

SOUTH CAROLINA 2010 SESSION LAWS

REGULAR SESSION

Additions and deletions are not identified in this document.

Act 214

S.B. No. 1134

EDUCATION

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 38 TO TITLE 59 SO AS TO ENACT THE "SOUTH CAROLINA EDUCATION BILL OF RIGHTS FOR CHILDREN IN FOSTER CARE" TO PROVIDE THAT SCHOOL DISTRICTS SHALL TAKE CERTAIN MEASURES TO HELP ENSURE THAT THE EDUCATION NEEDS OF CHILDREN IN FOSTER CARE ARE MET BY ASSISTING WITH ENROLLMENT, SCHOOL RECORDS AND CREDIT TRANSFERS, ACCESS TO RESOURCES AND ACTIVITIES, AND EXCUSED ABSENCE MAKE-UP REQUIREMENTS; TO PROVIDE THAT SCHOOL DISTRICTS SHALL ALLOW AN AUTHORIZED REPRESENTATIVE OF THE DEPARTMENT OF SOCIAL SERVICES TO HAVE ACCESS TO SCHOOL RECORDS OF CHILDREN IN FOSTER CARE; AND TO REQUIRE THE DEPARTMENT OF SOCIAL SERVICES TO PROVIDE AN EDUCATIONAL ADVOCATE FOR CHILDREN IN FOSTER CARE.

Whereas, the South Carolina General Assembly finds that:

- (1) it is universally acknowledged that a quality education is important for the future success of all children;
- (2) a child in foster care in South Carolina is entitled to the same rights and privileges regarding access to public education as any other child;
- (3) it is acknowledged that a child who is in the custody of the South Carolina Department of Social Services as a result of abuse or neglect or exploitation has experienced significant emotional trauma which may negatively affect the child's educational outcomes;
- (4) a child in foster care often experiences frequent school changes that

negatively affect the child's educational outcomes; and

(5) the State of South Carolina averages over 5,000 children in foster care each month and 70% of those children are of school age. Now, therefore,

Be it enacted by the General Assembly of the State of South Carolina:

Act citation

SECTION 1. This act may cited as the "South Carolina Education Bill of Rights for Children in Foster Care".

Education Bill of Rights for Children in Foster Care

SECTION 2. Title 59 of the 1976 Code is amended by adding:

T. 59 Ch. 38

CHAPTER 38

South Carolina Education Bill of Rights for Children in Foster Care

<< SC ST § 59 38 10 >>

Section 59-38-10. (A) Each school district shall have in place procedures to ensure seamless transitions between schools and school districts for children upon notice that a child is in foster care. School districts shall consider maintaining a child in foster care in the same school if it is in the child's best interest. A school district must not place additional enrollment requirements on a child based solely on the fact that the child is in foster care.

(B) Each school district shall:

(1) facilitate the immediate enrollment of a child in foster care residing in a foster home, group living facility, or any other setting that is located within the district or area served by the district;

(2) assist a child in foster care transferring from one district to another by ensuring proper transfer of records;

(3) request school records within two school days of placement into a school and transfer records within two school days of receiving a request for school records.

(C) The Department of Social Services immediately shall enroll the child in school, maintaining the child in the same school if possible, and shall provide a

copy of the court order to the school district to be included in the student's school record.

(D) Educational and school placement decisions for children in foster care must be made to ensure that each child immediately is placed in the least restrictive educational program and has access to all academic resources, services, and extracurricular and enrichment activities that are available to all students.

(E) Each school district shall accept for credit full or partial course work satisfactorily completed by a child in foster care while attending a public school, nonpublic school, or nonsectarian school in accordance with state and district policies or regulations.

(F) Each school district shall ensure that when a decision to change the foster home placement of a child is made by the court or the Department of Social Services and the child must change schools, the grades and credits of that child must be calculated as of the date the child left school, and the child's grades must not be lowered as a result of these circumstances.

(G) Each school district shall ensure that if a child in foster care is absent from school due to a certified court appearance or related court-ordered activity including, but not limited to, court-ordered treatment services, these absences must be counted as excused absences upon submission of appropriate documentation. If these absences exceed the limit provided for by law, the school administrator shall allow the child an opportunity to make up all assignments and required seat time.

(H) Each school district, subject to federal law, may permit an authorized representative of the Department of Social Services to have access to the school records of a child in foster care for the purpose of fulfilling educational case management responsibilities required by law and to assist with the school transfer or placement of the child.

(I) The Department of Social Services shall ensure that children in foster care have a willing and available adult to advocate for their best educational interests, and school districts shall acknowledge and accept this person's role in advocating for educational services necessary to meet each child's needs.

Time effective

SECTION 3. This act takes effect upon approval by the Governor.

Ratified the 1st day of June, 2010.

Approved the 7th day of June, 2010.