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February 22, 2021

To: Senate Committee On Human Services, Mental Health and Recovery  
From: Amy Miller, Executive Director

**Re: Support for SB 279**

Dear Chair Gelser, Vice-Chair Anderson, and Members of the Committee,

Youth, Rights & Justice is Oregon's only non-profit juvenile public defense firm. Every year, YRJ represents over 1200 children and parents in Oregon's juvenile court system. All of our clients come from low-income families. Most have suffered significant trauma and many have physical, mental health and/or substance abuse issues. Approximately 45% are children of color. Because of our unique position handling court-appointed juvenile cases, we often see the same systemic problems and we work to change the policies that contribute to these problems.

YRJ established our SchoolWorks program in 2002 to help our clients succeed in school. SchoolWorks provides legal advocacy to ensure students are enrolled in school, able to attend classes, and are not unfairly excluded due to excessive discipline. To date, SchoolWorks attorneys have handled over 3,200 cases, all aimed at ensuring students achieve their goals and graduate.

**YRJ Supports SB 279.**

SB 279 directs DHS to schedule appointments for children, including visitation, outside of school hours whenever practicable. The bill also requires that children in foster care do not miss more than two school days per semester for these appointments unless there is an emergency. YRJ believes this bill is necessary to ensure our clients are not regularly removed from school causing them to fall farther behind. We are especially concerned about recurring appointments for children that happen during the school day requiring them to regularly miss academic content on a weekly or biweekly basis.

Many of our clients enter the child welfare system behind academically, many with undiagnosed disabilities. School stability is key to helping our clients gain the skills they need to succeed academically, behaviorally, and emotionally. Research is clear that missing school has a distinct

negative influence on academic performance and the more days of school a student misses, the poorer his or her performance will be.<sup>1</sup> Limiting absences is critical to improving educational outcomes for children in foster care.

In response to DHS concerns regarding trying to ensure visitation for children in foster care while also minimizing school absences, we would encourage DHS to provide visitation in the evenings and on weekends. Children should not fall further behind in school merely because the agency is not adequately staffed to support visitation during non-school hours. Not only would weekend and evening visitation accommodate educational growth, it would better align with job and treatment schedules of parents. Furthermore, DHS should reconsider its visitation practices, utilize relatives and community members to support visitation, and avoid resource-intensive agency-supervised visitation unless necessary for child safety.

Last, its worth noting that administrative rules already instruct the agency to “arrange visits that do not disrupt the school schedule of the child or young adult whenever possible.”<sup>2</sup> However, our experience is that many children in foster care are routinely pulled out of school for visits and other types of appointments.

Thank you for your consideration of this important issue.

Sincerely,

Amy Miller  
Executive Director

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<sup>1</sup> Garcia, Emma and Elaine Weiss. 2018. “Student Absenteeism: Who misses school and how missing school matters for performance.” *Economic Policy Institute*. <https://www.epi.org/publication/student-absenteeism-who-misses-school-and-how-missing-school-matters-for-performance/>.

<sup>2</sup> OAR 413-070-0860(1)(o)(C) (2019).