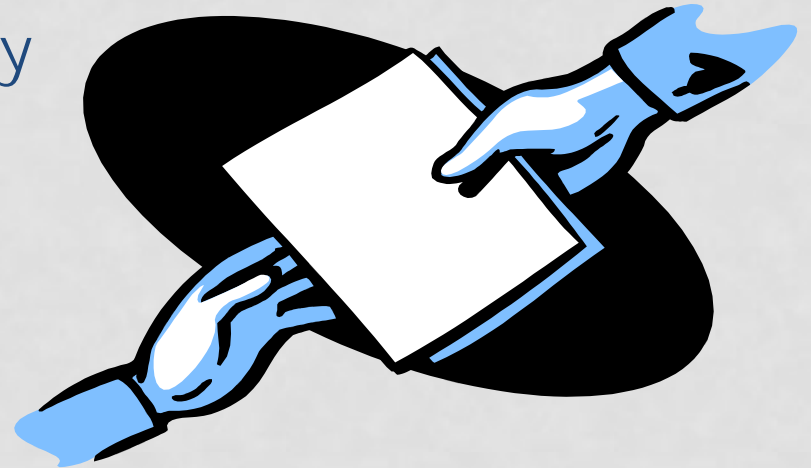
THE UNINTERRUPTED SCHOLARS ACT

- A new exception to FERPA
- Passed Congress with bipartisan support, effective January 14, 2013
- Supported by U.S. Department of Education and U.S. Department of Health and Human Services
- Referred to in Congress as The A+ Act



WHAT HAS CHANGED IN FERPA?

- FERPA unintentionally created obstacles for children in foster care to receive needed educational supports
- USA now allows schools to release a child's education records to child welfare agencies without the prior written consent of the parents
- Records are to be used only for the purpose of addressing a student's educational needs



WHY IS THIS IMPORTANT?

- Child welfare law requires that child welfare agencies maintain education records as part of the child's case plan
- CW workers need to make informed placement decisions to the court
- Increases collaboration across different state and local agencies
- Reliable data helps stakeholders advocate for better laws and policies
- Assists CW workers in providing coordinated, child specific services



TO WHOM CAN SCHOOLS RELEASE RECORDS?

- The new amendment permits schools to release education records to **“an agency caseworker or other representative of a state or local child welfare agency, or tribal organization”** who has the right to access a student’s case plan, and when the agency or organization is **“legally responsible”** for the child’s **“care and protection.”**



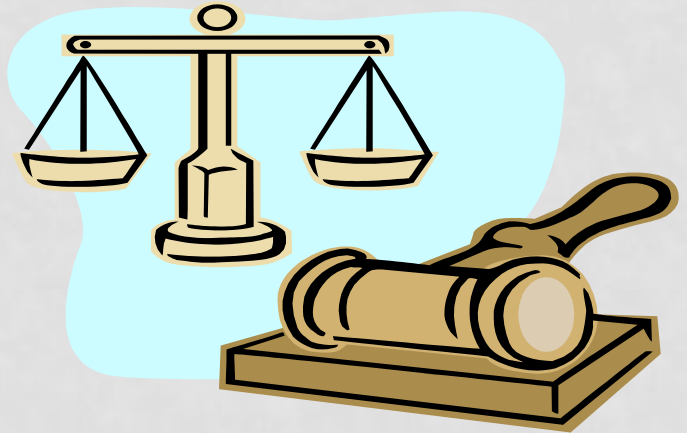
AND THAT MEANS...?

- All students **in the custody** of DHS, including:

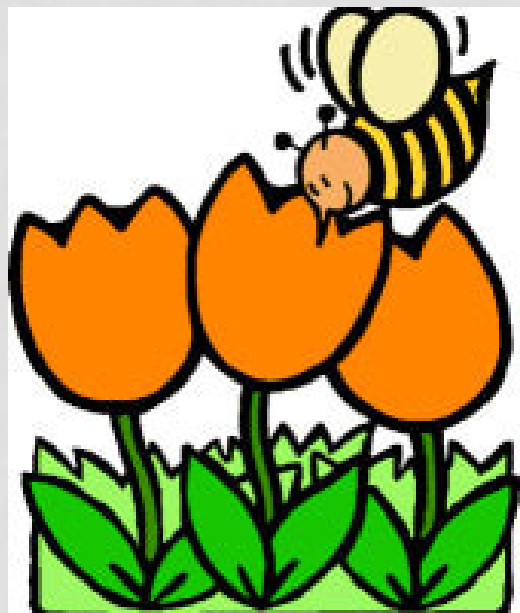
- Temporary Custody
- Voluntary Custody
- Permanent Custody

**Custody can include both In-Home
or out of Home Placements**

- CW can only re-disclose ed records obtained through this exception to **“an individual or entity engaged in addressing the student’s education needs”**
- FERPA requires schools to record any disclosure, but does not require CW to record 3rd party disclosure



TRANSITIONS

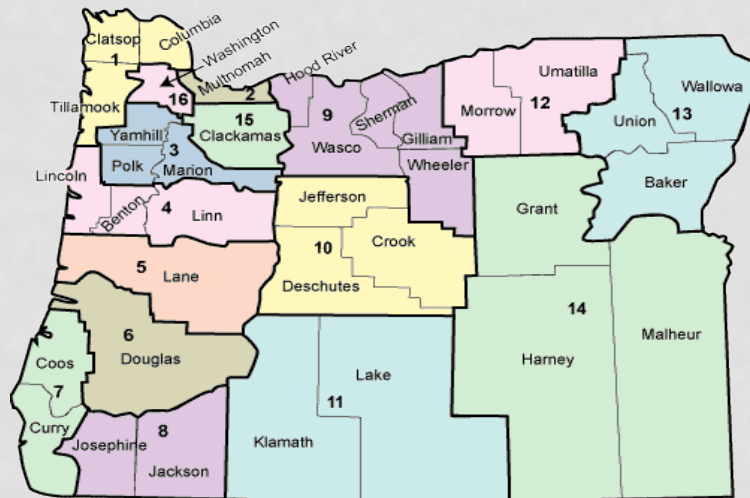


- Un-Enrollment
- IEP Transition Plans and ILP Plans
- Resources for Foster Children

EMERGENCIES

- What happens when the school needs to contact DHS immediately?
 - Foster Parent
 - Caseworker
 - Branch Worker of the Day or Person In Charge

<http://www.oregon.gov/dhs/children/pages/localoffices.aspx>



QUESTIONS, FEEDBACK & LINKS

DHS Education Rules for Caseworkers:

http://www.dhs.state.or.us/policy/childwelfare/manual_1/i-e8.pdf

Example of Student Record Request Cover Letter

http://dhsresources.hr.state.or.us/WORD_DOCS/CE0338.doc

School Record Request Form

http://dhsresources.hr.state.or.us/WORD_DOCS/CE0339.doc

Fostering Connections Resources – National Resource Center for Permanency and Family Connections

http://www.nrcpfc.org/fostering_connections/education.html

ABA Legal Center for Foster Care and Education

http://www.americanbar.org/groups/child_law/what_we_do/projects/education.html

QUESTIONS & CONTACT

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