

October 2025



OREGON DEPARTMENT OF
Human Services

CASA & CRB Conference

The Every Student Succeeds Act: Public Law 114-95

Foster Care Provisions apply to ages 4-21:

- **The right of a student to remain in their School of Origin**
- **Immediate Enrollment**
- **Records Transfer**
- **Transportation for School of Origin**
- **Aggregated Data**
- **State and local Foster Care Points of Contacts**
- **Removed Foster Care from McKinney- Vento**

Foster Care Point of Contacts

Every school district has a Foster Care Point of Contact

The Foster Care Point of Contacts can help navigate the educational system

ODE has a Foster Care and Education [webpage](#)

The updated list of contacts can be found on the ODE [Smartsheet](#)



Foster Care Point of Contact: School District Responsibilities

- Coordinate with local ODHS team to implement ESSA provisions.
- Facilitate information sharing with local DHS/Child Welfare office.
- Facilitate the transfer of records and immediate enrollment into school.
- Develop and coordinate school district of origin transportation plans.
- Ensure that children in foster care are enrolled and regularly attend school.
- Provide technical assistance to school team regarding foster care provisions

Immediate Enrollment

The Every Student Succeeds Act states Foster Children have a right to Immediate Enrollment.

- The timeframe from enrollment to attending should be short (several days)
- The Best Interest Finding is necessary (when applicable) for enrollment
- ODHS can help speed up placement process by giving school the most recent IEP (if we have one) or other known school records
- If there is a significant delay (more than a few days), caseworkers can call the Education Program Coordinator

School of Origin – ORS 339.133

Responsibility for school or educational setting placement decisions.

A child or young adult who is between the ages of 4 and 21 who is placed in *foster care* shall be considered a resident of:

- ❖ The *school district of origin*; or
- ❖ The school district where the *child or young adult* resides due to placement by the Department, if a juvenile court determines that it is not in the best interests of the *child or young adult* to continue to attend the school or *school district of origin*.

School of Origin Exceptions

The IEP team can determine the student attends a different school, due to specialized needs

Example:

The IEP team contracts with a specialized school in another district. The school of origin will maintain the oversight of school placement

The school site changes

Example:

The school is temporarily housed elsewhere due to construction

Natural school transitions

Examples:

Elementary to middle school

Middle school to high school

Student returns to parent for trial reunification



School of Origin



If the juvenile court makes a finding to change the child's school district of origin to the district of residence, that school district becomes the new school district of origin and the school the child attends become the new school of origin moving forward.

Best Interest Considerations



The judge or referee may consider the following:

- Age/Distance to School
- Relationships at School
- Permanency Plan
- Input from IEP team, ODHS caseworker, child's attorney, CASA, resource parents, & parents
- Success in current school
- Potential of loss of credits
- Placement stability

Transportation Options

- **Student lives within school boundaries:**
 - Resource parent will set up transportation through normal school transportation process (school bus and special education transportation)
- **School district of origin transportation:**
 - Caseworker must submit the school of origin transportation request form (2885) form to the Foster Care Point of Contact.
 - Only allowable when student is in foster care or trial reunification (in contract/not required by district)
 - Cost-sharing between ODE and ODHS for 100% reimbursement for school district. Cannot pay for students once ODHS no longer has custody.

School of Origin Transportation Limitations



This service cannot be used for CPS (unless student is placed in foster care) cases or Family Preservation cases.



School districts can use whatever transportation options are allowable by their school district policies, which will vary across the state.



If a school is refusing a transportation request, the caseworker can reach out to the Education Program Coordinator.

McKinney-Vento Act: Students Navigating Houselessness Education Program

Awaiting foster care was removed from McKinney-Vento eligibility



Some students involved with the child welfare system might be MV eligible if:

In a shelter

In a motel or campground
due to the lack of an
alternative adequate
accommodation

In a car, park, abandoned
building, or bus or train
station

Doubled up with other
people due to loss of
housing or economic
hardship

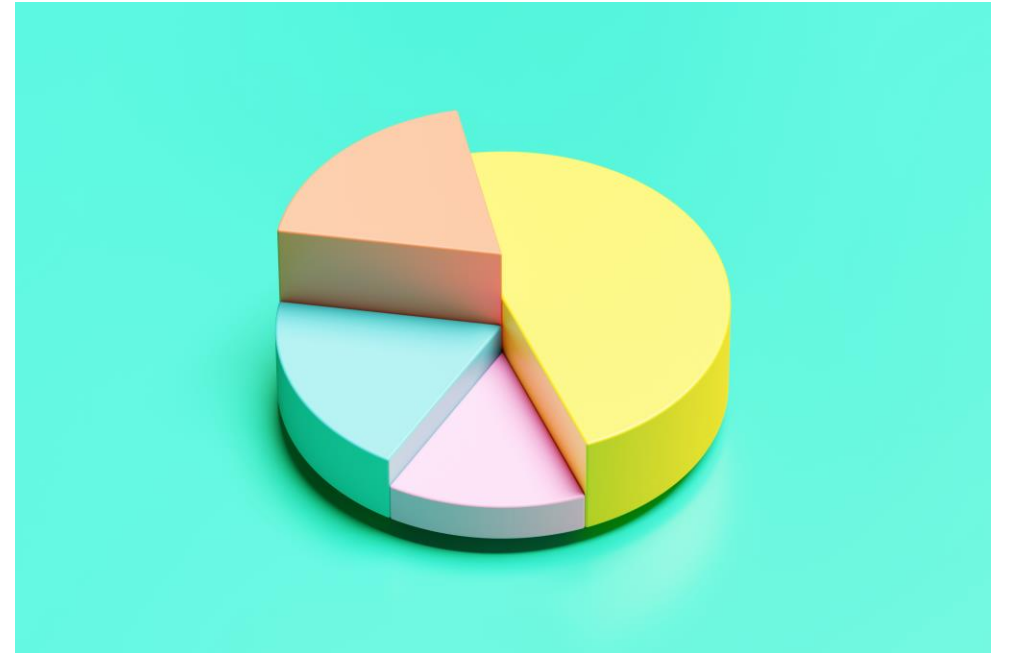
Lack of a fixed, regular,
nighttime, adequate
place of residence

Oregon's Aggregate Data

ODE posts aggregate graduation data, [here](#)

- Scroll to Graduation Reports
- Click on cohort graduation rate, 2023-2024 media file (most recent)
- Sort and filter foster care data compared to all students or other special populations by 4 yr and 5 yr graduation rates

ODE put together a research brief on [Key Data Points for Students Experiencing Foster Care Placement](#)



Most Current Data

2023-2024 Statewide Graduation Data

	4-year Grad Rate	4-year All Completers	5-year Grad Rate	5-year All Completers
All Students	81.8	84.5	83.7	86.7
Foster Care	51	57.2	52.4	60.6

Roles and Teamwork



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Teamwork

The Department promotes the academic achievement of a child or young adult by participating as a member of the team that performs the academic planning and goal setting for the child or young adult. The caseworker works collaboratively with the parent or legal guardian whenever appropriate; Tribes; the local school district and school officials; the substitute caregiver; the surrogate parent, if one is appointed; the CASA and attorney of the child or young adult; local school district foster care point of contact; and service providers involved in the case plan of the child or young adult, as appropriate, in order to ensure school enrollment and promote academic achievement.



School Selection

EDUCATIONAL SERVICES FOR A CHILD OR YOUNG ADULT (OAR 413-105-0000 through 413-105-0090), outlines the collaboration and approval process for various types of school placements (outside of special education placements):

School of Origin

Charter School

Alternative School

Private School

Home School

Non-accredited Online School

International Study Abroad

GED

Resource Parent Duties

- **Enroll the student as directed by the Department**
- **Support the student and respond to school inquiries**
- **Consent to school related activities**
- **Assure attendance, monitor educational progress, and share information with the caseworker:**
 - Report cards
 - Evaluations and assessments (special education/behavioral)
 - Suicidal ideation or self harm behaviors reported by school
 - Disciplinary reports and notices of restraint/seclusion
 - Absences (excused and unexcused)
 - Ongoing progress towards graduation
 - Inform the caseworker of important meetings (IEP/disciplinary/student conferences)

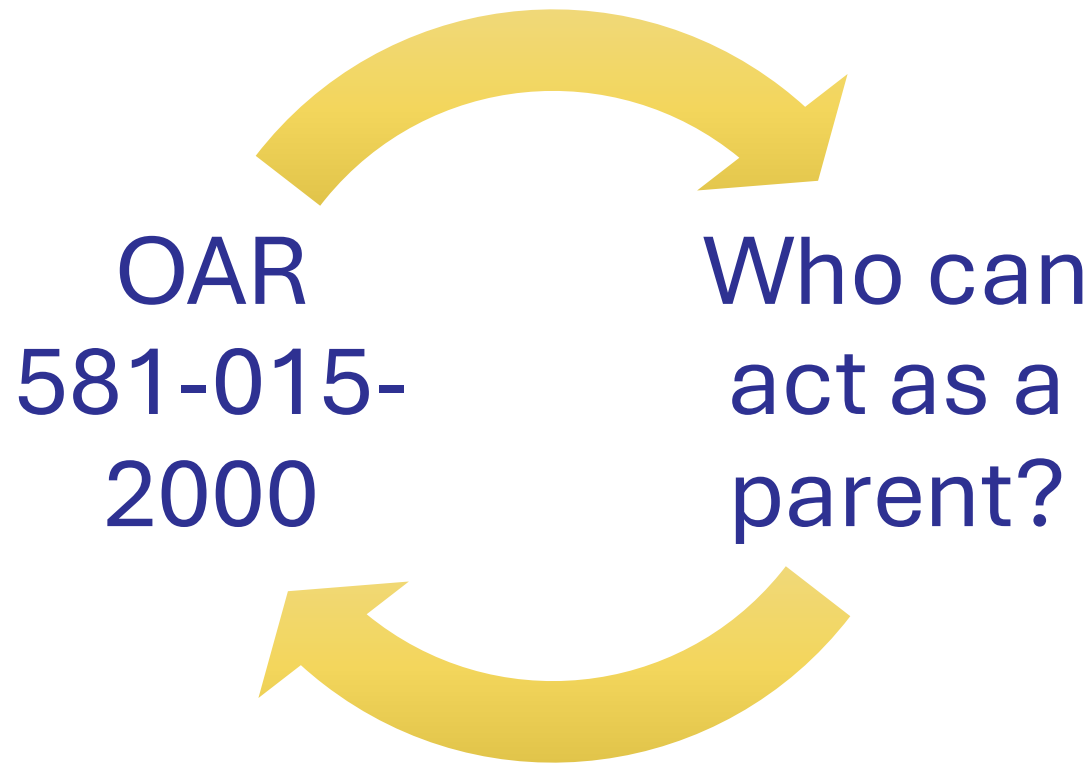
Special Education- Role of “Parent”

OAR 581-015-2000

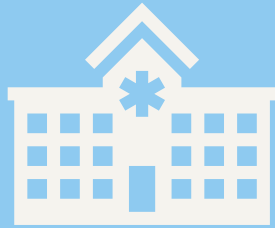
Persons who qualify to make educational decisions include:

(a) One or more of the following persons:

- (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.



Education Surrogate



OAR 581-015-2000 “Surrogate parent” means an individual appointed under OAR 581-015-2320 (Surrogate Parents) for school age children or OAR 581-015-2320 (Surrogate Parents-EI/ECSE) for preschool children who acts in place of a biological or adoptive parent in safeguarding a child’s rights in the special education decision making process.



A surrogate parent can be appointed by the Juvenile Court or the school district.

There are some differences in how long the appointment lasts depending upon who appoints.

Juvenile Court Appointment Differences

- 419B.220 and 223

(1) The ward is 21 years of age;

(2) The ward is determined to be no longer eligible for special education;
or

(3) The juvenile court terminates wardship and determines that the child's parent or guardian is both known and available to protect the special educational rights of the child.

School District Surrogate Parent Appointment

- OAR 581-015-2320
- The duties and responsibilities continue until:
The parent or adult student may revoke consent at any time by providing a written request to revoke the surrogate's appointment.
- The school district may change or terminate the appointment of a surrogate when:
 - (a) The person appointed as surrogate is no longer willing to serve;
 - (b) Rights transfer to the adult student or the child graduates with a regular diploma;
 - (c) The child is no longer eligible for special education services;
 - (d) The legal guardianship of the child is transferred to a person who is able to carry out the role of the parent;
 - (e) A foster parent is identified who can carry out the role of parent under OAR 581-015-2000 (Definitions)(20);
 - (f) The parent, who previously could not be identified or located, is now identified or located;
 - (g) The appointed surrogate is no longer eligible;
 - (h) The child moves to another school district; or
 - (i) The child is no longer a ward of the state or an unaccompanied homeless youth.

Duties of the Surrogate Parent

The duties of the surrogate parent are outlined in OAR 581-015-2320 (7):

- (a) Protect the special education rights of the child;
- (b) Be acquainted with the child's disability and the child's special education needs;
- (c) Represent the child in all matters relating to the identification, evaluation, IEP, and educational placement of the child; **and**
- (d) Represent the child in all matters relating to the provision of a free appropriate public education to the child.

Duties of Resource Parent when a Surrogate Parent is Assigned

413-200-0354 Regarding the Education of a Child

(4) When the child in the care or custody of the Department placed in the home has been assigned a surrogate parent to make special education decisions, the resource parent must work in collaboration with the surrogate for an IEP, IFSP, 504 plan special education decisions, and abbreviated school day decisions.



Minimum Credits Required for a Diploma

ORS 329.451

If at any time from grade nine to 12 a child or young adult was a foster child, as defined in ORS 30.297, the child or young adult cannot be required to complete more than the minimum state credit requirements specified in ORS 329.451(2)(a) to receive a high school diploma.

**also applies to certain other highly mobile students*



CRB Recommendation Considerations



- Special Education eligibility relates to disability and not solely on being behind in school.
- ODHS cannot act as the parent for special education, so these recommendations should be written with that in mind.
- Foster care placement moves can impact services available to the child.
- Words like explore, inquire, consult, and assess can be helpful when exact services may not be immediately available.

Resources

- ODE Foster Care website
- ODHS Education Rules
- ODHS Transition Services for Young People with Foster Care Experience
- Oregon Child Integrated Data Set
 - Student Mobility for Youth in the Oregon Foster Care System
 - Foster Care Participation: Early Childhood

A close-up, slightly blurred photograph of many black graduation caps (mortarboards) worn by students, filling the left side of the frame.

Contact Information

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