

1 What Is an Educational Rights Holder?

An educational rights holder is the adult identified or appointed by the court to make educational or developmental-services decisions for a child or youth who has a case in the juvenile court. It can be a parent, guardian, or Indian custodian of the child or youth. But if the court limits decisionmaking rights and appoints an educational rights holder other than the parent, guardian, or Indian custodian, that person acts as the child's or youth's parent, spokesperson, decision maker, and "authorized representative" for all matters related to education and/or developmental-services needs. That person has the right to access the child's or youth's educational and developmental-services records and information to the same extent permitted by the law for a parent.

2 What Is Required of an Educational Rights Holder?

The person who is appointed as the educational rights holder for a child or youth has rights and duties that are imposed by the court. The appointed educational rights holder:

- 1 Will be authorized to have access to the child's or youth's educational and/or developmental-services records and information to the extent permitted by the law.
- 1 May authorize the release of educational and/or developmental-services records to the child's attorney or CASA volunteer to the extent permitted by the law.
- 1 Must comply with all applicable state and federal confidentiality laws and may share information only to the extent necessary to further the interests of the child or youth.
- 1 Must meet with the child or youth; investigate the child's or youth's educational and/or developmental-services needs and whether those needs are being met; and, before each scheduled review hearing, provide information and recommendations to the social worker or probation officer or make written recommendations to the court or attend the review hearing, and participate in any part of the hearing that concerns the child's education or development, or do all of these. The educational and/or developmental-services rights holder may submit written recommendations on *Educational*

Rights Holder Statement (form JV-537) or in any other suitable format. To the greatest extent possible, the educational rights and/or developmental-services holder must consult and collaborate with the school district's educational liaison or regional center service coordinator, or other educators and case managers as applicable, to gather information needed to meet the needs and protect the rights of the child or youth.

3 At Each Hearing...

At each hearing in a dependency or juvenile justice proceeding, the court is required to identify the educational rights holders for the child or youth. At the dispositional hearing, the social worker or probation officer will have interviewed the parent, guardian, or Indian custodian and have had them fill out and return *Your Child's Health and Education* (form JV-225) and have filed it with the court. At that hearing the court, using the information available, will appoint an educational rights holder if necessary in an order that will be made on *Order Designating Educational Rights Holder* (form JV-535). That order will be signed by the judge and filed with the court along with form JV-535 (A), which contains general information and the court's other findings and orders related to the child's or youth's health and education. At each subsequent hearing those original JV-535 and JV-535(A) forms will remain in effect until there is a need to limit, restore, or modify educational or developmental-services rights, or where there is a need to update any contact or other information on form JV-535; or when there are changes in the general information or subsequent findings and orders on form JV-535(A). The most recently updated forms JV-535 and JV-535(A) should be combined and presented at each subsequent hearing.

4 Who Needs to Be Served the Original and Updated Forms JV-535 and JV-535(A)?

The first form JV-535 or any subsequent form JV-535 with new information, along with the most recently updated JV-535(A), must be served by the clerk of the court on the following:

- 1 The child (if 10 years old or older);
- 1 The attorney for the child or youth;
- 1 The social worker or probation officer;
- 1 The Indian child's tribe (if applicable);



- ¹ The local foster youth educational liaison;
- ¹ The county office of education foster youth services coordinator;
- ¹ The regional center service coordinator (if applicable); and
- ¹ The educational rights holder or surrogate parent.

The clerk may also serve the form on:

- ¹ The parent or guardian (unless the information is deemed confidential, parental rights have been terminated, or the child has reached 18 years of age and reunification services have been terminated);
- ¹ To the CASA volunteer (if applicable); and, if requested,
- ¹ To any other person entitled to notice under Welfare and Institutions Code section 293.

Service must be in person or by first-class mail no later than five court days after the order is signed. If both the county and the court authorize electronic service in a jurisdiction, then electronic service may also be used in compliance with California Rules of Court, rule 5.523.

5 If You Want to Appeal a Decision by the Court to Limit or Modify Educational Rights

If you are a parent, guardian, or Indian custodian, and the juvenile court limited or modified your educational or developmental-services rights at a hearing, you have the right to appeal that decision. To appeal, your attorney must fill out and file *Notice of Appeal—Juvenile* (form JV-800) within 60 days of the date of the decision. ***Before filing the Notice of Appeal, the order that the judge signed limiting or modifying your educational rights (form JV-535) must be attached to it, along with the most recently updated form JV-535(A).*** The appeal should be filed in the clerk's office at the court where the decision was made.

This form JV-535-INFO should be made available to court staff, attorneys of record, social workers, probation officers, parents, guardians, Indian custodians, and other educational rights holders, and to anyone with questions about educational rights holders.