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CHAPTER 38

South Carolina Education Bill of Rights for Children in Foster Care

**SECTION 59‑38‑10.** School district procedures and responsibilities; Department of Social Services responsibilities; educational and school placement decisions; transfer of credits and grades; court appearances treated as excused absences; Department access to school records; adult advocates.

 (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.

HISTORY: 2010 Act No. 214, Section 2, eff June 7, 2010.