



Educational Rights for a Child in Foster Care

A child in the foster care system (the child) has special rights under federal and state laws to assist with educational success and to keep them safe. State Education and Child Welfare Agencies (*Nevada Department of Education and Nevada’s Division of Child and Family Services (DCFS)*) and Local Education and Child Welfare Agencies (*Clark County School District (CCSD)/Charter Schools and Clark County Department of Family Services (DFS)*) are required to uphold these rights. Many schools have assigned a Foster Care Advocate/Liaison to help ensure these rights for children in foster care on their campuses.

The following are rights/services that the child is entitled to:

School District and Child Welfare Points of Contact (POC) who work together to support children in foster care educationally and who ensure compliance with all applicable laws (Every Student Succeeds Act (2015); NRS 388E.135)

- Each school district and DFS must designate a person or team of personnel who is responsible for developing policies and procedures necessary to comply with the law and responsible for communicating information relating to children in foster care
- CCSD has assigned a Foster Care Department and Coordinator as its POC. The Foster Care Department can be contacted at 702-799-1196 and at FosterCareTransRequest@nv.ccsd.net. CCSD requires that each school also assign a Foster Care Advocate to help foster children navigate and obtain services on school campuses.
- DFS has appointed an Educational Liaison and administrators as its POC. DFS requires its caseworkers to work collaboratively with CCSD and other school districts/schools to support children in foster care in school.
- *School Districts, schools, and child welfare agencies should identify each other’s POCs and work together on any school related issues to help the child succeed in school.*
- *For schools outside of CCSD, contact the school administrator to identify the Foster Care Point of Contact*

An educational decision maker (EDM) appointed by the Court to act in the best interest of the child in all educational matters (NRS 432B.462)

- The courts must appoint an EDM for a child in foster care
- An EDM may include, without limitation: a parent; a legal guardian; a relative; a foster parent or other provider of substitute care; fictive kin; guardian ad litem/CASA; or another person the court determines is qualified.
- The EDM must: address disciplinary issues; ensure child receives special education services if needed; participate in any education meeting for the child; and participate in educational meetings to include IEPs and special education meetings
- EDMs have the right to obtain educational records and have access to information a parent of the child is entitled to
- *Information identifying the EDM will be provided to schools and should be inputted into school records*
- *Schools should ensure the EDM is invited to all meetings and included in the decision-making for the child along with the child’s team (i.e. caseworker, caregiver, Court Appointed Special Advocates (CASA), CAP attorney)*

Information Sharing among School Districts/Schools, DFS, parents/caregivers/EDMs to ensure the child is safe and succeeding educationally (Uninterrupted Scholars Act (2013); NRS Chapter 388E; NRS Chapter 432B)

- Schools/School Districts must release a child's educational records to DFS and allow DFS access to children on school campuses without parental consent as long as DFS provides proof of identification so that DFS may fulfill its legal requirements to keep children safe and support them in school. Proof of identity will be provided by wearing/emailing/faxing a DFS Badge, providing a Letter of Authorization and/or other official documentation from DFS.
- Schools must also release the child's educational records to parents/caregivers/EDMs/CASAs with appropriate documentation such as a Placement Custody Notification Letter or a Court Order
- Schools should invite DFS caseworkers to school meetings. Schools can find out who the DFS caseworkers is by looking at the Placement Notification Letter in the child's school file or having their Foster Care Advocate email DFSPEcosBusinessCen@ClarkCountyNV.gov and requesting the name of the caseworkers/supervisor of the child.
- DFS caseworkers are encouraged to attend school meetings regarding the following subjects: behavior/discipline; special education evaluation/IEPs/504s; and academic planning.
- DFS should respond to inquiries and information requested by school staff to support children in care

The right to stay at the current school (School of Origin) or move to a new school upon moving placements or entering into foster care (ESSA 2015; NRS 388E.105; NRS 388E.125; NRS 388E.135)

- The child entering foster care or moving placements while in foster care may remain at the School of Origin (current school the child is attending) even if the child moves out of the attendance boundary if it is in their best interest to stay at their School of Origin
- The legal presumption is that the child should stay at the School of Origin for educational stability unless it is in the child's best interest to attend a new school
- DFS makes the school determination using information from the school such as significant relationships, specific activities, and specialized classes which impact the child's well being
- If the determination is for the child to stay at the School of Origin, reasonable transportation must be provided by the school district and child welfare agency
- If the school determination is to enroll the child in a new school, the child must be immediately enrolled in and attend the new school pending any needed paperwork
- The child can attend the School of Origin throughout the entire school year even if the child exits foster care
- Schools should allow children in care to remain at their schools unless/until they are informed otherwise by DFS
- Schools should provide educational records and information to DFS when requested in a timely manner
- DFS should inform schools/school districts when a child enters care and if a child is staying at the School of Origin
- DFS, schools/school districts, and parents/caregivers should work together to coordinate transportation to the School of Origin

Immediate enrollment and attendance at school even if required documentation is not provided at the time of enrollment (ESSA 2015)

- A child entering into or already in foster care must be immediately enrolled in school, even if the caregiver/DFS staff is unable to produce required records for enrollment
- Schools must let the child attend school while paperwork is being completed
- School Districts/Schools should provide directions and needed paperwork to DFS to help with getting records
- DFS should work with EDMs/parents/caregivers to ensure the child is enrolled and going to school.

- *Schools and DFS staff/EDMs/parents/caregivers should work together to obtain necessary documents for enrollment while the child attends school*

Academic plans for elementary school children in foster care to be used to guide, monitor, and manage the child's educational development and to provide any assistance that may be necessary for the child (NRS 388.155)

- *Each elementary school in the school district must develop an academic plan for each pupil whom the school is informed is a foster child. An academic plan must include consideration of the unique circumstances and educational background of the child and be developed with the goal of achieving academic success.*
- *The academic plan must be reviewed and revised each year with appropriate modifications for the grade level of the pupil.*
- *A new academic plan must be developed for any pupil who transfers to an elementary school*
- *Schools should create, review, and/or revise academic plans soon after the child is enrolled in school*
- *Schools should invite DFS Staff, parents/caregivers, and the EDM to the meeting to create the academic plan. Schools can find out who the DFS caseworkers is by looking at the Placement Notification Letter in the child's school file or having their Foster Care Advocate email DFS_Pecos_Business_Cen@ClarkCountyNV.gov and requesting the name of the caseworkers/supervisor of the child*
- *Schools should include DFS Staff's, parents'/caregivers', and EDM's input when writing the academic plan*
- *Schools should provide academic plans to DFS staff/parents/caregivers/EDMs upon request*
- *DFS caseworkers and caregivers/parents/EDMS are encouraged to attend academic planning meetings*

Academic plans for middle and high school children in foster care to maximize credits and progress towards graduation (NRS 388.165; NRS 388.205; NRS 389.320; NRS 389.330)

- *The board of trustees of each school district must adopt a policy for each of its middle schools and junior high schools to develop an academic plan for each pupil enrolled in the grade level at which the middle school or junior high school initially enrolls the pupil. The academic plan must set forth the specific educational goals that the pupil intends to achieve before promotion to high school including identifying courses for promotion to high school. The policy must require the plan to be created for the pupil within the initial year the pupil is enrolled in middle school and require that the plan be reviewed at least once a year in consultation with the school counselor.*
- *The board of trustees of each school district must adopt a policy for each public school to develop an academic plan for a pupil enrolled in ninth grade which includes a procedure to identify a pupil who lives in foster care and to revise and adjust the academic plan for each pupil in foster care to maximize the accrual of credits by the pupil and the progress towards graduation. Credits should be maximized for pupils taking high school courses who are enrolled in middle school/junior high as well.*
- *Schools/School Districts should create methods for identifying children in foster care in their information systems and ensure academic plans are created, reviewed, and adjusted to maximize credits and allow the pupil to continue to make progress towards graduation.*
- *Schools/School Districts should invite DFS, EDMs/parents/caregivers to academic planning meetings. Schools can find out who the DFS caseworkers is by looking at the Placement Notification Letter in the child's school file or having their Foster Care Advocate email DFS_Pecos_Business_Cen@ClarkCountyNV.gov and requesting the name of the caseworkers/supervisor of the child.*
- *Schools/School Districts provide DFS, EDMs/parents/caregivers/CASAs the academic plan when created and requested*
- *DFS should support Schools/School District in ensuring the identification of children who come into care and provide pertinent information to assist with academic planning*
- *DFS caseworkers and caregivers/parents/EDMS are encouraged to attend academic planning meetings*

Effects of Being in Foster Care Addressed Within Restorative Justice Plans and Mitigated in Disciplinary Procedures (NRS 392.466; NRS 392.467)

- Restorative justice plans after a child has been removed from school for disciplinary procedures must address the occurrences of the suspension, expulsion or removal of pupils in foster care
- A pupil in foster care who is at least 11 years of age may be suspended or expelled from school only if a determination is made that the behavior that led to the consideration for suspension or expulsion was not caused by being in foster care. It shall be presumed that the behavior was caused by being in foster care unless an advocate for pupils in foster care or the school counselor of the pupil determines that the behavior was not caused by being in foster care.
- *Schools/School Districts and DFS should ensure that school district and school administration are aware that this determination must be made before discipline occurs and ensure this determination is made as to possibly mitigate any negative effects of: time out of school; hardships for the child and the family due to the disciplinary procedures; and mental health of the child.*

Entitlement to Free and Reduced Meals (FRM) immediately at any school

- The child must receive meals even if the paperwork to receive meals has not been completed
- The child remains eligible for FRM the entire school year even if the child exited care during that year
- *Schools should provide FRM to children in care immediately if needed and provide paperwork to DFS and parents/caregivers to obtain FRM*

To ensure that the child receives the rights above, please determine who your school district and child welfare Points of Contact, school foster care advocates, DFS caseworker, and EDM are for the child. Please also share this document with school personnel such as administration, Foster Care Advocates, clerks/registrar, social workers, and counselors as they are often involved in ensuring these rights and work closely with children in care and their families.

Thank you for helping our children in foster care. YOU make a difference in their lives!