

Education Rights Holder Checklist

These steps are designed to guide ERHs, including those with and without their own attorneys. If you are represented by an attorney, please consult with that attorney prior to speaking with other parties, attorneys, or the court.

ISSUE	DESCRIPTION OF WORK
Before Every Court Hearing	
Investigate Education Needs	Meet with the youth, investigate the youth’s education needs, and determine if they are being met. Investigation includes requesting and reviewing education records (use the <u>Requesting Education Records: Step-by-Step Guide Tool</u>), speaking with the youth’s caregiver (if the caregiver is not also the ERH), school staff, and other relevant adults (e.g., tutor), and attend education meetings at school and with the county placing agency to gather information about the youth’s education needs. Determine whether the youth: (1) is in their school of origin; (2) is attending the least restrictive education setting that can meet their needs; (3) has appropriate special education services, if needed; and (4) has an appropriate graduation plan, if the youth is in high school. <u>See Making Education Decisions for Children Involved with the Dependency Court.</u>
Make Best Interests Decisions	On an ongoing basis, act in the youth’s best interests, make decisions and take actions to protect the education interests of the youth.
Appointment of Education Attorney	If you need support in protecting the youth’s best education interests, consult with the Attorney for Youth and CSW/PO and/or request the appointment of an education attorney using the <u>317(e) Referral Form.</u>
School of Origin: Request a Hearing Following a Placement Change	Request a hearing by filling a <u>JV-539 form</u> if: (1) the new home placement is too far from the School of Origin (“SOO”) for transportation to be feasible (this is a youth-specific question as different distances/modes of transportation may be appropriate based on the age and developmental needs of the youth); (2) the school district, CSW/PO, and caregiver cannot establish a transportation plan; (3) there is an alternative home placement option that is more accessible to the school of origin; (4) there is a different school of origin that should be considered that would require a different home placement; (5) the timing of the school year requires it (e.g., if there are only a few weeks left in the semester); and (6) any other reason that there may be a question about the move, or its impact on the youth’s ability to attend the school of origin.
School of Origin: Make Best Interest Determination Decision at Child and Family Team (“CFT”) Meeting	Attend and participate in the CFT held right before or after a home change. Discuss school stability needs with the youth, new caregiver, CSW/PO, and AB 490 Foster Youth Liaisons from the prior and new school districts. Identify all potential schools of origin, gather input from CFT members, and then make the final decision whether remaining in any potential schools of origin is in the youth’s best interests utilizing the <u>School of Origin Best Interests Determination Procedures & Worksheet.</u> Work with the CFT to develop an appropriate transportation plan. If there is a dispute about whether the youth should continue to attend their SOO or about the transportation options, the youth has a right to remain in their SOO pending the results of the dispute. If the dispute is solely between the school district and the ERH, it may be appropriate for the ERH to file a <u>Uniform Complaint Procedures Act Complaint Form</u> with the school district.
School of Origin: Prepare Statement to Court	After any home placement change, prepare a statement to the court, utilizing the <u>School of Origin Best Interests Determination Procedures & Worksheet,</u> indicating whether the proposed change of school placement is in the youth’s best interest and whether any efforts have been made to keep the youth in the SOO.

Education Rights Holder Checklist Continued

ISSUE	DESCRIPTION OF WORK
<u>Transferring to a New School</u>	If you determine the youth should not remain in their SOO, work with the youth's caregiver to ensure they are immediately enrolled in their new school of residence. If the youth is not enrolled because the school is refusing immediate enrollment, consider filing a <u>Uniform Complaint Procedures "UCP" Act Complaint</u> . <u>See Enrollment and High School Rights of Foster and Probation Youth</u> .
<u>Transferring to a New School:</u> High School Aged Youth	Ensure high school youth are enrolled in the same/equivalent classes as those they were enrolled in at their prior school and that they received their partial credits from their prior school. If the new school refuses to enroll them in the same/equivalent classes, or the prior school refuses to issued partial credits, consider filing a <u>UCP Act Complaint</u> . <u>See Enrollment and High School Rights of Foster and Probation Youth</u> .
<u>Graduation Planning:</u> Determine if the Youth is On Track	Request an up-to-date copy of the youth's transcript, current course schedule, graduation check, and district graduation requirements using the <u>Requesting Education Records: Step-by-Step Guide Tool</u> . Use the <u>High School Graduation Check</u> to determine whether the youth is on track for high school graduation by identifying whether they have earned the number of credits typically required at that school. ¹ If the youth has failed more than 1 class per school year and not made up the credits in summer school, the youth is at risk of being off track for high school graduation.
<u>Graduation Planning:</u> For Off Track Youth	If the youth is off track for high school graduation, meet with the youth and the school to identify the barriers to their success and create a plan for accessing necessary services to help the youth be successful in school.
<u>Graduation Planning:</u> For Off Track Youth Who Transferred Schools After Completing 10th Grade	If the youth transferred schools after completing their second year of high school, and you have not received written notification of whether the youth is AB 167/216 eligible within 30 days of enrollment, consider filing a <u>UCP Act Complaint</u> . If the youth is eligible, make a best interest decision with the youth about their graduation options. <u>See Enrollment and High School Rights of Foster and Probation Youth</u> . If the youth was not eligible when they transferred, but fell off track for graduation, they can request reconsideration at any time and also need to be reevaluated within 30 days of the start of the next school year.
<u>Graduation Planning:</u> For On Track Youth	If the youth is on track for high school graduation and a senior, work with the youth's school counselor to assist the youth in: (1) completing the FAFSA and researching/applying for additional scholarships; (2) touring colleges; and (3) completing college applications. (See <u>California College Pathway's College Guide</u> .)
At Every Court Hearing	
Attend Court and Inform Judge about Youth's Education Needs	Attend and participate in all court hearings that relate to the youth's education, including informing the Court about whether the youth is enrolled in school (i.e., school of origin, least restrictive environment) and the youth's graduation status and graduation plan.
<u>School of Origin</u>	At any hearing after a change in the youth's education placement, the ERH must submit a statement to the court indicating whether the proposed change of placement is in the youth's best interests and whether any efforts have been made to keep the youth in their school of origin. The <u>School of Origin Best Interests Determination Procedures & Worksheet</u> can be used for this purpose. If necessary, attend court to ensure stability issues are addressed and resolved by the judge.
After Every Court Hearing	
For Newly Appointed ERHs, Investigate Education Needs of Youth	<u>See Rights and Duties of Court Appointed ERHs</u> .
Implement Court Orders	Work with the youth and any other necessary adult to implement all court orders.

¹ Most schools in California expect students to earn 30 credits during each semester (60 credits a year) although some schools have different credit accumulation schemes.