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CHILDREN IN STATE – SUPERVISED CARE: ENROLLMENT AND EDUCATIONAL DECISIONS

Fact Sheet

82

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Who is a child in state-supervised care?

This is a child who is in custody of, committed to, or otherwise placed by the local Department of Social Services, Department of Health and Mental Hygiene, Department of Juvenile Services, or private placement agency licensed by the Social Services Administration.

What regulations govern enrollment and educational decision-making?

The Code of Maryland Regulations (COMAR) 13A.08.07 clarifies who has the authority to enroll these children in school and to make educational decisions on their behalf.

What documents does the school need to enroll the child?

- Documentation that the person is authorized to enroll the child
 - Photo identification of person authorized to enroll the child
 - Form requesting enrollment, if such a form is required by receiving school.
- In addition to the above, the school may **not** require more than the following:
- Proof the child is in state-supervised care (recent court order establishing legal custody or placement agency letter on letterhead stating the child is in state-supervised care and proof of residency of the child).

What documents show satisfactory proof of residency?

A letter from the placement agency verifying the address of the child's residence and one of the following (chosen by the person authorized to enroll the child): lease, rent receipts, deed, property tax bill, gas & electric bill, water bill, cable bill, online computer services bill, noncellular telephone bill, or the documentation of residency required by the receiving school.

When must a school enroll the child ?

If required enrollment documents are produced, school must enroll child immediately, if possible, but no later than 2 school days from receipt of documentation.

Can the child enroll in a new school without school records and who can enroll the child?

Yes, the child can enroll without school records. Schools must work together to coordinate the transfer of school records for children in state-supervised care. See Fact Sheet 79 for more information. The child can be enrolled by the child's placement agency caseworker, natural/birth parent, adoptive parent, guardian, person acting as a parent with whom the child lives (i.e. relative, stepparent), foster parent, formal kinship care provider, special education appointed parent surrogate, education guardian, residential child care program representative, court-appointed special advocate (CASA), court-appointed attorney, or the student if 18 years old.

How are concerns about enrollment/decision-making handled?

Each local board of education is required to establish a dispute resolution process to handle controversies about enrollment and record transfer requirements. The process must specify requirements and deadline for filing a request, reasonable timeframes for completion of the dispute process. The process must be completed within 20 school days after the request is filed. During the process the child shall remain in the receiving school and receive appropriate educational services, including an existing Individualized Education Program (IEP), 504 plan and LEP.

Who can make general educational decisions for the child? The child’s natural/birth parent if she/he still has education decision-making authority, placement agency caseworker, or the person designated by the case worker. Such people may include the guardian, education guardian, adoptive parent, person acting as a parent with whom the child is living (i.e. relative, stepparent), foster parent, formal kinship care provider, residential child care program representative, or treatment foster care caseworker.

What are general education decisions? General education decisions are ones that do not involve special education services, including field trip authorizations, parent-teacher conferences, signing report cards, guidance office matters, choice of academic/career programs/courses, testing authorization, special programs authorization (i.e. sex education, armed forces recruiting), choice of magnet or other non-zoned schools, school health-related decisions, school discipline, sports and other extracurricular activities, and parental options under the No Child Left Behind Act.

Who can make special education decisions for the child? Only the following people can make special education decisions: natural/birth parent, special education appointed parent surrogate, adoptive parent, guardian, person acting as a parent who the child is living with (such as relative or stepparent), foster parent (if the foster parent has been granted limited educational decision-making guardianship by the court), or other person legally responsible for the child’s welfare. A child’s caseworker is **not** permitted to make special education decisions for the child.

How will the school know the identity of the child’s educational decision-maker? Within 10 days of enrollment, the placement agency caseworker must identify and provide contact information to the child’s new school about who can make education decisions for the child. The caseworker must identify a primary decision-maker and a secondary who can act if the primary is not available.

How will the school know if the child changes to a different residential placement? If the child’s placement changes during the school year and the child’s address is still within the school boundaries, the placement agency caseworker is required to send a letter to the school with the new address, contact information, and other relevant information.

What schools are required to comply with these requirements? All public schools and noncollegiate educational institutions affiliated with a residential child care program or treatment facility that has an MSDE-approved educational program. This includes certain educational programs in Department of Juvenile Services facilities and certain non-public schools.

What kinds of assurances do schools have to make regarding compliance with the regulations? Each local board of education will certify annually to the State Superintendent of Schools that it is in compliance with the enrollment and educational decision-making regulations, and that it has provided notice of the requirements to principals, teachers, other school personnel, children in state-supervised care, responsible adults acting on behalf of those children and other interested parties.

Who can I contact for help with educational issues for the child and for more information? Each local school system and each placement agency is required to identify a contact person to address issues on behalf of children in state-supervised care. The “Access to Education for Children in State-Supervised Care Handbook” online at <http://marylandpublicschools.org/MSDE/newsroom/publications> can provide additional information.
