Foster Care 101
ESSA Academy 2022

Birley Wright, Foster Care Point of Contact

Barbara Drayton, Office of General Counsel

OBJECTIVES

- Review Fostering Connections Act
- Review fiscal responsibilities and Provisos 1.8 and 1.39
- Review data local educational agency (LEA) data sharing requirements
- Learn how collaboration between child welfare agencies, schools, and LEAs can positively impact student outcomes

FOSTER CARE PROVISIONS - ESSA's REAUTHORIZATION IN 2015

- **Emphasizes *shared* agency responsibilities and decision-making**
- **Established Point of Contact (POC) at the State Educational Agency**
- **Established POC at the district level**
- ***Awaiting foster care placement* is removed from the definition of "homeless children and youths" ESSA, Section 9105 (b)(1)**

S.C. Code Ann. § 59-63-31

(B) A child between five and twenty-one years of age is entitled to continue attending a particular public school or a successor school in the same school district without charge if:

(1) the child has been attending the school or a predecessor school in the same district prior to being taken into custody by the Department of Social Services or prior to being moved from one placement to another by the department;

DEPARTMENT OF SOCIAL SERVICES

(2) the Department of Social Services places the child outside the school district or school attendance zone in a foster home or residential community-based facility licensed or operated by the department; and

(3) the Department of Social Services has determined that it is in the child's best interests for the child to continue attending the school, and that transportation for the child to and from the school is reasonably available.

PROVISO 1.8

The responsibility for providing a free appropriate public education (FAPE) for all children including disabled students is vested in the public school district wherein a child of lawful school age resides in a foster home, group home, orphanage, or a state-operated health care facility including a facility for treatment of mental illness or chemical dependence and habilitation centers for persons with intellectual disabilities or persons with related conditions located within the jurisdiction of the school district or alternative residences.

PROVISO 1.8
IN-STATE STUDENTS

- **Local school districts where the children are located are responsible for providing the children a FAPE.**

- **School districts collect all applicable state and federal funds and bill the school districts where the children resided when taken into the custody of the state for the state-wide average local base student cost (BSC).**

NOTICE REQUIREMENT
(IN-STATE STUDENTS)

- **The school district providing the student's education shall notify the nonresident district in writing within forty-five [45] calendar days that a student from the nonresident district is receiving education services pursuant to the provisions of this proviso.**

- **The notice shall contain the students name, date of birth, and disabling condition if available.**

R.61-103, RESIDENTIAL TREATMENT FACILITIES (RTFs) FOR CHILDREN AND ADOLESCENTS

- **This is a South Carolina Department of Health and Environmental Control Regulation.**
- **This regulation addresses the requirements for educational programs, including the specifications for any space, used to educate students, both with and without disabilities, who are placed or referred to RTFs.**

PROVISO 1.39 - SDE: RESIDENTIAL TREATMENT FACILITIES STUDENT
IN-STATE PLACEMENTS

The responsibility for providing appropriate educational programs and services for these students, both with and without disabilities, who are referred or placed by the State is vested in the facility school districts.

IN-STATE PLACEMENTS

- **An education program, including a program for students with disabilities, must meet all applicable federal and state requirements, as defined by the South Carolina Department of Education (SCDE).**
- **The education program may be provided at the facility, if appropriate space is available to provide a FAPE in the least restrictive environment, or an alternate location.**

RTF LOCATIONS

- Charleston
- Dorchester Two
- Florence One
- Greenville
- Lexington Two
- Pickens
- Williamsburg
- York Three (Rock Hill)

PINE GROVE SCHOOL IS NOT LICENSED AS AN RTF

- Private school with public placements
  - State agencies
  - School districts
- All students are identified as having a disability under the IDEA.

Foster Care Stats

In South Carolina children who are in foster care for 8 days to 1 year may experience the following number of placements:

1 placement—40%
2 placements—30%
3 placements—14%
4-9 placements—14%
10 or more placements—1%

29% of foster care youth experience 3-10 placements in one year or less.

- **Currently, there are over 4,100 school aged foster care students in South Carolina.**
- **Nationwide, only 53% of foster care student graduate from high school.**
- **Nationally, the average reading level for a 17–18-year foster care student is 7th grade.**

FOSTER ROSTER

What is it and who receives the data?

When does it go out?

What do I do with it?

What if I have questions?

EDUCATIONAL STABILITY

- **Collaborating with local child welfare agencies and other partners on the student's behalf**
- **Supporting positive relationships with teachers, staff, and peers**
- **Reviewing school/district policies that may unknowingly create barriers to this highly mobile/vulnerable population**

OBSTACLES FOR EDUCATIONAL STABILITY

- High Mobility
- Trauma
- Family Instability
- Language and Cultural Barriers
- Social Injustice
- Social Isolation
- Loss of Course Credit Due to Educational Instability

CHALLENGES: What's Under the Surface?

Entering a new school means…

- **Learning interruption and gaps**
- **Adjusting to new curricula**
- **Different expectations**
- **New friends**
- **New teachers**

These changes and adjustments can lead to…

- **Delays and decreased academic progress**
- **Decreased extracurricular opportunities**
- **Challenges in developing and sustaining supportive relationships with teachers, peers, coaches, and mentors**

NEXT STEPS/QUESTIONS

Be sure to:

- **Collaborate with local child welfare agency**
- **Collaborate within the various departments at the LEA Examine possible barriers to educational stability for foster care students**
- **Reach out to SCDE is you have questions or concerns**

Contact Information

Birley Wright, M.Ed.

SC Department of Education

Foster Care Point of Contact and McKinney-Vento Program Manager

bwright@ed.sc.gov

803.734.8563

Barbara Drayton, Esq.

SC Department of Education

Office of General Counsel

bdrayton@ed.sc.gov

803.734.3393