

School Stability Rights for Children in DFS Care

By Dr. Leslie Strasser Murdock

Under current law, when a child enters foster care or changes placements while in foster care, the child has the right to remain in their current school (called the “school of origin”) even if the child has moved out of the school’s attendance zone. The “school of origin” is defined as the “public school in which a child is enrolled at the time the child was placed in foster care or the school in which a child in foster care is enrolled at the time of the most recent change in the placement of the child.”

The Department of Family Services (DFS) is required to decide whether it is in the child’s best interest to remain at the “school of origin” or enroll in a new school. It is presumed that the child should stay at the “school of origin” unless it is not their best interest to stay there. Research has shown that moving schools has a negative impact on academic achievement and is associated with dropping out and other poor academic outcomes. Additionally, moving schools may take children away from supportive teachers and friends making it more difficult to form positive relationships.

If DFS decides it is in the best interest of a child to enroll in a new school, it must provide written notice of its determination to every interested party as soon as feasible. DFS must also work with the new school to ensure the child is immediately enrolled and attend school even if the child is missing necessary documents. Documents can be obtained while the child attends schools. A child should not be unenrolled from the school of origin until a plan is set up to ensure the child can attend the new school and be transported there.

If DFS decides that the child should remain in the school of origin, DFS must contact the school district to set up transportation.

Transportation should be reasonable for the child to get to/from school. While the transportation plan is being set up, DFS is responsible for setting up interim transportation using a variety of options which may include: DFS partnering with the child’s caregivers, relatives, and fictive kin to provide interim transportation; transporting the child using DFS available transportation; arranging alternative transportation; and/or partnering with CCSD to provide transportation.

What You Can Do as a Caregiver to Support the Above Rights

- When you receive a child in your home, ask your child’s DFS Specialist what school the child will be attending and what the transportation plan is for the child
- Contact your child’s DFS Specialist for the following issues:
 - Transportation is not being provided or is not working for you or your child
 - You or your child believe it is no longer in the best interest for the child to attend the school of origin

Thank you for your help in ensuring your child’s school stability and educational success!



Leslie Strasser Murdock, Ph.D., J.D., is the educational liaison for the Clark County Department of Family Services and owner/CEO of ELM Educational Consulting. An adjunct professor in the School of Education at Nevada State College and at UNLV’s Boyd School of Law, Dr. Murdock has more than 16 years of experience in the educational field.