Guidance to Local Departments of Social Services on Return to School for Children and Youth in DSS Custody

Authority to Make Educational Choices

North Carolina statute 7B-903.1 states: *Except as prohibited by federal law, the director of a county department of social services with custody of a juvenile shall be authorized to make decisions about matters not addressed herein that are generally made by a juvenile's custodian, including, but not limited to, educational decisions and consenting to the sharing of the juvenile's information. The court may delegate any part of this authority to the juvenile's parent, foster parent, or another individual.*

It is strongly recommended that DSS gather input from others including parents whose rights have not been terminated, current caregivers, and the children and youth themselves. While the statute provides DSS the authority to make educational decisions, a county may choose to involve the district court if a consensus among the parties cannot be reached.

Guidance from the American Academy of Pediatrics

The American Academy of Pediatrics (AAP) has issued guidance for policymakers on school re-entry that highlights the importance of in-person school attendance for the educational, social and emotional well-being of children, includes recommendations for safety protocols, and emphasizes the need for nimbleness in responding to new information. The AAP guidance also includes information specific to meeting the needs of children and adolescents with disabilities served by the educational system:

Every child and adolescent with a disability is entitled to a free and appropriate education and is entitled to special education services based on their individualized education program (IEP). Students receiving special education services may be more negatively affected by distance-learning and may be disproportionately impacted by interruptions in regular education. It may not be feasible, depending on the needs of the individual child and adolescent, to adhere both to distancing guidelines and the criteria outlined in a specific IEP. Attempts to meet physical distancing guidelines should meet the needs of the individual child and may require creative solutions, often on a case-by-case basis.

No child or adolescent should be excluded from school unless required in order to adhere to local public health mandates or because of unique medical needs. Pediatricians, families, and schools should partner together to collaboratively identify and develop accommodations, when needed. https://services.aap.org/en/pages/2019-novel-coronavirus-covid-19-infections/clinical-guidance/covid-19-planning-considerations-return-to-in-person-education-in-schools/

Factors to Consider when Making Return-to-School Decisions

County departments of social services are encouraged to consider the general guidance from the AAP while making decisions individually for each foster child by weighing the risks and benefits of in-person versus virtual attendance specifically for that child in the context of attendance

options offered by the child's school system and the prevalence and progression of COVID-19 in the child's community. Though not an exhaustive list the following should be considered:

1. The child's educational, social, and emotional needs.
2. The child's health status and vulnerabilities.
3. Health concerns, work situation, and ability to support virtual learning of the child's current caregivers, access to alternate child care, and possible impact of the decision on a child's placement stability.

Process for Gathering Input

A county's process for making a decision will necessarily be influenced by the time-frame in which a decision must be made. As stated above, counties are strongly encouraged to seek input from others including current caregivers, parents whose rights have not been terminated, and the child or youth for whom the decision is being made. Here are some approaches to consider:

1. Seeking pediatric consultation, especially for children with underlying medical conditions that may increase their vulnerability to the virus.
2. Using the child and family team process for input and decision-making. When that is not practical, individual telephone contacts can be pursued.
3. Discussing attendance options at foster care monthly home visits with documentation on the Monthly Permanency Planning Contact Record (DSS-5295).

Congregate Care Facilities

Facilities providing care to children and youth in the custody of Local Departments of Social Services may choose to mitigate the risk of contagion by;

1. Enrolling children and youth in virtual learning through their local school system after consultation with and the approval of the guardian.
2. Providing onsite education by instructors qualified to provide these services.

Other Related Supports and Reminders:

1. Review each child/youth's immunization status and if required arrange for any required immunizations. https://immunize.nc.gov/schools/pdf/school_vaccine_fact_sheet.pdf
2. Coordinate with the local school system/LEA to ensure each child/youth has the technology to support virtual learning if this is the option chosen.
3. Ensure foster parent have enrolled each child/youth in school-based food and nutrition services.
4. Support foster parents with identifying childcare available should child/youth need alternative care arrangements due to exposure to COVID or school closing unexpectantly.
5. Identify children/youth that have an Individualized Education Plan (IEP) and coordinate with the Local Education Authority (LEA) to develop a plan to ensure any necessary IEP services are in place.
6. Collaborate with the child/youth's parents on any changes to a child/youth's IEP.

Resources for Decision Making:

To support making the right decision for students the Centers for Disease Control (CDC) has developed the *Decision-Making Tool for Parents and Guardians* to support decision making about school re-entry and the choices that your school district is offering. This guide can be accessed here: https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/decision-tool.html

Daycare Services:

Day Care Subsidy can and should be used to provide care for children in foster care under the age of 12 when resource parents work and there is a need for additional care due to a modification of the school schedule.

A hotline is available to help families find child care programs that are open and meeting NCDHHS health and safety guidelines. Parents and caregivers can call (888) 600-1685 from 8 a.m. to 5 p.m., Monday through Friday.