

Judge's Checklist

How to Use This Tool

This tool provides sample questions and minute order language to support judges as they address the education needs of youth in their courtrooms, and is specifically tailored to the needs of foster and probation youth. In the first section, there are questions that should be addressed at every hearing; later sections address questions that only need to be addressed at hearings on a particular topic, such as hearings following a change in home placement. Based on the answers to the questions, sample language is provided that can be read in to the record and/or input on the minute order.

A judge may join a school district in a proceeding by using the [JV-540 Joinder form](#) if the school district has failed to meet their legal obligations to a youth. Alternatively, the judge may order the CSW/PO to ensure that the school district complies with the district's obligations.

At Every Court Hearing

Education Rights: Inquire about the status of the education rights holder from the [social worker/probation officer] court report and all parties. Pay particular attention to appropriateness of education rights holder following a home placement change where prior caregiver holds education rights.

QUESTION FROM THE BENCH

***Who is the current education rights holder?
Is the current education rights holder meeting the youth's education needs?***

ANSWER

If parents hold education rights and **are** meeting the youth's education needs:

If someone else holds education rights and **is** meeting the youth's education needs:

If current education rights holder is **not** meeting the youth's education needs:

JUDGE'S SCRIPT FOR INCLUSION IN MINUTE ORDER

The court determines that parental education rights will not be limited and biological mother and father continue to hold education rights.

The court determines that parental education rights were limited on [date] and [name of education rights holder] was appointed to hold education rights on [date]. The court finds that the youth's current education rights holder, [name of education rights holder], is meeting their education needs and will remain appointed as education rights holder.

The court finds that the youth's current education rights holder, [name of education rights holder], is not meeting their education needs because the education rights holder is [unwilling, unable, or unavailable] to hold them because ...

OR

The court finds that the youth's current education rights holder, [name of education rights holder], is not acting in the youth's best interests because ...

Judge's Checklist Continued

At Every Court Hearing

Education Rights: Appointment of a new education rights holder				
Has the current education rights holder received timely notice of this hearing?				
ANSWER				
If no:	If yes, has a new proposed education rights holder been identified?			
JUDGE'S SCRIPT FOR INCLUSION IN MINUTE ORDER	If no:	If no, and the youth has an IEP:	If yes, was priority in selecting a proposed education rights holder given to relatives, nonrelative extended family members, the youth's caregiver in their planned permanent living arrangement, or another adult known to the youth before proposing an adult unknown to the youth?	
			If no,	If yes, does the new proposed education rights holder have any conflict of interest which might restrict or bias his or her ability to make decisions, including but not limited to, the receipt of compensation or attorney's fees for the provision of services?
The court hereby orders [social worker/probation officer] to provide appropriate notice to the current education rights holder [education rights holder name]. A new hearing to address education rights will be held on [date].			If yes,	If, no
JUDGE'S SCRIPT FOR INCLUSION IN MINUTE ORDER				
As the parties have been unable to identify a proposed education rights holder, I am ordering the county placing agency to make every effort to identify a potential education rights holder to make future education decisions for the youth, including but not limited to identifying potential relatives, nonrelative extended family members, foster parents, adults supporting the youth (e.g., mentor, tutor), Court Appointed Special Advocate, or other adults known to the youth. A new hearing to address education rights will be held on [date].	The court hereby approves the JV-535 Form submitted by the [social worker/probation officer] on [date] limiting the education rights of [prior education rights holder name] and requesting that the youth's current school district appoint a surrogate parent within 30 days. A new hearing to address education rights will be held on [date, 30 days from current date]. The court clerk will provide a copy of the new JV-535 to the new education rights holder, youth [if they are age 10 or older], the Attorney for Youth, the [social worker/probation officer], the AB 490 Foster Youth Liaison for the youth's current school district, and the Foster Youth Services Coordinator for the County Office of Education where the youth resides.	The court hereby orders [social worker/probation officer] to identify a new proposed education rights holder, giving priority to relatives, nonrelative extended family members, the youth's caregiver in their planned permanent living arrangement, and/or another adult known to the youth before proposing an adult unknown to the youth. A new hearing to address education rights will be held on [date].	The court hereby orders the [social worker/probation officer] to identify a new proposed education rights holder who does not have a conflict of interest. A new hearing to address education rights will be held on [date].	The court hereby approves the JV-535 Form submitted by the [social worker/probation officer] on [date] limiting the education rights of [prior education rights holder name] and appointing [proposed education rights holder name] as education rights holder. ¹ The court clerk will provide a copy of the new JV-535 to the new education rights holder, youth [if they are age 10 or older], the Attorney for Youth, the [social worker/probation officer], the AB 490 Foster Youth Liaison for the youth's current school district, and the Foster Youth Services Coordinator for the County Office of Education where the youth resides.

¹It is also a best practice to appoint a Developmental Services Decision-Maker whenever a new education rights holder is appointed.



At Every Court Hearing

Education Rights: Appointment of a co-education rights holder

JUDGE'S SCRIPT FOR INCLUSION IN MINUTE ORDER

The court hereby approves the JV-535 Form submitted by the [social worker/probation officer] on [date] and does not limit the education rights of [current education rights holder name]. The court hereby appoints a co-education rights holder, [co-education rights holder name], to work with [current education rights holder name]. The court clerk will provide a copy of the new JV-535 to the education rights holder, youth [if they are age 10 or older], the Attorney for Youth, the [social worker/probation officer], the AB 490 Foster Youth Liaison for the youth's current school district, and the Foster Youth Services Coordinator for the County Office of Education where the youth resides.

Education Needs: Inquire about the education needs of the youth.

Is the youth enrolled in school?

ANSWER

JUDGE'S SCRIPT FOR INCLUSION IN MINUTE ORDER

If no,

The court hereby orders that a Child Family Team ("CFT") meeting be held within 3 business days, including the youth, the youth's education rights holder, current caregiver, and AB 490 Foster Youth Liaisons from the youth's prior and new school to discuss: (1) school stability; (2) the implementation of youth's education rights holder's decision regarding best interests; and (3) the immediate enrollment of the youth in school. A new hearing will be held on school stability on [date].

Can the county placing agency confirm that the youth has not been segregated in a separate school or program because of their foster status?

ANSWER

JUDGE'S SCRIPT FOR INCLUSION IN MINUTE ORDER

If no,

The court hereby orders that a CFT meeting be convened within 3 business days including the youth's education rights holder to determine the youth's least restrictive educational setting. A new hearing will be held on school enrollment in the least restrictive environment on [date].

How is the youth doing in school academically? What are their current grades? Does the youth have basic literacy and math skills?

ANSWER

JUDGE'S SCRIPT FOR INCLUSION IN MINUTE ORDER

If there are any education concerns:

The court hereby orders that the youth be referred for [tutoring services through their school district, tutoring services through their county office of education, tutoring services funded by the county placing agency, other academic support service, etc.].

AND/OR

The court hereby orders that the county placing agency refer the youth to the school district for a special education assessment. [If the youth does not have a current education rights holder] Consent for that assessment is hereby granted with this order.

How is the youth doing behaviorally and socially in school? Is the youth attending school regularly? Does the youth have or need school based mental health services?

ANSWER

JUDGE'S SCRIPT FOR INCLUSION IN MINUTE ORDER

If there are any education concerns:

The court hereby orders that the youth be referred for [school based mental health services, school based behavioral support services, weekly attendance checks, coordination and authorization between services inside and outside of school, appointment of education attorney, etc.].

Does the youth have an IEP? Is the youth's IEP meeting their needs? Is the youth's IEP being implemented? Is it up-to-date (i.e., has the school held a meeting and made changes at least once per year)? What services are being provided?

ANSWER

JUDGE'S SCRIPT FOR INCLUSION IN MINUTE ORDER

If there any concerns with the IEP:

The court hereby orders that the youth's IEP team convene within 30 days to address _____ unmet education need.



At Every Court Hearing

Is the youth participating in any extracurricular activities? Does the youth need any supplies/uniforms or transportation in order to participate in extracurricular activities?

ANSWER	JUDGE'S SCRIPT FOR INCLUSION IN MINUTE ORDER
If there are any concerns:	The court hereby orders that the county placing agency purchase [_____] for the youth in order for them to participate in [_____] extracurricular activity. AND/OR The court hereby orders that [_____] provide transportation so the youth can participate in [_____] extracurricular activity.

Do any interested persons have information to add about the youth's education needs?

At Every Hearing Following a Change in Home Placement

School Stability

Was school of origin considered by the county placing agency when placing the youth in a new home, including but not limited to: (1) proximity to the youth's school of origin; (2) school attendance area; (3) the number of school transfers the youth has previously experienced; (4) the youth's school matriculation schedule; and (5) other indicators of educational stability?

ANSWER	JUDGE'S SCRIPT FOR INCLUSION IN MINUTE ORDER
If no,	The court hereby orders that the county placing agency conduct a new home placement search that takes into account school stability. A new hearing will be held on school stability on [date].

Did the county placing agency provide notice to the court, the Attorney for Youth, the education rights holder, and the youth's current and proposed school district (if known)...
[for a general education youth] no more than one court day after making the decision to change a youth's placement?
[for a special education youth] at least ten days prior to changing the placement, including notice to the special education office of the potential new district?

ANSWER	
If no:	If yes, Was a CFT held (including the [social worker/probation officer], youth, education rights holder, new caregiver, and AB 490 Foster Youth Liaisons from the prior and new school districts) to discuss whether or not it is in the youth's best interests to remain in their school of origin?
	If no:

JUDGE'S SCRIPT FOR INCLUSION IN MINUTE ORDER	
The court hereby orders the county placing agency to provide appropriate notice prior to moving the child's home placement.	The court hereby orders that the county placing agency convene a CFT to discuss whether it is in the youth's best interests to remain in their school of origin. The youth's prior and new school district AB 490 Foster Youth Liaisons must be invited to attend the CFT. The youth's education rights holder must attend and make the final best interest determination. A new hearing will be held on school stability on [date].

Has the youth been allowed to remain in their school of origin pending the best interest determination?

ANSWER	JUDGE'S SCRIPT FOR INCLUSION IN MINUTE ORDER
If no,	The court hereby orders that the youth be immediately re-enrolled in their school of origin [SOO name].



At Every Court Hearing Following a Change in Home Placement

<i>Did the youth's education rights holder decide that it is in the youth's best interest to remain in their school of origin?</i>	
ANSWER	
If no:	If yes, <i>is the youth currently attending their school of origin?</i>
<i>If not in the youth's best interests, see Transferring Schools.</i>	If no:
JUDGE'S SCRIPT FOR INCLUSION IN MINUTE ORDER	
The court hereby orders that the youth is immediately re-enrolled in their school of origin [SOO name].	
<i>If the youth's education rights holder decided it was in the youth's best interest to remain/return to their school of origin, is there a dispute with any other party about this decision?</i>	
ANSWER	
If yes, <i>do the following people agree or disagree with the school placement decision and if they disagree, why do they disagree: youth, education rights holder, Attorney for Youth, AB 490 Foster Youth Liaison from prior and new school districts, and CASA (if applicable)?</i>	
If the court believes remaining in the school of origin is in the youth's best interests:	If the court believes transferring to the new school is in the youth's best interests:
JUDGE'S SCRIPT FOR INCLUSION IN MINUTE ORDER	
Court makes findings on a JV-538 . The court hereby orders that the youth be immediately re-enrolled in their school of origin [SOO name].	Court makes findings on a JV-538 . The court hereby orders that the youth be immediately enrolled in their new local comprehensive school of residence [school name].
<i>If the youth is (or should be) attending their school of origin, does the youth need transportation to their school of origin?</i>	
ANSWER	JUDGE'S SCRIPT FOR INCLUSION IN MINUTE ORDER
If yes,	The court hereby orders that the County Placing Agency provide reimbursement to [caregiver name] for transporting the youth to their school of origin pursuant to All County Letters 11-51 and 13-03 . A new hearing will be held to confirm that transportation reimbursement has begun on [date]. OR The court hereby orders that the County Placing Agency and School District of Origin (via a joinder on JV-540 Form) identify and fund a transportation plan for youth by [date]. A new hearing will be held to confirm a transportation plan has been implemented on [date].

Transferring Schools	
<i>If the youth's education rights holder determines that they will not remain in their school of origin, how will the proposed school placement serve the best interest of the youth? [Review JV-537 Form or other education rights holder statement explaining the youth's needs 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.]</i>	
ANSWER	JUDGE'S SCRIPT FOR INCLUSION IN MINUTE ORDER
If the court believes attending the school of origin is in the youth's best interests:	The court hereby orders that the youth be immediately re-enrolled in their school of origin [SOO name].



At Every Court Hearing Following a Change in Home Placement

<p>What type of school is being proposed? Is the youth enrolled in the least restrictive education placement available that meets the youth's needs (e.g., local comprehensive school vs. continuation school)? If no, Did the youth's education rights holder determine that attending an alternative school site was in the youth's best interests?</p>	
<p>ANSWER</p>	
<p>If no,</p>	<p>If yes, what is the timeline for returning the youth from the alternative school site back to the local comprehensive school?</p>
	<p>If there is no timeline or the timeline seems unreasonable (e.g., 1 year),</p>
<p>JUDGE'S SCRIPT FOR INCLUSION IN MINUTE ORDER</p>	
<p>The court hereby orders that, with the consent of the youth's education rights holder, the youth be immediately [or at the end of the current semester] enrolled at their local comprehensive school, as this is the youth's least restrictive educational placement.</p> <p>AND/OR</p> <p>The court hereby orders that the county placing agency convene a CFT meeting with the youth, their education rights holder and caregiver, and the youth's school district to reach agreement about a placement. If agreement is not reached within 3 business days, the court will set a new hearing date to decide the youth's education placement.</p>	<p>The court hereby orders that the youth's education rights holder and [social worker/probation officer] convene a meeting with the school to discuss the plan and timeline to return the youth to their local comprehensive school.</p>
<p>Has the county placing agency notified the new school of the placement change, including the name and contact information for the youth's education rights holder?</p>	
<p>ANSWER</p>	<p>JUDGE'S SCRIPT FOR INCLUSION IN MINUTE ORDER</p>
<p>If no:</p>	<p>The court hereby orders that the county placing agency provide notice to the new school, including the name and contact information for the youth's education rights holder.</p>
<p>Was the youth immediately enrolled in the new school?</p>	
<p>ANSWER</p>	<p>JUDGE'S SCRIPT FOR INCLUSION IN MINUTE ORDER</p>
<p>If no and the delay was caused by the school:</p>	<p>The court hereby orders the youth's education rights holder to file a Uniform Complaint Procedures Act Complaint against the school for compensatory education services.</p>
<p>Was the youth enrolled in the same/equivalent classes/grade as at their old school? If not, did the youth's education rights holder determine that enrollment in different classes/grade was in the youth's best interests?</p>	
<p>ANSWER</p>	<p>JUDGE'S SCRIPT FOR INCLUSION IN MINUTE ORDER</p>
<p>If no,</p>	<p>The court hereby orders that the youth be immediately enrolled in the same/equivalent classes/grade as they were enrolled in at their old school.</p>
<p>If the youth has an IEP or 504 plan, are the supports and services in the plan being implemented in the new district? Was an IEP held within 30 days of enrolling in the new school?</p>	
<p>ANSWER</p>	<p>JUDGE'S SCRIPT FOR INCLUSION IN MINUTE ORDER</p>
<p>If no,</p>	<p>The court hereby orders that the youth's school district immediately implement the youth's [IEP/504 supports] and services and convene an [IEP/504] meeting to address the youth's ongoing needs.</p>



At Every Court Hearing Following a Change in Home Placement

<i>Has the county placing agency provided the youth's Health and Education Summary to the caregiver?</i>	
ANSWER	JUDGE'S SCRIPT FOR INCLUSION IN MINUTE ORDER
If no,	The court hereby orders that the county placing agency provide the youth's Health and Education Summary to the youth's caregiver within 2 business days.
[For high school aged youth that transferred schools in the middle of a school grading period] <i>Did the youth receive their partial credits?</i>	
ANSWER	JUDGE'S SCRIPT FOR INCLUSION IN MINUTE ORDER
If no,	The court hereby orders that the youth's education rights holder and [social worker/probation officer] work with the youth's school to ensure partial credits are issued on an official transcript and forwarded to their new school.

At Every Court Hearing for High School Aged Youth

Graduation Planning	
<i>Is the youth enrolled in the correct classes for their graduation plan?</i>	
ANSWER	JUDGE'S SCRIPT FOR INCLUSION IN MINUTE ORDER
If no,	The court hereby orders the education rights holder and [social worker/probation officer] to work with the youth's school counselor to place the youth in the proper classes for their graduation plan.
<i>Is the youth on-track for high school graduation within 4 years?</i>	
ANSWER	JUDGE'S SCRIPT FOR INCLUSION IN MINUTE ORDER
If no,	The court hereby orders that a CFT meeting be convened including the youth, their education rights holder, and their current caregiver to identify the barriers to the youth's success and develop a plan to access necessary services to help the youth succeed in school.
<i>If off-track, did the youth transfer schools after completing 2 years of high school?</i>	
ANSWER	
If yes, has the youth been certified as eligible or ineligible for AB 167/216 graduation?	
If no,	
JUDGE'S SCRIPT FOR INCLUSION IN MINUTE ORDER	
The court hereby orders the youth's education rights holder and [social worker/probation officer] to work with the school to seek the certification. If the certification is not received within 10 school days, the education rights holder and [social worker/probation officer] are ordered to file a Uniform Complaint Procedures Act Complaint against the school to ensure the youth is certified.	
<i>If the youth is AB 167/216 graduation eligible, has the youth's education rights holder made a best interest decision about which graduation path is best for the youth?</i>	
ANSWER	JUDGE'S SCRIPT FOR INCLUSION IN MINUTE ORDER
If no,	The court hereby orders the [social worker/probation officer] to convene a CFT Meeting including the youth, their education rights holder, and their caregiver to discuss the youth's post high school needs, including college and vocational interests, and to decide, based on the education rights holder's evaluation of what is in the youth's best interests, what the youth's graduation plan will be.



At Every Court Hearing for High School Aged Youth

<i>If on-track for high school graduation, is the youth enrolled in A-G, Advanced Placement, or Career Technical Education courses?</i>	
ANSWER	JUDGE'S SCRIPT FOR INCLUSION IN MINUTE ORDER
If no,	The court hereby orders the youth's education rights holder and [social worker/probation officer] to consider whether enrolling in A-G, Advanced Placement or Career Technical Education courses could benefit the youth.
<i>[For youth who are in their last year of high school] Have the youth's education rights holder and [social worker/probation officer] assisted them in completing the FAFSA, touring colleges, and submitting college applications?</i>	
ANSWER	JUDGE'S SCRIPT FOR INCLUSION IN MINUTE ORDER
If no,	The court hereby orders the [social worker/probation officer] assist the youth in completing their FAFSA, touring colleges, and completing/submitting college applications.

Concluding Education Issues	
JUDGE'S SCRIPT FOR INCLUSION IN MINUTE ORDER	
The court finds that the youth's education need [are/are not] being met.	
[If there are any outstanding issues, or any orders have been made by the court, the judge must direct the clerk to set a new hearing date within a reasonable period of time, including an updated report from the [social worker/probation officer] on the relevant education issue.]	