
SB 265: Directs Oregon Department of Human Services to monitor student academic status and progress
March 8, 2017

Introduction:

Good afternoon Chair Gelser and members of the Human Services Committee. For the record, I am Linda Brown speaking on behalf of the Oregon Department of Education. I am submitting this testimony in regards to SB 265.

Background:

Children in foster care are much more likely than their peers to struggle academically and fall behind in school. Consequently, students in foster care are less likely than their peers to graduate from high school with a standard high school diploma.

A significant percentage of children in foster care receive special education services; several studies indicate that children in foster care are between 2.5 and 3.5 times more likely to be receiving special education services.

Issue:

This bill directs the Oregon Department of Human Services (DHS) to take an active role in monitoring a foster child's academic status and progress.

Legislation:

SB 265 directs DHS to have monthly contact with children and wards to monitor academic progress. Furthermore, this bill requires DHS to take the steps necessary to ensure child or ward receives support and services needed to maintain academic progress and graduate from high school with a standard diploma by developing a written educational support plan.

Concerns:

The Individuals with Disabilities Education Act (IDEA) requires that the least restrictive educational environment be considered for each child with a disability, including children with disabilities in foster care. The Individualized Education Plan (IEP) team must consider the child's individual needs when determining a child's least restrictive educational placement. An IEP team must include a general education teacher, special education teacher, district representative, and the parent/guardian. However additional individuals such as DHS case managers, court appointed special advocates, attorneys, special education advocates and/or educational surrogates can be included on an IEP team.

SB 265 is in direct conflict with current IDEA regulations because SB 265 directs DHS to make school placement decisions for students in foster care with a disability without all the appropriate IEP team members.

This bill will impact a school district's ability to implement provisions of 34 CFR §300.114 (least restrictive environment requirements) as well as OARs 581-015-2240 (requirement for least restrictive special educational environment), 581-015-2245 (alternative educational placements), 581-015-2250 (educational placement of child) because special education placement determination can only be made within the context of an IEP team and are not in the control of DHS staff members.

Fiscal:

This bill does not have a fiscal impact on ODE