

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

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SENATE BILL DRS35253-NH-75

Short Title: NC Foster Care and Education Council. (Public)

Sponsors: Senator Mohammed (Primary Sponsor).

Referred to:

A BILL TO BE ENTITLED
AN ACT TO ESTABLISH THE FOSTER CARE AND EDUCATION COUNCIL.
The General Assembly of North Carolina enacts:

SECTION 1. Chapter 115C of the General Statutes is amended by adding a new Article to read:

"Article 6E.

"Foster Care and Education Council.

"§ 115C-64.31. Definitions; Establishment of Foster Care and Education Council.

(a) The following definitions apply in this Article:

(1) Council. – The Foster Care and Education Council, as established by this Article.

(2) DHHS. – Department of Health and Human Services.

(3) DPI. – Department of Public Instruction.

(4) Foster care. – 24-hour substitute care for children placed away from their parents and for whom the agency under Title IV-E of the Social Security Act has placement and care responsibility. This includes placement in foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities, child care institutions, and pre-adoptive homes.

(b) Establishment. – There is established the Foster Care and Education Council. The Council is a joint council between the DPI and the DHSS.

"§ 115C-64.32 Membership of Foster Care and Education Council.

(b) Membership and appointment. – In making appointments or designating representatives, appointing authorities shall use best efforts to select members or representatives with sufficient knowledge and experience to effectively contribute to the issues examined by the Council. The Council shall consist of 27 members as follows:

(1) The DPI Foster Care Point of Contact under the Elementary and Secondary Education Act shall serve ex officio.

(2) The DHHS Education Point of Contact under the Elementary and Secondary Education Act shall serve ex officio.

(3) The President Pro Tempore of the Senate shall appoint one representative from each of the following categories or agencies:

a. A county child welfare agency.

b. A Guardian ad Litem.

c. Council for Children's Rights.

d. Foster Family Alliance of North Carolina.



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- 1 e. An individual with lived experience in the North Carolina child
2 welfare system.
- 3 (4) The Speaker of the House of Representatives shall appoint one representative
4 from each of the following categories or agencies:
- 5 a. The parent training and information center established under the
6 Individuals with Disabilities Education Act.
- 7 b. The University of North Carolina School of Government faculty.
- 8 c. A Children's Developmental Services Agency.
- 9 d. The agency contracted with DHHS to operate the Children and
10 Families Specialty Plan.
- 11 e. Strong Able Youth Speaking Out, a nonprofit corporation doing
12 business as Sayso.
- 13 (5) The Governor shall appoint one representative from each of the following
14 categories or agencies:
- 15 a. The Administrative Office of the Courts.
- 16 b. The NC Office of the Parent Defender.
- 17 c. The Office of the Juvenile Defender.
- 18 d. The State Advisory Council on Indian Education.
- 19 e. A North Carolina district court judge with juvenile court certification.
- 20 (6) The State Board of Education shall appoint one representative from each of
21 the following categories or agencies:
- 22 a. A local board of education.
- 23 b. An individual with experience serving as a surrogate parent volunteer
24 through local board of education.
- 25 c. An individual with experience serving as a court-appointed parent
26 under the Individuals with Disabilities Education Act.
- 27 d. DPI's Office of Federal Programs.
- 28 e. DPI's Office of Exceptional Children.
- 29 (7) The Secretary of Health and Human Services shall appoint representatives
30 from the following divisions:
- 31 a. Three representatives from the Division of Social Services.
- 32 b. One representative from the Division of Child Development and Early
33 Education.
- 34 c. One representative from the Division of Child and Family Well-Being.
- 35 (c) Terms of Office. – Members of the Council shall serve three-year terms and may be
36 reappointed. Any vacancy on the Council shall be filled in the same manner in which the original
37 appointment was made, and the term shall be for the balance of the unexpired term. The Council
38 may remove a member for misfeasance, malfeasance, nonfeasance, or neglects of duty.
- 39 **"§ 115C-64.32. Organization, meetings, and compensation.**
- 40 (a) The Council shall elect a chair from its membership.
- 41 (b) A simple majority of the members of the Council shall constitute a quorum for the
42 transaction of business.
- 43 (c) The Council shall meet at least once each quarter and may hold special meetings at
44 any time at the call of the chair or upon the written request of at least five members.
- 45 (d) The Council shall develop, and from time to time revise as necessary, policies and
46 procedures to facilitate the efficient and effective operations of the Council. These policies and
47 procedures become effective upon approval by a majority vote of the Council.
- 48 (e) Members of the Council may receive necessary per diem, subsistence, and travel
49 allowances in accordance with G.S. 120-3.1, G.S. 138-5, or G.S. 138-6, as appropriate.
- 50 (f) DPI and DHHS shall provide the necessary staff support and supplies to enable the
51 Council to carry out its duties in an effective manner. The Council shall prepare, in conjunction

with DPI and DHHS, a plan for the provision of such resources as may be necessary and sufficient to carry out the functions of the Council. The resource plan shall, to the maximum extent possible, rely on the use of resources in existence during the period of implementation of the plan. To the extent that there is a disagreement between the Council and the state agencies in regard to the resources necessary to carry out the functions of the Council as set forth in this Article, the disagreement shall be resolved by the Governor.

"§ 115C-64.33. Powers and duties of the Foster Care and Education Council.

(a) The Council shall have as its charge establishing a vision for the achievement of parity in education outcomes for children of all ages in foster care, and engage in the following:

- (1) Review the requirements of the Elementary and Secondary Education Act, Fostering Connections to Success and Increasing Adoptions Act of 2008, and associated federal and state laws and guidance related to the education of children in foster care.
- (2) Review the education outcomes of children in foster care to identify and assess challenges to their educational success by examining data, disaggregated by race and ethnicity, made available to DPI and DHHS. The review shall include data on academic performance, growth, attendance, early intervention status, special education status, Section 504 status, academically and intellectually gifted status, school stability, immediate enrollment, school discipline, dropout rates, and graduation rates.
- (3) Develop recommendations for changes to law, policy, rules, or guidance for children in foster care, that includes, at a minimum, the following:
 - a. Judicial practices to increase educational outcomes for children in foster care.
 - b. The exchange and sharing of education-related data for children in foster care.
 - c. Increasing coordination among education and child welfare stakeholders and agencies.
 - d. Increasing the ease of the identification of a child's education decision-makers.
 - e. Identifying barriers to and increasing educational stability.
 - f. Ensuring that transportation for children in foster care to remain at their school of origin is arranged, provided, and funded, and that the cost of transportation is not a factor in determining the best interest of the child, as required by the Elementary and Secondary Education Act.
 - g. Establishing a dispute resolution process for best interest determinations.
- (4) Develop strategies to improve coordination and communication between and among programs and agencies.
- (5) Assist state agencies in collecting and disseminating information on best practices on supporting the education needs of children in foster care.
- (6) Identifying training needs for child welfare and education stakeholders.

(b) When engaging in its duties, the Council shall engage stakeholders, including meaningful consultation with children and young adults who have lived experience in foster care, foster parents and relative caregivers, birth parents, caseworkers, school districts and educators, early learning providers, child placement providers, postsecondary institutions, and tribes, to provide input on the development of recommendations.

(c) The chair may establish those standing and ad hoc committees and task forces as may be necessary to carry out the functions of the Council and appoint Council members or other individuals to serve on those committees and task forces.

(d) The Council may apply for and receive funding from federal, public or private initiatives, grant programs, or donors.

(e) In order to proactively support children in foster care in completing high school and enrolling and completing postsecondary education, DPI and DHHS shall enter into, or revise existing, memoranda of understanding that facilitate child referral, data and information exchange, agency roles and responsibilities, and cooperation and collaboration among state agencies and nongovernmental entities.

(f) All appropriate agencies, including DPI and DHHS, and other public and private service providers shall cooperate with the Council in carrying out its mandate.

"§ 115C-64.34. Report requirements.

(a) The Council shall submit an annual report containing at least the following information:

(1) Progress the State has made toward achieving education parity for children in foster care.

(2) Recommendations that can be implemented using existing resources, rules, and regulations.

(3) Recommendations that would require policy, administrative, or resource allocation changes prior to implementation.

(b) The Council shall share the report required by this section with all of the following:

(1) DPI and the State Board of Education.

(2) DHHS.

(3) House and Senate Appropriations Committees on Health and Human Services.

(4) Joint Legislative Oversight Committee on Health and Human Services.

(5) Joint Legislative Education Oversight Committee.

(6) Joint Legislative Commission on Governmental Operations.

(7) Council on Educational Service for Exceptional Children.

(8) Social Services Commission.

(9) NC Interagency Coordinating Council.

(10) State Advisory Council on Indian Education.

(c) The Council chair shall report on a quarterly basis to the Superintendent of Public Instruction and the Secretary of Health and Human Services on the progress and implementation of any of the duties and responsibilities of the Council."

SECTION 2. This act is effective when it becomes law.