

**Once the child is enrolled, who is authorized to make educational decisions?**

**General education decisions.**

A natural/birth parent (if s/he still has education decision making authority) or a child's placement agency caseworker can make general education decisions for a child (for example, field trip authorizations, attending parent-teacher conferences, and school discipline). Or, if the caseworker decides, the following people can also make these decisions: guardian, person acting as a parent who the child is living with (such as a relative or stepparent), foster parent, formal kinship care provider, education guardian, or residential child care program representative.

**Special education decisions.**

Fewer people can make *special* education decisions for a child (for example, placement, identification, and evaluation). Only a special education appointed parent surrogate, natural/birth parent, adoptive parent, guardian, person acting as a parent who the child is living with (such as a relative or stepparent), foster parent, or other person legally responsible for the child can make these decisions. **A child's caseworker is not permitted to make special education decisions for the child.**

**You can seek assistance if you have problems with enrollment or the transfer of school records.**

**If you experience problems, you can:**

- § Notify the child's caseworker and make sure s/he is helping you with the problem.
- § Give a copy of this brochure to the school front office staff, guidance counselor, Pupil Personnel Worker (PPW), or, if necessary, the principal.
- § File a complaint using the school district's dispute resolution process.
- § If you are still having trouble, contact the Maryland State Department of Education (MSDE), Department of Juvenile Services (DJS), or Department of Human Resources (DHR).

**While a dispute is being resolved, the student has the right to:**

- § Remain enrolled in and attend school, and
- § Receive educational services, including special education services.

**Important contact information**

**Maryland State Department of Education**

200 West Baltimore Street  
Baltimore, MD 21201  
Student Services (410) 767-0295  
[www.marylandpublicschools.org/msde](http://www.marylandpublicschools.org/msde)

**Department of Juvenile Services**

120 West Fayette Street  
Baltimore, MD 21201  
Sheri Meisel, Ph.D. (410) 230-3261  
<http://www.djs.state.md.us/>

**Department of Human Resources**

311 West Saratoga Street  
Baltimore, MD 21201  
Office of Resource Development (410) 767-7130  
<http://www.dhr.state.md.us/>

**Helpful resources**

MSDE & DHR have developed an [education rights handbook](#) to answer common questions & concerns about the education rights and needs of children in state care. It can be found at:

<http://www.dhr.state.md.us/ssa/foster/handbook.htm>

The legal requirements for the education of Maryland children in state care can be found in the Maryland Code of Regulations (COMAR) at:

**[www.dsd.state.md.us/comar](http://www.dsd.state.md.us/comar)**  
(the regulations are COMAR 13A.08.07.01 - .05)

Brochure written by:  
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**Education  
rights of  
children in  
State care  
(DSS, DJS, or  
DHMH)**

## A Maryland child in state care has rights to:

### An education.

Maryland children under age 21 have a right to a free public education.

### Prompt enrollment in school.

When children in state care need to enroll in a new Maryland public school, the school must enroll them **IMMEDIATELY, IF POSSIBLE, AND NO LATER THAN TWO SCHOOL DAYS** from the date the child provides the school with basic enrollment documents (read further for what documents are required).

### Prompt transfer of the student's school records.

If they change schools, children in state care have the right to have their school records transferred from the old school to the new school promptly – **NO MORE THAN ONE WEEK**.

## Who is a "child in state care"?

A child in state care is *any* child or youth who is in the custody of a placement agency such as:

- § The county Department of Social Services (DSS),
- § The Department of Juvenile Services (DJS),
- § The Department of Health and Mental Hygiene (DHMH), or

is placed by any private agency that is licensed by the state's Social Services Administration (SSA).

**Education is the most powerful weapon which you can use to change the world."**

- Nelson Mandela



## If a child needs to enroll in a new school, the following documents need to be presented:

1. **Documentation that the person is authorized to enroll the child** (and photo identification)
2. **Proof that the child is in state care.** This can be shown by providing the school with:
  - the part of a court order establishing legal custody OR
  - a placement agency letter stating that the child is in state-supervised care
3. **Proof of residency.** This includes a placement agency letter verifying the child's address, **PLUS one** of the following (the choice is made by the person taking the child to be enrolled):
  - A lease, rent receipts, deed, or property tax bill, OR
  - A gas & electric bill, water bill, cable bill, online computer services bill, noncellular telephone bill, OR
  - Documentation of residency required by the school district.

**If the above documents are provided, the new school *must* enroll the child.**

**A child's academic records are *not required* for the child to enroll.**

## Who is *authorized to enroll* a child in state care?

A natural/birth parent, adoptive parent, guardian, person acting as a parent who the child is living with (such as a relative or stepparent), placement agency caseworker, 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 or older) can enroll a child in state care.

## The child's old and new schools must work together to transfer the child's school records.

**The new school where the child in state care is enrolling *must*, within TWO SCHOOL DAYS:**

§ *Call the child's old school and find out* the child's grade level and if the child has special education needs, AND

§ *Send a written request* to the old school for the child's complete school records (AND *give a copy of the written request* to the child or the child's representative).

**The child's old school *must*:**

§ **IMMEDIATELY** tell the new school the child's grade level and if the child needs special education services, and

§ Within **THREE SCHOOL DAYS** of getting notice from the new school, mail, fax, or hand carry the student's complete school record to the new school.

**A child's school record includes:**

- § A completed student withdrawal/transfer record,
- § The student's academic records,
- § The student's immunization records, and
- § If the student has special education needs, the student's Individualized Education Plan (IEP) or Section 504 Plan and any assessments.

## What is the child's placement agency required to do?

**Notify the new school that the child in state care is enrolling.** Notice must be given before or at the same time that the child's placement changes. This will *trigger the school* to begin to perform its duty under the law.

**Notify the new school of who is authorized to make educational decisions for the child.** Within **TEN DAYS** of the child's enrollment, the placement agency must inform the school who can make education decisions for the child (both a primary decision maker and a secondary one who can act if the primary is not available).