

Frequently Asked Questions About Being a Child’s Educational Representative

What Does it Mean to Have Educational Rights?

Having education rights means that you are responsible for making education-related decisions for a child. You have the same rights as a parent/legal guardian and should be a strong advocate for the child in all educational matters. All of your educational decisions must be based on the best interest of the child.

How Does Someone Become the Education Decision Maker?

Parents/legal guardians usually have educational rights. For a child in foster care, the judge may decide to take away the right of the parent/legal guardian to make these decisions and instead give that right to another adult. This can apply to a child who is supervised by child welfare services or is on probation. You have been asked to hold educational rights for the child because the judge believes you are the best person to make these decisions.

How Long Will I Hold Educational Rights?

You have that responsibility until one of these things happens:

- The judge gives educational rights back to the parents/legal guardians;
- The youth reaches 18, unless the youth chooses not to make educational decisions or the judge finds that the youth is incompetent;
- The judge decides that someone else should have these rights;
- A new legal guardian or conservator is appointed;
- The child is in what the law calls, a “planned permanent living arrangement,” at which time the foster parent, relative caretaker, or nonrelative extended family member with whom the child is living and who the court decides is qualified under the law has the right to make educational decisions (this applies only if the parents/legal guardians’ educational rights have been taken away); or,
- You resign as the child’s educational decision maker. You must provide notice to the court and the child’s attorney that you are no longer able to fulfill this responsibility by completing and filing with the court Judicial Council form JV-537, *Educational Representative or Surrogate Parent Information*, and mailing a copy of the form to the child’s attorney.

What Can I Expect From the School?

The school should:

- Notify you of and permit you to fully participate in parent-teacher conferences and individualized education program (IEP) meetings, if applicable;
- Notify you if the child is disciplined, suspended, or expelled;
- Provide you with copies of progress reports, report cards, and transcripts at your request;

- Ask for your approval for any educational assessments or accommodations (504 plans) or IEPs. The school should not schedule an IEP meeting that you are unable to attend.

What Do I Need to Do?

Tell the school that you have educational rights and give the school a copy of the judge's order (Judicial Council form JV-535). Because every district is different, you must find out who needs to know that you have educational rights. In some districts it might be the school principal, the foster care education liaison, or the director of special education. If you are unable to determine who the proper person is, contact the foster care education liaison in your district.

You Should Also:

- Be a strong advocate on behalf of the child in education matters.
- Use Judicial Council form JV-537 to explain the child's education needs to the court.
- As permitted by the court, be present and participate in the portions of the juvenile court hearing that concern the child's education, including the suitability of the child's educational placement. (You should be notified of all juvenile court hearings that affect the child's education.)
- Tell the school to notify you of any meetings and participate in those meetings.
- Tell the school to notify you of important information about the child.
- Meet with the child, review his or her school records, and talk with persons involved in the child's education.

Make Sure the Child:

- Is enrolled in and attending school;
- Is placed in the right educational program;
- Has the educational services and after-school support necessary to succeed; and
- Has the opportunity to participate in extracurricular activities.

When Situations Change

If the child experiences a change in his or her home, consider whether the child should stay in his or her school of origin.

If the child experiences a change in his or her school, make sure that the child's school records, including full and partial credits, are transferred to and accepted by the new school within two days of the child's request to enroll in the new school.

Make sure the child is immediately enrolled in and attending the new school, even if he or she owes fees or textbooks to the old school or lacks the materials, records, uniform, and other documents usually required for enrollment.

Make sure the school does not penalize the child for absences caused by placement changes, court appearances, or related court-ordered activity.

Tell the social worker or probation officer and child's attorney of changes in the child's education status.

Tell the court and the child's attorney if you are no longer able to continue your responsibilities. Use discretion in the necessary sharing of sensitive information about the child.

Special Needs

The child may need extra help to be successful in school. Several services are available. The judge expects you to consider these services and decide whether they would benefit the child.

If the child is under the age of three, he or she may be eligible for early intervention services. These services are provided through the regional center.

If the child is between the ages of three and five, he or she may be eligible for preschool special education services. These services are provided through the school district. If the child is not eligible for these services, you should try to enroll the child in another preschool program, such as Head Start.

If the child has certain health problems, such as asthma, allergies, diabetes, or ADHD, he or she may be entitled to certain accommodations at school.

If the child needs extra help in school, he or she may need special education services. An IEP meeting and the subsequent document set forth what services a child found to be eligible for special education should receive. If the child might be eligible for the special education services, or if the child already has an IEP:

- Request appropriate educational assessments if the child is having academic problems;
- Attend all IEP meeting and invite others if you wish;
- Provide written consent for proposed education assessments and IEPs if you agree with them;
- Refuse to sign the IEP and file an appeal if you disagree with the services being offered; and
- Make sure that the child's IEP is reviewed at least once annually and a complete reevaluation is done every three years.