



# 10 Ways Counsel for Kids Advance Children's Educational Rights



Youth in foster care face a variety of obstacles to obtaining a quality education, including school enrollment challenges, delayed transfer of records, frequent school moves, unidentified or unmet special education needs, harsh, exclusionary discipline, loss of academic credits and more. Counsel for kids enforce youth's state and federal educational rights, promoting educational success and improved outcomes for students in foster care. How do they do it?

## COUNSEL FOR KIDS PROMOTE:

- 1 Long-term Academic Success:** by advocating for educational supports (e.g. tutoring or mentoring) needed for youth's healthy development and academic success.
- 2 Early Intervention:** by ensuring the child welfare agency complies with requirements to screen and identify all infants and toddlers (age 0-3) with potential disabilities and ensure access to necessary evaluation and services.<sup>1</sup>
- 3 School Stability:** by ensuring the child welfare and state education agencies collaborate to guarantee that a child placed in foster care remains in their home school when it is in their best interest to do so.<sup>2,3</sup>
- 4 Immediate School Enrollment:** by advocating for the timely transfer of records and immediate enrollment when a student in foster care changes schools.<sup>4</sup>
- 5 Timely Evaluation for Services:** by verifying that a student suspected of having a disability receives timely and expedited<sup>5</sup> evaluation for special education services.
- 6 Appropriate Service Provision:** by confirming a student with a disability is provided a service plan tailored for their specific circumstances that offers them an opportunity to make academic progress.<sup>6</sup>
- 7 Equity:** by challenging unfair or discriminatory practices experienced by students in foster care, such as segregation of students with disabilities from their nondisabled peers in unnecessarily restrictive classroom environments,<sup>7</sup> and improper diagnosis of disabilities.<sup>8</sup>
- 8 Justice in School Disciplinary Proceedings:** by ensuring youth accused of violating school rules or policies are provided a disciplinary process consistent with the law,<sup>9</sup> including notice of the hearing, the allegations, the right to be represented by counsel, and compliance with Individuals with Disabilities Education Act (IDEA) requirements so that a child with a disability is not unfairly punished for behaviors related to their disability.<sup>10</sup>
- 9 Normalcy for Youth:** by helping secure access to and full participation in extracurricular, enrichment, cultural, and social activities that encourage emotional and developmental growth and overall well-being.<sup>11</sup>
- 10 Successful Transition to Adulthood:** by advocating for supports and services to assist youth in their transition to adulthood and post-secondary education, job training, or career exploration.<sup>12,13</sup>

### Endnotes

- 1 20 U.S.C. § 1431(b)(4)
- 2 Fostering Connections Act, 42 U.S.C. § 675(1)(G) (2008); Every Student Succeeds Act, Pub. L. No. 114-95, 129 Stat. 1802 (2015).
- 3 U.S. Dept. of Health and Human Services, Administration for Children and Families, Children's Bureau, Information Memorandum, ACYF-CB-1M-23-09, pg. 3-4.
- 4 20 U.S.C. § 6311(g)(1)(E)(ii)
- 5 Office of Special Education and Rehabilitative Services, Policy Support 22-02, (2022) <https://sites.ed.gov/idea/idea-files/letter-to-state-directors-of-special-education-on-ensuring-a-high-quality-education-for-highly-mobile-children-november-10-2022/> (last visited June 11, 2024).
- 6 20 U.S.C. § 1414(a); Endrew F. ex rel. Joseph F. v. Douglas Cnty. Sch. Dist. RE-1, 580 U.S. 386, (2017).
- 7 20 U.S.C. § 1412(5)(a)
- 8 20 U.S.C. § 1414(b)(5); 20 U.S.C. § 1414(c)(1)(B)(i)
- 9 U.S. Department of Education. "Guiding Principles a Resource Guide for Improving School Climate and Discipline." January 2014 <https://www2.ed.gov/policy/gen/guid/school-discipline/index.html> (last visited June 11, 2024).
- 10 20 U.S.C. §§ 1400-1487; 20 U.S.C. § 1415(k)(1)(E)
- 11 42 U.S.C. § 675(10)
- 12 20 U.S.C. § 1070a-11 - § 1070a-18 (Federal Trio Programs)
- 13 42 U.S.C. § 677 (John H. Chafee Foster Care Program—see also Education and Training Voucher (ETV) Program)

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