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## POLICY 701 – Educational Decision Maker

### A. POLICY

Foster children are provided educational advocacy to ensure their educational setting needs are assessed and services provided.

### B. PROCEDURES

An Education Decision Maker can be appointed by the Court for any child who is abused, dependent, neglected, delinquent, or who is in the Department’s custody who does not have an available parent or guardian or the court finds it is in the child’s best interests to limit a parent’s rights to make educational decisions for the child.

The Education Decision Maker is a responsible adult who is known to the child and willing to serve as the child’s Education Decision Maker. A Court Appointed Special Advocate (CASA) volunteer may serve as an Education Decision Maker.

The responsibilities of the Education Decision Maker are:

1. Make appropriate inquiries and take appropriate action regarding all of the following:
  - a. The child’s educational stability or educational placement
  - b. All school discipline matters
  - c. Transition planning for independent living
  - d. Education services and accommodations that will allow the child to meet state standards.
  
2. Notify the Division if a child is suspected of having a disability. The Division shall request an Educational Surrogate Parent for special education purposes. (See Policy 803).
  - a. An Education Decision Maker may serve as an Educational Surrogate Parent if they meet the qualifications.
  - b. If a child is already assigned an Educational Surrogate Parent, the Court may appoint an Education Decision Maker to make all educational decision relating to the child that are not the responsibility of the Educational Surrogate Parent.
  
3. Consent to or prohibit the release of information from the child’s school records as a parent in accordance with the Family Educational Rights and Privacy Act, 20 U.S.C. § 3132 of Title 14.
  
4. Make educational decision based on the best interests of the child.

For children in custody of the Division of Family Services:

1. The Division worker will make efforts to include parents or guardians in educational decisions.
2. The Division worker will discuss with the Deputy Attorney General the need for the Court to appoint and Educational Decision Maker when appropriate:
  - a. The child has no parent or guardian.
  - b. The parent or guardian voluntarily consents to the appointment of an Education Decision Maker.
  - c. It is in the child's best interest to limit a parent's or guardian's right to make educational decisions.
3. The Division worker will engage the child and family to determine if there is a responsible adult who is a relative or other adult known to the child to serve as the Educational Decision Maker.
4. The Division worker will communicate with the Educational Decision Maker and will continue to be involved in the child's educational including participation in meetings involving academics, discipline, transition, etc.

**C. FOCUS**

No FOCUS functionality.

**D. FORMS**

No Forms