ODHS Child Welfare Education Guidance for the 2021-2022 School Year
August 2021

The Oregon Department of Human Services (ODHS) Child Welfare education guidance, is based upon, the most recent version of Oregon Department of Education's (ODE) [Ready schools, Safe Learner's Resiliency Framework for the 2021-22 School Year](#). Due to the evolving nature of COVID-19, guidance may change and be updated by ODE:

"Changes in the amount of community transmission of COVID-19, the severity of illness associated with new variants of the SARS-CoV-2 virus that causes COVID-19, or the availability of vaccination for children younger than 12 years old may warrant changes to the state's recovery efforts during the school year. The Resiliency Framework will be updated to reflect any changes."

ODE's framework is advisory, except for mandates put forth by state law. Decision are moving towards local implementation with planning occurring between local school districts and public health authorities. School district websites are the best place to stay informed of local procedures and protocols.

Communication and School Planning

The evolving nature of COVID-19 means communication is more important, than ever. Schools need to know when students are in ODHS care or custody, when they are reunified with parents, and when custody is terminated. This is so they know when to apply the *Every Student Succeeds Act* (ESSA), Foster Care Provisions and whom should be acting as the "parent" for school purposes. It is also important that schools know how to contact the caseworker, in case of emergencies.

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.

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 or district the school should still be listed in OR-Kids. Online and remote instructional models through the home school or district should not be identified as home schooling.

Transportation

Students who live within their school boundaries will continue to receive transportation through their school district.

Students who receive School of Origin transportation, will need to submit a new transportation request to the School District Foster Care Point of Contact at the beginning of the school year. These requests need to be resubmitted every year. The [Transportation Request Form (de2885)](#) is in the process of being updated to accommodate the new, seven digit case numbers. In the meantime, use the current form, notate the case number like this: [10] [0] [0] [0] [0] [1]. The school district will only provide transportation when this form is submitted from ODHS (resource parents cannot directly request this service). School of Origin Transportation is a service that 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.

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

<u>School Model Selection</u>

Resource parents are currently in the process of registering students for school. The plan for this school year, is focused on full-time in-person education. School districts will 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 and remote instructional model through the current school or school district versus education through online charter schools.

School of Origin (ORS 339.133): These laws are not impacted by school model selection. 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.

ODHS Rules and Caseworker Authorization

Current rule, [Requirements Regarding the Education of a Child or Young Adult](#) (413-200-0354) requires that certified families 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 Child Welfare nurse or nurse manager, for medically fragile, complex, and nursing-dependent students.
- Consult with the child's medical provider or Child Welfare 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:

- How did the student do with comprehensive distance learning last year?
- Does the student have special education needs which are better suited for in-person learning?
- What is the 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 others 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

Child Protective Service (CPS) Investigations

Schools might be limiting non-essential visitors at schools to help limit potential exposure of COVID-19, and this will likely vary school district to school district. 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 social distancing measures, required by the school district.

Prior to conducting a child abuse investigation at a school, CPS workers should consider calling the school or Foster Care Point of Contact, to determine whether the student is attending in-person.

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 or 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. 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.

Caseworkers and Social Service Assistants

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 or school district website.

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.

School Based Health Services

Student Health Centers will be open and available to students, even if a student is enrolled in a remote instructional model. Student based health services may increase their services to include things like rapid COVID-19 testing and vaccine clinics.

Health

Masking Requirements

OHA has adopted rules, OAR 333-019-1015, which outline masking requirements in school:

This rule applies to public, private, parochial, charter, youth corrections education programs (YCEP) and juvenile detention education programs (JDEP) or alternative educational programs offering kindergarten through grade 12 or any part thereof. The rule requires all individuals 5 years of age and older to wear a face covering while indoors in a K-12 school, during school hours. Certain accommodations for medical needs or disability may be necessary.

Students with medical needs or disabilities, who need accommodations relating to masks, can find the guidance here.

The expectation is that ODHS staff, resource parents and students in foster care will follow statewide masking mandates in all school settings.

ODHS Guidance around COVID-19 Vaccines
For children in care from 12 to 14 years of age

As with all vaccines, we will follow the recommendations of the Centers for Disease Control and Prevention (CDC) for children 12 to 14 years of age who are eligible for the vaccination. The CDC recommends that everyone 12 years and older should get a COVID-19 vaccination to help protect against COVID-19.

It is important to ensure children in care have supportive adults who will assist and support them around all of their medical needs. This is a good time for supportive adults to help children get up to date on routine immunizations as they prepare to return to school. Although resource parents are able to consent for children in care to receive this vaccination, parents should always be informed of the decision-making around medical needs and care of their children. Children in care should be vaccinated in accordance with CDC guidance and Child Welfare policy.

For children in care 15 years and older

We recognize young people 15 and older can give consent for their own treatment, including vaccinations. Getting a COVID-19 vaccine is a personal choice and we encourage you to share what we know with them, as they are considering getting vaccinated.

1. Getting vaccinated provides some protection against COVID-19 without risk of serious adverse effects of the vaccine.
2. The risk of having serious long-term side effects from COVID-19 is much higher than the risk of having serious side effects from the COVID-19 vaccine.
3. The COVID-19 vaccine is free.
4. Even if you've had COVID-19, vaccination is recommended. Getting vaccinated is the best way to protect yourself against reinfection and to protect loved ones in your household who are not yet eligible for the vaccine.
5. Children in Child Welfare custody who are eligible for the COVID-19 vaccine should receive the vaccine according to Centers for Disease Control and Prevention (CDC) guidance and Child Welfare Policy.
6. The CDC [recommends that everyone 12 years and older should get a COVID-19 vaccination to help protect against COVID-19](#).

More information about vaccinations can be found in the ODHS [Procedure Manual](#) (chapter 5).

Isolation and Quarantine Protocols

School districts will have isolation and quarantine protocols developed for sick students or when there is a COVID-19 exposure. Resource parents and CCAs will want to familiarize themselves with the local school protocols should this impact students in their home.

Individuals with Disabilities Education Act (IDEA) and Special Education Recovery Services

ODE has created a guidance document regarding [Individualized Recovery Services](#):

As schools plan for the 2021-22 school year, it is important that they fully consider how to appropriately support all students in light of their circumstances, including those experiencing disability. For students experiencing disability who are eligible for special education, IEP teams must consider the need for individualized COVID-19 recovery services. Districts are required to:

- *Notify parents of the opportunity for the IEP team to consider Individualized COVID-19 Recovery Services and seek their input related to those services.*

- *Consider the need for Individualized COVID-19 Recovery Services at each initial IEP or annual review meeting through the 2022-23 school year.*

- *Proactively make decisions about Individualized COVID-19 Recovery Services earlier than the initial IEP or annual review meeting, where appropriate.*

- *Document district decisions related to these services using the Individualized COVID-19 Recovery Services Review sample form developed by the Department or a form developed by the school district that contains the same content.*

- *Notify ODE when the district and the parent wish to participate in a Facilitated IEP meeting about Individualized COVID-19 Recovery Services.*

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 ODHS has custody, but placement is with parents or during Protective Action Plans, when a student temporarily lives outside their home.

McKinney-Vento Act10 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.

Child Abuse Prevention and Treatment Act (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.

<u>Visitation (or Family Time)</u>

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 will be updating this procedure to comply with SB 279. ODHS is also developing a tracking system to track the amount of days and reasons why, students in foster care, miss school for visitation. More information will be coming soon.

<u>Resources</u>

- **ODE Mental Health and Social Support for Student and Families:** https://www.oregon.gov/ode/educator-resources/standards/Pages/Mental_Health_Students_Families.aspx
- **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 child care and alternative care dollars available to resource parents.

- **Pandemic Aid for Foster Youth:** https://www.oregon.gov/dhs/CHILDREN/FOSTERCARE/ILP/Pages/Pandemic-Aid-Foster-Youth.aspx
- **ODHS Education Rules:** Educational Services For A Child or Young Adult
- **Education Information**: Education Program Coordinator: Catherine Stelzer; (503) 569-0747;Catherine.R.Stelzer@dhsoha.state.or.us

Quick Reference

Resource Family	Caseworker	Student
• Register student for school • Arrange school transportation for in-district transportation • Consult with caseworker about school child is registered in • Consult with caseworker if child is doing in person or remote school • Support child in care in getting up-to-date immunizations, including the COVID-19 vaccine • Familiarize yourself with local school protocols	• Send the School Notification Form (0338) to the School District Foster Care Point of Contact for School of Origin transportation requests • Obtain Best Interest Finding when required for school changes • Update child's schools information in the OR-Kids • Provide extra supports to students in Child Caring Agencies • CPS: Prior to conducting a child abuse investigation at a school, CPS should consider calling the school or Foster Care Point of Contact to determine whether the student is attending in-person • If planning to visit school or pick-	• Follow statewide masking mandates in all school settings unless if accommodations are needed • Go to a Student Health Center if you want additional supports • 12-14 year olds: Get up-to-date immunizations, including the COVID-19 vaccine • 15 year olds: Determine if you want and get up-to-date immunizations , including the COVID-19 vaccine • 14 years old and up: Check for eligibility and apply for pandemic aid

	up/drop off student, familiarize yourself with the school district's visitor protocols and safety measures • Familiarize yourself with local school protocols • Ensure eligible child in care has same access to public preschool education and early intervention education programs if applicable • Do your best to not disrupt school time when scheduling family time (visitation)	