



SB 20 A-engrossed: Every Student Succeeds Act (ESSA)  
Subcommittee on Education, Ways and Means  
June 14, 2017

Good morning Co-Chairs Monroe and Smith-Warner and members of the Committee. For the record, I am Cindy Hunt, Government and Legal Affairs Manager in the Oregon Department of Education. I am here today to provide testimony in support of SB 20 A-engrossed.

Background:

The Every Student Succeeds Act (ESSA) was signed by President Obama on December 10, 2015, reauthorizing the Elementary and Secondary Education Act (ESEA) and the nation's longstanding commitment to educational equity and excellence for all students. ESSA offers new flexibility to states and districts to define what high quality education means for students with parameters to ensure appropriate accountability.

Issue:

State law conflicts with new federal law:

1. Current references in state statute to the No Child Left Behind Act (NCLB) are out of date with passage of the Every Student Succeeds Act in 2015. SB 20 replaces references to NCLB with ESSA.
2. ESSA language essentially allows only two types of diplomas. Oregon modified diploma and regular diploma fall into the first category while the extended diploma falls into the "alternative" category. SB 20 aligns state language with the federal language.
3. ESSA language states that a child in foster care will remain in his/her school of origin, unless it has been determined that it is not in the best interest of the child. It is considered optimal for children placed into foster care to continue to attend the school of origin. Current ORS states that children in approved substitute care shall be considered a resident where their guardian resides this includes a foster parent. This language is in conflict with ESSA. SB 20 aligns state language with the federal language.

## Legislation:

SB 20 A-engrossed is a technical fix which addresses three implementation issues relating to the passage of the new federal Every Student Succeed Act.

### **NCLB Reference Changes**

SB 20 A-engrossed updates No Child Left Behind Act references by changing them to the Every Student Succeeds Act.

### **Modified Diploma**

SB 20 A-Engrossed aligns Oregon Law to new ESSA language. The purpose of the amendments is to treat children who receive modified diplomas the same as children who receive high school diplomas. Each year there are between 900 to 1100 children who received the modified diploma in Oregon.

A couple of years ago Oregon successfully argued to the US Department of Education that modified diplomas are substantially equivalent to regular diplomas. This was done so that a student who receives a modified diploma could receive federal financial aid for college. Oregon also treats students who have received modified diplomas as graduating for purposes of data reporting.

SB 20 A-engrossed states that once a student receives a modified diploma it is equivalent to the regular diploma. Historically there have been 25 to 30 students who after receiving the modified diploma continued to receive transitional services and other educational services. To address the needs of these students the bill continues to direct districts to provide services if the student qualifies for a diploma and also allows these students to participate in graduation ceremonies with their class.

### **Residency of Foster Kids for School Purposes**

Under current state law, students attend school in the public school district in which their parent, guardian or person in parental relationship resides. Resident districts are responsible for all components of education, including special education. Resident districts also place students in schools within the district generally based upon grade and location. Current ORS states that children in approved substitute care shall be considered a resident where their guardian resides this includes a foster parent. Current ORS also provides that in order for a child to remain in their school of origin, a juvenile court judge must make this finding.

### **Oregon Department of Education**

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New federal ESSA language states that a child will remain in his/her school of origin, unless it has been determined that it is not in the best interest of the child. The purpose of ESSA's school of origin language is to achieve increased stability for children in foster care. This was the same purpose of Oregon residency for foster children law as well.

ESSA defines the term school of origin as "the school in which the child was enrolled at the time of initial placement. If the child's foster care placement changes, or the child returns home, the school of origin is the school in which the child is reenrolled at the time of placement change".

Additionally a juvenile court can make a determination that if it is in the best interest of the child to not attend the school of origin then the child will be allowed to immediately enroll in a new school based on the court order.

#### Fiscal:

The amendments also include a direction to the Department of Education, the Department of Human Services, tribal welfare agencies and school districts to collaborate to ensure the provision of free of charge transportation between the child's home and school of origin. Currently transportation between a foster home and school district is provided by a school district or Department of Human Services caseworker. Most school districts are reimbursed from the State School Fund for 70 percent of the costs like other transportation costs.

DHS has agreed that by contracting with ODE, they will be able to use Title IV-E funding to reimburse the 30% gap in Transportation grants to school districts, thereby saving 70% of what they are currently spending on transportation and applying that to other foster care services.

Annually we estimate that the transfer from DHS to cover these costs will be \$300,000 to \$500,000 in federal funds plus \$45,000 in administrative costs. ODE will then use these funds to reimburse districts making the districts total reimbursement at 100 percent.

I am happy to take questions.