

# F Y I F Y I F Y I F Y I

F O R Y O U R I N F O R M A T I O N

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## WHO HAS THE EDUCATIONAL DECISION MAKING RIGHTS FOR A CHILD

This FYI is being released to clarify who holds the educational decision making rights for children placed into the care of DCFS by the court.

The parent or legal guardian, is always the holder of educational decision making rights unless those rights have been limited by the court. However, in cases of legal separation, divorce, or child custody matters, the legal custody status must be reviewed to determine if one or both of the parents hold the educational rights. If the court determines that the educational decision making rights of the parent or legal guardian should be limited, the court must appoint a "responsible adult" to make educational decisions on behalf of the dependant child. The "responsible adult" may be anyone the court selects including:

- A relative caregiver
- A foster parent
- A CASA
- An adult who is important in the child's life
- A Surrogate Parent appointed by the school (Special Education cases only)

The "responsible adult" may never be:

- The Children's Social Worker
- A Group Home provider
- An attorney representing the child or the parent/legal guardian
- Anyone with a conflict of interest

The holder of educational decision making rights may do the following:

- Decide what school the child shall attend.
- Go to the school to discuss the child's educational progress.
- Request and authorize a psycho-educational assessment for the child.
- Sign the child's Individualized Educational Program (IEP).
- Authorize the release of the child's educational records.



If you have any questions regarding this release please e-mail your question to:

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Clerical Handbook: <http://198.51.213.151/Policy/Hndbook%20Clerical/Default.htm>

Child Welfare Services Handbook: <http://198.51.213.151/Policy/Hndbook%20CWS/default.htm>

FYI's: <http://198.51.213.151/Policy/FYI/TOCFYI.htm>