
**Children's Attorneys Project
Education Advocacy Program
Year-End Report 2021**



Executive Summary

Clark County School District (CCSD) has historically and currently struggles to provide meaningful benefit to the students they are charged with educating, and that is even more glaring in special education. In the spring of 2020, the Council of the Great Schools submitted their report entitled, *Improving Special Education Services in the Clark County School District*. The report is 244 pages long and has 10 recommendations (recommendations cover over 25 pages of the report). What is most telling is that this report, that generated over 25 pages of recommendations, was issued *prior to* the Covid-19 pandemic, which has stretched our education system and exacerbated the cracks students were already falling through. The problem is not merely in special education. Looking at the Group Summary Report for College and Career Readiness on the Nevada Accountability Portal, one finds that only 21.2% of the nearly 20,000 eleventh graders tested were proficient in mathematics, while only 46% of those students were proficient in English Language Arts.

In response to this bleak outlook, Legal Aid Center of Southern Nevada's Education Advocacy Program (EAP) assists low income community members whose children are struggling to obtain the programming they need to succeed in school. Many of the students are in the foster care system. Academically, children in the foster care system perform worse than any other vulnerable population, including homeless children. Some children in the child welfare system also need someone to speak up for their education rights in our public school system. EAP created a volunteer program to address this need which is staffed by 92 volunteers who step in as court appointed education decision makers. Our Volunteer Education Advocates (VEAs), are trained and mentored so they can ensure that children in foster care receive supports to be successful in school. EAP receives referrals from local community agencies, juvenile court, and the Truancy Prevention Outreach Program. EAP also actively participates in Autism Court.

Highlights from 2021

EAP has remained flexible to meet the needs of students and families as our community continues to grapple with the fallout of the Covid-19 pandemic. With a small staff of one attorney and three legal advocates, EAP represented 440 families in 2021! Legal services provided in 2021 include the following:

Due process complaints

All due process complaints alleged CCSD failed to provide appropriate services to children with disabilities. As a result of these due process complaints and settlement agreements, *CCSD provided 2,806 hours of compensatory education* to help students CCSD did not properly serve.

- 12 cases resolved with settlement agreements prior to filing a due process complaint
- 11 due process complaints filed
- 1 state complaint filed against CCSD

Community trainings

- 3 trainings for Truancy Prevention Outreach Program new hires
- 1 Continuing Legal Education class
- 10 + community education classes on special education rights
- 1 class for CCSD social workers with Legal Aid Center's adult guardianship team

10+ community outreach events connecting with the community

Joined the CCSD School Justice Partnership Committee as an advisory member

Joined the Social Justice Partnership subcommittee on school discipline

Caseload

Education Advocacy Program 2021	
New kids accepted 2021	114
Total kids represented by attorneys (includes new and previous years cases)	225

Volunteer Education Advocacy Program 2021	
New kids accepted 2021	58
Total kids represented by attorneys (includes new and previous years cases)	215

Volunteer Education Advocate Program

Volunteer Education Advocates (VEAs) make critical decisions about children's educational rights. A VEA steps into the place of a biological parent to make decisions about schooling. Legal Aid Center has a trained advocate who assists our volunteers with filing of complaints against CCSD, attending school meetings, and providing mentorship to the volunteers.

One such example of how important a VEA is to a foster child is Vincent. Vincent struggled in seventh grade. He had poor grades and myriad behavior concerns. While Vincent floundered in school, his parents were incapable of getting him the help he needed. The Dependency Court appointed a VEA to act as his education decision maker. A trained volunteer was assigned to the case and immediately requested a special education evaluation. The testing concluded that Vincent was eligible for an Individualized Education Plan (IEP). Unfortunately, once the IEP was in place there were still issues with the school following through on its obligations under the IEP. Vincent's EDM demanded the school address these failures. When the school did not

respond the Education Advocacy team quickly filed a Due Process Complaint against CCSD. As a result, Vincent was moved to an appropriate classroom, and CCSD developed a Behavior Intervention Plan consistent with Vincent's IEP. Fast-forward a few months and Vincent is doing well academically and his future looks bright.

In 2021, we trained 41 new Volunteer Education Advocates and we currently have 134 children assigned to a volunteer.

DAAY Court

Low income children from the community, children in foster care, and those involved in the juvenile justice system often struggle in school. Recent studies found that up to 85% of children in the juvenile justice system have a disability that makes them eligible for special education services yet only 37 percent actually receive special education services. Legal Aid Center currently provides advocacy assistance to 121 families. These children might live with biological parents, foster parents, or are involved in the juvenile justice system. Legal Aid Center attends hearing in the Detention Alternatives for Autistic Youth, (DAAY) Court. This specialized court accepts cases where children are diagnosed with or suspected of having a diagnosis of Autism. The DAAY Court program meets twice a month with representatives from various community providers. Since many of the juvenile justice referrals come directly from the school district, Legal Aid Center represents families to ensure they are receiving the special education services they need to be successful in school. EAP assisted over 20 families referred from DAAY Court in 2021.

One of the children referred by DAAY court was William. William was 16 years old and a sophomore in high school. William was new to Las Vegas and new to living with his father. He had been attending school online due to poor behaviors attributed to his Autism. He was refusing work and had failing grades. William's father was overwhelmed and didn't know where to start with getting help. We gladly accepted his case and provided the supports dad needed to push the school to put safe guards in place to help William be successful in the classroom. Our office challenged William's school when they said that William would not make it on a comprehensive campus and that the best place for him was behavior school or a special school. Our advocate insisted on complete data collection before moving Williams to a more restrictive campus. By the time the school finished collecting the data it was clear William belonged right where he was, on a comprehensive campus. Since we received this referral from DAAY Court, William's behavior has truly transformed. He used to refuse to work and express his frustration through destruction and now he attends school and gets excellent grades. William will be graduating high school this year and is interested in a career in animation or computer game development.

Advocating for Older Youth

A study from 2017 found that only 46 percent of foster children graduate from high school. In response to this poor education outcome, Legal Aid Center set out to provide specialized assistance to older foster youth. Legal Aid Center has a legal advocate dedicated to youth in foster care age 14 and over who are struggling to graduate from high school. This dedicated

advocate is currently providing intensive case management to 55 youth. With our advocacy, the students have improved school performance, better attendance, and are earning credits to graduate from high school.

One such client was Lexi. Lexi is a 16 year old living in a relative foster care placement. Lexi got in trouble at school and was recommended for expulsion. We represented the education decision maker and made numerous requests to attend the expulsion meeting. The school held the meeting without informing our office. The school expelled Lexi, having never considered her recent series of acute hospitalizations for suicidal ideation, nor her diagnoses of trauma, PTSD, and depression. Despite Lexi's obvious struggles, she had never been evaluated for an IEP. Our advocate was present for the appeal of the suspension and argued that the school failed by never evaluating Lexi for an IEP despite the numerous existing red flags. Lexi's expulsion was overturned and she is back in school with wrap-around services and a pending a special education evaluation.

Legislative and Systemic Advocacy

The 2021 Legislative Session proved to be busy for EAP. EAP worked on various bills that would further protect foster children in regards to their education. One of those bills requires a facility that admits a child with an emotional disturbance to develop a plan for the continued education of the child. It also requires the school district that was providing education services at the time the child was admitted to a psychiatric facility to participate in the development of the plan for the continued education of the child, even after discharge. This bill creates continuity of education for our most vulnerable children. Another bill EAP worked on clarifies schools obligations on restorative justice, student achievement plans, provides guidance on how to appeal discipline, and ensures that a child does not receive a greater punishment for exercising their right to appeal.