NC DEPARTMENT OF HEALTH AND HUMAN SERVICES
Division of Social Services

ROY COOPER • Governor
MANDY COHEN, MD, MPH • Secretary
SUSAN OSBORNE • Assistant Secretary for County Operations for Human Services

August 4, 2020

DEAR COUNTY DIRECTORS OF SOCIAL SERVICES
DEAR EXECUTIVE DIRECTORS OF FOSTER CARE SERVICES PROVIDER AGENCIES

ATTENTION: Directors, Program Managers and Foster Care Managers

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

REQUIRED ACTION: Information Only __Time Sensitive _X_ Immediate

On July 14, 2020, Governor Cooper, in a joint statement with the NC State Board of Public Education and the NC Department of Public Instruction, announced that after months of careful work, the state was moving forward with implementing a plan to get students back into the classroom. Previously, school systems had been required to create three plans in preparation for the 2020-2021 academic year:

- Plan A: Minimal social distancing – will be implemented if state metrics stabilize or move in a positive direction.
- Plan B: Moderate social distancing
- Plan C: Remote learning only

The July 14 statement allowed schools to open with moderate social distancing under their Plan B with the expectation that schools also offer remote learning to students whose families request it. The announcement also allowed schools the option of opening under the more restrictive Plan C—remote learning only—and encouraged schools to consider what is best for students in their system.

Currently, many school districts are offering a choice between virtual or a hybrid model of instruction (including in-person and virtual). This communication provides guidance on factors county departments of social services should consider when making school attendance choices and planning how those choices should be made for children and youth in foster care.

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.

Please refer to the enclosed guidance document for additional information. Should you have questions, please contact your regional child welfare consultant or, for private agencies, your assigned Program Consultant. Help protect your family and neighbors from COVID-19. ***Know the 3 Ws. Wear. Wait. Wash.*** #StayStrongNC and get the latest at nc.gov/covid19.

Thank you for your anticipated participation and cooperation in this important process.

Sincerely,



Lisa Tucker Cauley
Deputy Director for Child Welfare
Division of Social Services

Cc: Susan Osborne, Assistant Secretary for County Operations
Teresa Strom, Section Chief for County Operations
Carla McNeill, Section Chief for Permanency Planning
Kathy Stone, Section Chief for Prevention and Safety
Linda Waite, Acting Section Chief for Regulatory and Licensing Services

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

CWS-23-2020