

# Senate Bill 475

Sponsored by Senator GELSER, Representative STARK (Presession filed.)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Directs Department of Human Services to conduct monthly, in-person visits with child or ward in substitute care that include updates on academic status and progress. Directs department to conduct exit interview with child or ward no later than 30 days after department removes child or ward from substitute care placement.

Directs department to ensure, with respect to school placement, that child or ward is not placed in more restrictive setting than child or ward was placed in at resident school district nor in self-contained classroom as opposed to all-inclusive placement.

Requires department to ensure that child or ward 16 years of age or older has opportunity to create facilitated person centered plan before leaving substitute care.

Permits school district to provide abbreviated school day program to foster youth student only if no appropriate alternative exists, student's case manager and foster parent are involved in decision and student's foster parent, case worker, education surrogate and Director of Human Services consent.

## A BILL FOR AN ACT

1  
2 Relating to the well-being of children in substitute care placements; creating new provisions; and  
3 amending ORS 343.161.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. When a child or ward five years of age or older is in the legal custody of the**  
6 **Department of Human Services as provided in ORS 418.015 or 419B.337 and has been placed**  
7 **in substitute care, the department shall:**

8 (1) **Conduct monthly, in-person visits with the child or ward that include updates on the**  
9 **academic status and progress of the child or ward. If the monthly visit reveals that the child**  
10 **or ward is experiencing difficulties in school or is not likely to graduate in a timely manner,**  
11 **the department must:**

12 (a) **Take steps to ensure that the child or ward receives the necessary support and ser-**  
13 **vices needed to achieve academic success and to graduate; and**

14 (b) **Prepare a written plan for how the child or ward will be supported to graduate from**  
15 **high school in a timely manner that will become a part of any other case planning that has**  
16 **been done by the department for the child or ward.**

17 (2) **Conduct an exit interview with the child or ward no later than 30 days after the de-**  
18 **partment removes the child or ward from the placement, whether the removal is for the**  
19 **purpose of reunification with the family of the child or ward, a different substitute care**  
20 **placement, adoption or other reason for termination of wardship under ORS 419B.328. The**  
21 **exit interview must assess, at a minimum, the following:**

22 (a) **The child's or ward's perception of the safety of the placement;**

23 (b) **Extracurricular activities that the child or ward participated in while in the place-**  
24 **ment, including the frequency of participation and whether transportation was provided for**  
25 **the child or ward;**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 (c) Whether the child or ward would be permitted to leave the placement with all of the  
2 personal belongings of the child or ward;

3 (d) Improvements the child or ward believes should be made to the placement;

4 (e) Strengths of the placement;

5 (f) Whether the child or ward experienced any physical discipline during the placement  
6 and, if so, the nature of the physical discipline; and

7 (g) Whether the child or ward experienced physical or sexual abuse or neglect during the  
8 placement.

9 (3) With respect to school placement of a child or ward, ensure that the child or ward  
10 is not placed:

11 (a) In a more restrictive setting than the child or ward was placed in at their resident  
12 school district unless evidence exists that the academic needs of the child or ward have  
13 changed; and

14 (b) In a self-contained classroom with only children of similar substitute care placement  
15 circumstances as opposed to an all-inclusive placement with children who are not in substi-  
16 tute care unless evidence exists, after a meeting that includes the child's or ward's foster  
17 parents, court appointed special advocate, attorney and special education advocate or edu-  
18 cational surrogate, that the self-contained placement is required solely because of the child's  
19 or ward's needs and not because of the particular structure of the school district.

20 **SECTION 2.** (1) In addition to any other case planning done by the Department of Human  
21 Services for a child or ward 16 years of age or older who is in the legal custody of the De-  
22 partment of Human Services as provided in ORS 418.015 or 419B.337 and who has been placed  
23 in substitute care, including but not limited to case planning done pursuant to ORS 419B.343  
24 that addresses the ward's needs and goals for a transition to successful adulthood, the de-  
25 partment shall ensure that each child or ward has the opportunity to create a facilitated  
26 person centered plan before leaving substitute care. The facilitated person centered plan  
27 must, at a minimum, identify:

28 (a) Life goals, personal strengths and aptitudes;

29 (b) Resources available to the child or ward after leaving substitute care;

30 (c) A strategic plan to meet goals and develop personal strengths and aptitudes; and

31 (d) Information about resources to pay for higher education opportunities and assist with  
32 college planning and completion of college applications.

33 (2)(a) In addition to the requirements under subsection (1) of this section, the depart-  
34 ment shall provide each child or ward 16 years of age or older with written notification of  
35 the child or ward's options regarding housing, higher education and available mental health  
36 resources. The notification required in this subsection must include information regarding  
37 who has access to the child or ward's medical records and mental health records.

38 (b) The notification required in paragraph (a) of the subsection must be provided annu-  
39 ally.

40 (3) The child or ward shall be allowed to invite any individual to the process involved in  
41 creating the facilitated person centered plan that the child or ward believes may be able to  
42 provide assistance and support.

43 **SECTION 3.** Sections 1 and 2 of this 2019 Act apply to children and wards in the legal  
44 custody of the Department of Human Services and in substitute care on or after the effective  
45 date of this 2019 Act.

**SECTION 4.** ORS 343.161 is amended to read:

343.161. (1) As used in this section:

(a) “Abbreviated school day” means any school day during which a student receives instruction or educational services for fewer hours than other students who are in the same grade within the same school.

(b) “Abbreviated school day program” means an education program:

(A) In which a school district restricts a student’s access to hours of instruction or educational services; and

(B) That results in a student having an abbreviated school day for more than 10 school days per school year.

**(c) “Foster youth” means a child or ward who is in the legal custody of the Department of Human Services as provided in ORS 418.015 or 419B.337 and who has been placed in substitute care.**

[(c)] (d) “Parent” includes the student, if the student is 18 years of age or older or is emancipated pursuant to ORS 419B.550 to 419B.558.

[(d)] (e) “Unilaterally place” means a placement by a school district without the consent of the student’s parent.

(2) A school district may not unilaterally place a student on an abbreviated school day program, regardless of the age of the student.

(3)(a) A school district may provide an abbreviated school day program to a student only if the student’s individualized education program team:

[(a)] (A) Determines that the student should be placed on an abbreviated school day program:

[(A)] (i) Based on the student’s needs; and

[(B)] (ii) After the opportunity for the student’s parents to meaningfully participate in a meeting to discuss the placement; and

[(b)] (B) Documents that the team considered at least one option that included appropriate supports for the student and that could enable the student to access the same number of hours of instruction or educational services that are provided to students who are in the same grade within the same school.

**(b) In addition to the requirements prescribed by paragraph (a) of this subsection, a school district may provide an abbreviated school day program to a student who is a foster youth only if:**

**(A) The student’s case manager and foster parent physically attend the meeting at which the abbreviated school day program is proposed;**

**(B) The Department of Human Services determines that an appropriate alternative is not available for the student; and**

**(C) The school district obtains the consent of the student’s foster parent, case worker and education surrogate and the Director of Human Services to place the student on the abbreviated school day program.**

(4) **Except as provided by subsection (5) of this section,** if a student is placed on an abbreviated school day program, the school district shall, at least once each term:

(a) Provide the following information in writing to the parent of the student:

(A) The school district’s duty to comply with the requirements of this section;

(B) The prohibition against a school district unilaterally placing a student on an abbreviated school day program; and

1 (C) The student's presumptive right to receive the same number of hours of instruction or edu-  
2 cational services as other students who are in the same grade within the same school and the  
3 parent's right to request, at any time, a meeting of the individualized education program team to  
4 determine whether the student should no longer be placed on an abbreviated school day program.

5 (b) Obtain a signed acknowledgment from the parent of the student that the parent received the  
6 information described in paragraph (a) of this subsection.

7 (c) Include in the student's individualized education program a written statement that explains  
8 the reasons the student was placed on an abbreviated school day program.

9 **(5) If a student placed on an abbreviated school day program is a foster youth the school**  
10 **district must:**

11 **(a) Provide the information described in subsection (4)(a) of this section at least every**  
12 **14 school days to the persons identified in subsection (3)(b)(C) of this section; and**

13 **(b) Obtain a signed acknowledgment from the student's case manager and foster parent**  
14 **that the case manager and foster parent received the information described in subsection**  
15 **(4)(a) of this section.**

16 [(5)] (6) This section does not apply to:

17 (a) Any abbreviated school days that are a component of discipline imposed in compliance with  
18 ORS 339.250;

19 (b) A student who will be eligible to complete the requirements for a diploma or certificate un-  
20 der ORS 329.451 during the school year if the student, and the parent of the student, agree to the  
21 abbreviated school day program; or

22 (c) A student whose parent has notified an education service district that the student is being  
23 taught by a parent, legal guardian or private teacher under ORS 339.035.

24 **SECTION 5. The amendments to ORS 343.161 by section 4 of this 2019 Act apply to stu-**  
25  **dents placed on an abbreviated school day program on or after the effective date of this 2019**  
26  **Act.**