



What Are Educational Rights and Who Has Them?

- Per a new law passed in January 2003, the juvenile court must now name a **specific person at each hearing** for every dependent child to hold *educational rights* and act as the "responsible person" for that child. In the initial stages of the dependency process, the biological parents usually hold these rights. Their educational rights may, however, be suspended by the juvenile court judge at any hearing.
- If educational rights have been suspended, **the first choice for an educational surrogate shall be a relative caretaker, foster parent or CASA.** The person holding educational rights may also be another involved adult, such as a relative or mentor. Anyone with a conflict of interest such as a social worker or group home staff may not be appointed.
- The person who has educational rights shall **have all rights relative to a child's education that a parent has** under Title 20 of the US Code and pursuant to Part 300 of Title 34 of the Code of Federal Regulations.
- The Riverside County Juvenile Court expects the person possessing educational rights to:
 - Represent the child in matters relating to regular and special education
 - Request assessments
 - Participate in the review and revision instructional planning and development
 - Participate in the review and revision the Individualized Education Program (IEP)
 - Provide written consent for all assessments, services and IEPs
 - Meet with the child at least one time prior to any IEP meeting
 - Meet with the child regularly
 - Attend all IEP meetings
 - Review all educational records
 - Consult with persons involved in the child's education
 - Comply with federal and state laws pertaining to confidentiality of student records
 - Notify the school upon resignation from the child's case.
- The person who holds educational rights:
 - Must be notified of all treatment team meetings and disciplinary meetings
 - Must be notified of any disciplinary actions, including suspensions and expulsions
 - Must be provided with copies of progress reports, report cards and transcripts
 - Must approve all assessments and all IEPs