



## JUDICIAL COUNCIL OF CALIFORNIA

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# REPORT TO THE JUDICIAL COUNCIL

*Item No.: 20-137*  
For business meeting on May 15, 2020

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<b>Title</b>	<b>Agenda Item Type</b>
Juvenile Law: Educational Rights Holders	Action Required
<b>Rules, Forms, Standards, or Statutes Affected</b>	<b>Effective Date</b>
Amend Cal. Rules of Court, rule 5.649; revise forms JV-535 and JV-535(A); approve form JV-535-INFO	September 1, 2020
	<b>Date of Report</b>
	April 1, 2020
<b>Recommended by</b>	<b>Contact</b>
Family and Juvenile Law Advisory Committee Hon. Jerilyn L. Borack, Cochair Hon. Mark A. Juhas, Cochair	Chris Cleary, 415-865-8792 <a href="mailto:christine.cleary@jud.ca.gov">christine.cleary@jud.ca.gov</a>

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### Executive Summary

The Family and Juvenile Law Advisory Committee recommends amending California Rules of Court, rule 5.649 (Right to make educational or developmental-services decisions); revising *Order Designating Educational Rights Holder* (form JV-535) and its attachment (form JV-535(A)); and approving *Information on Educational Rights Holders* (form JV-535-INFO) to clarify requirements, alleviate confusion, and provide more guidance on service of process.

### Recommendation

The committee recommends that the Judicial Council, effective September 1, 2020:

1. Amend rule 5.649 of the California Rules of Court to clarify the filing requirements following a hearing designating an educational rights holder; specify requirements for service of process after the hearing; and update references to “parent and guardian” to include the educational rights of an Indian custodian, in compliance with Welfare and Institutions Code section 361.

2. Revise *Order Designating Educational Rights Holder* (form JV-535) to bring key information to the front page, to include more information about the various parties, to better identify confidential names and addresses, and to provide space for the appointment of more than one educational rights holder.
3. Revise *Attachment to Order Designating Educational Rights Holder* (form JV-535(A)) to include room for the names of all parties and others who need to be served if applicable; include an educational rights holder service of process check box that designates the required parties and others that need service if applicable and appropriate; add the Child's Statewide Student Identifier (SSID) to better track the child or youth through any school changes; and make the form mandatory rather than optional.
4. Approve *Information on Educational Rights Holders* (form JV-535-INFO) to provide key information about educational rights holders, including what an educational rights holder is; what is required of an educational rights holder; what happens at each hearing when there is an educational rights holder; who needs to be served with forms JV-535 and JV-535(A); and how a parent, guardian, or Indian custodian can appeal a court's limiting or modifying of educational rights.

The text of the amended rule is attached at pages 5–7. The new and revised forms are attached at pages 8–14.

### **Relevant Previous Council Action**

Forms JV-535 and JV-535(A) were last revised effective January 1, 2014, to conform to legislation that amended many sections of the Welfare and Institutions Code, the Education Code, and the Government Code to promote access to education and developmental and other legally mandated services for children and nonminors who are the subject of juvenile court proceedings and to ensure that all children and nonminors in foster care are able to maintain connections to relatives and other adults important to them. The Judicial Council also adopted rule 5.649, effective January 1, 2014.

### **Analysis/Rationale**

Education is an issue at every juvenile court hearing and must be addressed in agency reports. Courts need complete information to address educational needs. Child welfare and probation agencies are required to provide a comprehensive report on a child's or youth's educational progress and recommendations on how to meet any educational or developmental-services needs at each hearing. The initial report is recorded on *Your Child's Health and Education* (form JV-225) and is updated at every hearing in the social worker's or probation officer's report.

The default educational and/or developmental-services rights holder is the parent(s), guardian(s), or Indian custodian(s) of the child or youth. But if the court limits or modifies the decisionmaking rights of a parent, guardian, or Indian custodian, it must appoint an educational rights holder (ERH) for the child or youth. That order is recorded on form JV-535, as are any

subsequent orders that limit, restore, or modify education rights, or where there is a need to update contact or other information, in any juvenile proceeding. Other information about the child's school, social worker or probation officer, foster youth educational liaison, and general findings and orders regarding educational decisions can be recorded on form JV-535(A). Rule 5.649 applies to these juvenile hearings and to the use of the two forms.

There have been multiple requests by rule and form users to clarify the rule and improve the forms. The committee received several comments about and requests for improvements to rule 5.649 and forms JV-535 and JV-535(A) during the comment period from court clerks, attorneys, judges, and others, primarily expressing confusion about what the rule requires, claiming inadequate guidance on service requirements, and complaining of a lack of clarity and insufficient information on the forms. This proposal includes amendments to rule 5.649; revisions to forms JV-535 and JV-535(A); and the adoption of a new form JV-535-INFO.

These recommendations are responsive to identified concerns or problems, and are otherwise helpful in advancing Judicial Council goals and objectives. They will provide more clarity and ease of use for the forms and will clarify that the rule does not require a new JV-535 to be filed at every hearing unless the court has limited, modified, or restored educational rights, or there have been changes to contact or other information. It will clarify a confusing rule and will make the forms more user friendly so that key information about the child and other interested parties will be more readily accessible to assist the court, the parties, and their attorneys.

### **Policy implications**

The recommended amended rule of court, revised forms, and new INFO form should result in a more uniform practice across the state regarding the process involved in the appointment of educational rights holders.

### **Comments**

This proposal circulated for comment as part of the winter 2020 invitation-to-comment cycle from December 11, 2019, to February 12, 2020, to the standard mailing list for family and juvenile law proposals. Included on the list were appellate presiding justices, appellate court administrators, trial court presiding judges, trial court executive officers, judges, court administrators and clerks, attorneys, family law facilitators and self-help center staff, legal services attorneys, social workers, probation officers, CASA programs, and other juvenile and family law professionals. Thirteen organizations and individuals provided comment: six agreed with the proposal, six agreed with the proposal if modified, and one commenter did not specify a position, but offered suggested modifications. No commenters opposed the proposal. The committee found some of the comments very helpful and incorporated them into the recommendations. Specifically, the following suggestions from commenters were incorporated into the recommendations:

- The inclusion in JV-535-INFO of e-service in compliance with rule 5.523 as an option for service of process when both the court and county authorize e-service in a jurisdiction;

- Amending rule 5.649 to include a section on service of process;
- Making form JV-535(A) a mandatory form;
- Including the Statewide Student Identifier (SSID) on form JV-535(A) to be able to better track the child or youth through school changes;
- Adding “Indian Custodian” to “parent or guardian” to bring the form into compliance with Welfare and Institutions Code § 361;
- The replacement of “juvenile justice” for “delinquency” wherever it occurs;
- The inclusion on form JV-535-INFO of information on who would benefit/should be given the JV-535-INFO form.

A chart with the full text of the comments received and the committee’s responses is attached at pages 15–48.

The committee sought specific comment on whether the proposed new form JV-535-INFO would be helpful in clarifying the educational rights holder process. Those who responded were uniformly enthusiastic about the desire for such a form. In addition, the committee sought specific comment on whether the check box for service of process would be helpful, and again those who responded to the question were enthusiastic.

### **Alternatives considered**

The committee considered waiting for legislative or other changes to propel this proposal, but the comments from the field were compelling and the committee felt that it was a matter of some urgency to clarify the rule, make the forms more user friendly, and develop form JV-535-INFO to address confusion in the field about the educational rights holder process.

The proposal that circulated for comment did not differ significantly, other than is noted above in the Comments section, from the recommendation presented in this report.

### **Fiscal and Operational Impacts**

The committee does not anticipate any significant costs associated with implementation of this recommendation. The commenters who addressed the committee’s question about cost savings indicated that there would be some minor savings because of the committee’s clarification that form JV-535 does not have to be filed and served at each hearing unless there has been a change in the status of the educational rights holder or there has been a change in contact or other information in either form JV-535 or JV-535(A).

### **Attachments and Links**

1. Cal. Rules of Court, rule 5.649, at pages 5–7
2. Forms JV-535, JV-535(A), and JV-535-INFO, at pages 8–14
3. Chart of comments, at pages 15–48

Rule 5.649 of the California Rules of Court is amended, effective September 1, 2020, to read:

1 **Rule 5.649. Right to make educational or developmental-services decisions**

2  
3 The court must identify the educational rights holder for the child ~~on form JV-535~~ at each  
4 hearing in a juvenile dependency or delinquency juvenile justice proceeding. At any  
5 hearing, where the court limits, restores, or modifies educational rights, or where there  
6 are updates to any contact or other information, in any juvenile proceeding, the findings  
7 and orders must be documented on form JV-535. Unless his or her the rights of the  
8 parent, guardian, or Indian custodian rights have been limited by the court under this rule,  
9 the parent, ~~or~~ guardian, or Indian custodian holds the educational and developmental-  
10 services decisionmaking rights for ~~the his or her~~ child. In addition, a nonminor or  
11 nonminor dependent youth holds the rights to make educational and developmental-  
12 services decisions for ~~himself or herself~~ the youth and should be identified on form JV-  
13 535, unless rule 5.650(b) applies.

14  
15 **(a) Order (§§ 361, 366, 366.27, 366.3, 726, 727.2; 20 U.S.C. § 1415; 34 C.F.R. § 300.300)**

16  
17  
18 At the dispositional hearing and each subsequent review or permanency hearing,  
19 the court must determine whether the rights of a parent, ~~or~~ guardian, or Indian  
20 custodian to make educational or developmental-services decisions for the child  
21 should be limited.

22  
23 If necessary to protect a child who is adjudged a dependent or ward of the court  
24 under section 300, 601, or 602, the court may limit the rights of a parent's, or  
25 guardian's, or Indian custodian rights to make educational or developmental-  
26 services decisions for the child by making appropriate, specific orders on *Order*  
27 *Designating Educational Rights Holder* (form JV-535).

28  
29 **(b) Temporary order (§ 319)**

30  
31 At the initial hearing on a petition filed under section 325 or at any time before a  
32 child is adjudged a dependent or the petition is dismissed, the court may, on  
33 making the findings required by section 319(g)(1), use form JV-535 to temporarily  
34 limit the rights of a parent's, or guardian's, or Indian custodian rights to make  
35 educational or developmental-services decisions for the child. An order made under  
36 section 319(g) expires on dismissal of the petition, but in no circumstances later  
37 than the conclusion of the hearing held under section 361.

38  
39 If the court does temporarily limit the rights of a parent's, or guardian's, or Indian  
40 custodian rights to make educational or developmental-services decisions, the court  
41 must, at the dispositional hearing, reconsider the need to limit those rights and must  
42 identify the authorized educational rights holder on form JV-535.

1  
2 **(c) No delay of initial assessment**

3  
4 The child’s initial assessment to determine any need for special education or  
5 developmental services need not be delayed to obtain parental or guardian consent  
6 or for the appointment of an educational rights holder if one or more of the  
7 following circumstances is met:  
8

- 9 (1) The court has limited, even temporarily, the educational or developmental-  
10 services decisionmaking rights of the parent, ~~or guardian,~~ or Indian custodian,  
11 and consent for an initial assessment has been given by an individual  
12 appointed by the court to represent the child;  
13  
14 (2) The local educational agency or regional center, after reasonable efforts,  
15 cannot locate the parent, ~~or guardian,~~ or Indian custodian; or  
16  
17 (3) Parental rights have been terminated or the guardianship has been set aside.  
18

19 **(d) Judicial determination**

20  
21 If the court determines that the child is in need of any assessments, evaluations, or  
22 services—including special education, mental health, developmental, and other  
23 related services—the court must direct an appropriate person to take the necessary  
24 steps to request those assessments, evaluations, or services.  
25

26 **(e) Filing of order**

27  
28 Following the dispositional hearing and each statutory review hearing, the party  
29 that has requested a modification, limitation, or restoration of educational or  
30 developmental-services decisionmaking rights must complete form JV-535 and any  
31 required attachments to reflect the court’s orders and submit the completed form  
32 within five court days for the court’s review and signature. ~~If no request is made,~~  
33 ~~the child’s or youth’s attorney must complete and file the form.~~ If there has been no  
34 request for modification, limitation, or restoration of educational or developmental-  
35 services decisionmaking rights, or there are no required updates to contact or other  
36 information, there is no need to file a new form JV-535. If a new form JV-535 is  
37 filed, the most recent *Attachment to Order Designating Educational Rights Holder*  
38 (form JV-535(A)) must be attached. The court may instead direct the appropriate  
39 party to attach a new *Attachment to Order Designating Educational Rights Holder*  
40 (form JV-535(A)) to document the court’s findings and orders.  
41

1 **(f) Service of Process**

2

3 After each hearing where a party has requested a modification, limitation, or  
4 restoration of educational or developmental-services decisionmaking rights, the  
5 court clerk must serve the most current forms JV-535 and JV-535(A) on each  
6 applicable party.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):   TELEPHONE NO.: _____ FAX NO.: _____ EMAIL ADDRESS: _____ ATTORNEY FOR (Name): _____	<b>FOR COURT USE ONLY</b>   <b>DRAFT</b> <b>Not approved by</b> <b>the Judicial Council</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
<b>CHILD'S NAME:</b> <b>CHILD'S DATE OF BIRTH:</b>	
<b>ORDER DESIGNATING EDUCATIONAL RIGHTS HOLDER</b>	CASE NUMBER:

**Educational Rights Holder for Child or Youth**

1.  The rights of

a. Name 1: <input type="checkbox"/> parent 1 <input type="checkbox"/> parent 2 <input type="checkbox"/> guardian <input type="checkbox"/> Indian custodian to make <input type="checkbox"/> educational <input type="checkbox"/> developmental-services <i>Check one for each named educational right holder.</i> (1) <input type="checkbox"/> are retained. (2) <input type="checkbox"/> are fully restored. (3) <input type="checkbox"/> are temporarily limited under section 319(g). (4) <input type="checkbox"/> are limited under section 361(a) or 726(b). (5) <input type="checkbox"/> have been terminated under section 366.26 or 727.31. (6) <input type="checkbox"/> transferred to the youth on their 18th birthday. <input type="checkbox"/> Other Educational Rights Holders—see attached.	b. Name 2: <input type="checkbox"/> parent 1 <input type="checkbox"/> parent 2 <input type="checkbox"/> guardian <input type="checkbox"/> Indian custodian decisions for the child or youth (1) <input type="checkbox"/> are retained. (2) <input type="checkbox"/> are fully restored. (3) <input type="checkbox"/> are temporarily limited under section 319(g). (4) <input type="checkbox"/> are limited under section 361(a) or 726(b). (5) <input type="checkbox"/> have been terminated under section 366.26 or 727.31. (6) <input type="checkbox"/> transferred to the youth on their 18th birthday.
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2.  The following adult(s) is/are designated as the educational rights holders, as defined in rule 5.502.

a. Name 1: _____ Address: _____  Telephone: _____ Email: _____ Relationship to child or youth: _____ <input type="checkbox"/> Confidential Name <input type="checkbox"/> Confidential Address <input type="checkbox"/> Other Educational Rights Holders—see attached.	b. Name 2: _____ Address: _____  Telephone: _____ Email: _____ Relationship to child or youth: _____ <input type="checkbox"/> Confidential Name <input type="checkbox"/> Confidential Address
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3. The adult(s) identified in item 2  Name 1  Name 2 is/are (check all that apply):

a.  The *first* educational rights holder(s) identified by the court for this child or youth.

b.  The *same* educational rights holder(s) as last identified by the court, with new contact information in item 2, above.

c.  A *different* educational rights holder from the one last identified by the court.

**NOTICE**

Provision of the information on this form—as well as on forms JV-535(A), JV-536, JV-537, JV-538, JV-539, JV-540, or any equivalent form—to the parent(s), guardian(s), or Indian custodian(s) named in 1 **will** create a safety risk (for example, because of the placement's confidentiality). The information **may not** be disclosed to the parent, guardian, or Indian custodian.



CHILD'S NAME:	CASE NUMBER:
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- 3. d.  The successor guardian or conservator and, as such, holds decisionmaking rights.
- e.  The caregiver in a planned permanent living arrangement and holds  educational  developmental-services decisionmaking rights under section 361(a)(1)(E). See item 6 for limitation of parental decisionmaking rights.

**Having considered the evidence and made the findings required by law, THE COURT ORDERS that**

- 4.  The responsible adults identified in 2 are appointed the educational rights holders for the child or youth and are authorized to make  educational  developmental-services decisions for the child or youth to the extent permitted by law.
- 5.  (Check only if 2, 3, and 4 do not apply.) The court cannot identify a parent, guardian, Indian custodian, or other responsible adult to act as the educational rights holder.
  - a.  The court hereby refers the child to the local educational agency for appointment of a surrogate parent under section 7579.5 of the Government Code.
  - b.  The court, with input from any interested person, will make  educational  developmental-services decisions.
    - The appointment of a surrogate parent is not warranted.
    - (Before the dispositional hearing) The child's attorney and the social worker or probation officer must make every effort to identify a responsible adult to make future educational or developmental-services decisions for the child.
- 6.  The appointment of any previous educational rights holder or developmental-services decision maker is terminated.

**Appointed Educational Rights Holder—Rights and Duties**

- 7. The appointed educational rights holder is authorized to have access to the child's or youth's  educational  developmental-services records and information to the extent permitted by law.
- 8. The appointed educational rights holder may authorize the release of  educational  developmental-services records to the child's attorney or CASA volunteer to the extent permitted by law.
- 9. The appointed educational rights holder must comply with all applicable state and federal confidentiality laws, including sections 362.5, 827, 4514, and 5328 and Government Code section 7579.5(f), and may share information only to the extent necessary to further the interests of the child or youth.
- 10. The appointed educational rights holder must meet with the child or youth; investigate the child's or youth's educational and 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 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 holder must consult and collaborate with the educational liaison or regional center service coordinator, as applicable, to gather information needed to meet the needs and protect the rights of the child or youth.

**Service of Order**

- 11. If this is the first form JV-535 completed in this case or it includes any information different from information on the previous JV-535, the clerk will provide a copy of this form, form JV-535(A), and any other attachments to: the child (if 10 years old or older) or youth; the attorney for the child or youth; the social worker or probation officer; the Indian child's tribe, if applicable; the local foster youth educational liaison; the county office of education foster youth services coordinator; the regional center service coordinator, if applicable; and the educational rights holder or surrogate parent in person or by first-class mail no later than five court days after the order is signed. The clerk may also make the form available to the parent or guardian (unless otherwise indicated on this form, or parental rights have been terminated, or the child has reached 18 years of age and reunification services have been terminated), to the CASA volunteer, and if requested, to any other person entitled to notice under section 293.
- 12. The assigned social worker or probation officer must notify the educational rights holder of the date, time, and location of each court hearing.

**This order applies to any local educational agency, school, school district, or regional center serving the child or youth in the State of California.**

Related findings and orders are attached on form JV-535(A) or its equivalent.

Date:

\_\_\_\_\_  
JUDICIAL OFFICER

CHILD'S NAME:	CASE NUMBER:
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**General Information**

1. Child's or youth's date of birth: \_\_\_\_\_ Child's Statewide Student Identifier (SSID): \_\_\_\_\_  
 Indian child's tribe (if applicable): \_\_\_\_\_  
 Address: \_\_\_\_\_ City: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
 Email: \_\_\_\_\_ Phone No.: \_\_\_\_\_
2. School information
  - a. School district (local educational agency or LEA): \_\_\_\_\_
  - b. School (*name and address*): \_\_\_\_\_
  - c. Foster youth educational liaison (Ed. Code, § 48853.5) (*name and contact information*): \_\_\_\_\_
  - d.  The child is currently expelled from school and may be eligible for readmission on or after (*date*): \_\_\_\_\_
3. County office of education (*name and address*): \_\_\_\_\_  
 Foster youth service coordinator (*name and contact information*): \_\_\_\_\_
4. Regional center (*name and address*): \_\_\_\_\_  
 Service coordinator (*name and contact information*): \_\_\_\_\_
5. County placing agency (*specify*): \_\_\_\_\_
  - a. Assigned social worker or probation officer (*name and contact information*): \_\_\_\_\_
  - b. Supervising social worker or probation officer (*name, address, and contact information*): \_\_\_\_\_
6. CASA organization (*name and address*): \_\_\_\_\_  
 Court Appointed Special Advocate (CASA) (*name and contact information*): \_\_\_\_\_
7. Child's or youth's attorney (*name, address, and contact information*): \_\_\_\_\_

**THE COURT FINDS AND ORDERS**

8.  The child or youth is the subject of a petition filed under section 325. The child's parent, guardian, or Indian custodian is unavailable, unable, or unwilling to exercise educational or developmental services rights; the agency has made diligent efforts to locate and secure the participation of the parent, guardian, or Indian custodian in educational and developmental-services decisionmaking; and the child's or youth's educational and developmental-services needs cannot be met without the temporary appointment of a responsible adult as educational rights holder.
9.  Limitation of the rights of the parent(s), guardian(s), or Indian custodian(s)  educational  developmental services to make decisions is necessary to protect the child or youth.
10.  The youth is at least 18 years old and
  - a.  has chosen not to make  educational  developmental-services decisions for the youth.
  - b.  is deemed incompetent to make educational or developmental-services decisions for the youth.
11.  (*If 10a or 10b is checked*): The appointment of an educational rights holder to make developmental-service decisions for the youth is in the youth's best interests.

<b>CHILD'S NAME:</b>	CASE NUMBER:
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- 12.  The court has denied or terminated reunification services for the parent, guardian, or Indian custodian, and the child or youth is placed in a planned permanent living arrangement under section 366.21(g)(5), 366.22, 366.26, 366.3(i), or 727.3(b)(5)–(6).
- 13. There  is  is not a responsible adult relative, nonrelative extended family member, or other adult known to the child who is available and willing to serve as the educational rights holder.
- 14. The child or youth is receiving special education, general education accommodations and modifications, early intervention services, or developmental services.  Yes  No
- 15.  The child or youth is receiving services under the following plan (*check all that apply*):
  - a.  Individualized education program (IEP)
  - b.  Section 504 plan
  - c.  Individualized family service plan (IFSP)
  - d.  Individual program plan (IPP)
  - e.  Special education local plan area (SELPA)
  - f.  Other (*explain*):

The LEA, SELPA, or regional center must provide a copy of any plan to the designated educational rights holder.

- 16.  The child or youth needs the following educational or developmental assessments or services (*check all that apply*):
  - a.  The child is 0–3 years old, is at risk for a disability or has a developmental delay, and needs assessment for services.
  - b.  The child is 0–3 years old, has a disability, and needs the development of an IFSP.
  - c.  The child or youth is 3 years old or older, may have a disability, and needs intake and assessment for services.
  - d.  The child or youth is 3 years old or older, has a disability, and needs the development or revision of an IEP, IPP, or Section 504 plan.
- 17. The appointed educational rights holder must (*check all that apply*):
  - a.  Submit to the LEA a written referral for assessment for special education and related services or for services under section 504 of the Rehabilitation Act of 1973.
  - b.  Submit to the regional center a written referral for an initial intake and eligibility assessment or evaluation.
  - c.  Submit to the LEA a written referral for assessment or services, or a written request to convene the IEP team to develop, review, or revise the pupil's IEP.
  - d.  Submit a written request to the regional center to convene the IFSP team to develop, review, or revise the IFSP.
  - e.  Submit a written request to the regional center to convene the IPP team to develop, review, or revise the IPP.
  - f.  Other:

- 18.  The following person is directed under rule 5.649(c)–(d) to take whatever steps are necessary to request any assessments or services identified in item 14 or 15 (*name and address unless confidential*):
- 19.  The current educational program and school placement are in the best interests of the child or youth.
- 20.  The current IFSP, IPP, or other developmental services plan is in the best interests of the child or youth.
- 21.  The child or youth  is  is *not* attending the child's or youth's school of origin. If not,
  - a. The educational rights holder  has  has *not* waived the child's or youth's right to attend the school of origin.
  - b. The child or youth  has  has *not* waived the child's or youth's right to attend the school of origin.
- 22.  The county placing agency has considered educational stability and the opportunity to be educated in the least restrictive educational program when making placement decisions for the child or youth.

<b>CHILD'S NAME:</b>	CASE NUMBER:
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**Educational Rights Holder Service of Process Check Box**

**Mandatory:**

<p>1. <input type="checkbox"/> Social worker    <input type="checkbox"/> Probation officer</p> <p>a. Name: _____</p> <p>b. Mailing or electronic service address: _____</p> <p>c. Date of service: _____</p> <p>d. Method of service: _____</p> <p>2. <input type="checkbox"/> Child (if 10 years of age or older)</p> <p>a. Name: _____</p> <p>b. Mailing or electronic service address: _____</p> <p>c. Date of service: _____</p> <p>d. Method of service: _____</p> <p>3. <input type="checkbox"/> Local Foster Youth Educational Liaison</p> <p>a. Name: _____</p> <p>b. Mailing or electronic service address: _____</p> <p>c. Date of service: _____</p> <p>d. Method of service: _____</p>	<p>4. <input type="checkbox"/> Attorney for child or youth</p> <p>a. Name: _____</p> <p>b. Mailing or electronic service address: _____</p> <p>c. Date of service: _____</p> <p>d. Method of service: _____</p> <p>5. <input type="checkbox"/> County Office of Education Foster Youth Services Coordinator</p> <p>a. Name: _____</p> <p>b. Mailing or electronic service address: _____</p> <p>c. Date of service: _____</p> <p>d. Method of service: _____</p> <p>6. <input type="checkbox"/> Educational Rights Holder</p> <p>a. Name: _____</p> <p>b. Mailing or electronic service address: _____</p> <p>c. Date of service: _____</p> <p>d. Method of service: _____</p>
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**Mandatory, if applicable:**

<p>1. <input type="checkbox"/> Regional Center Service Coordinator</p> <p>a. Name: _____</p> <p>b. Mailing or electronic service address: _____</p> <p>c. Date of service: _____</p> <p>d. Method of service: _____</p> <p>2. <input type="checkbox"/> CASA Volunteer</p> <p>a. Name: _____</p> <p>b. Mailing or electronic service address: _____</p> <p>c. Date of service: _____</p> <p>d. Method of service: _____</p>	<p>3. <input type="checkbox"/> Tribe/Bureau of Indian Affairs</p> <p>a. Name: _____</p> <p>b. Mailing or electronic service address: _____</p> <p>c. Date of service: _____</p> <p>d. Method of service: _____</p>
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**If appropriate:**

1.  Mother     Father     Legal guardian

a. Name: \_\_\_\_\_

b. Mailing or electronic service address: \_\_\_\_\_

c. Date of service: \_\_\_\_\_

d. Method of service: \_\_\_\_\_

2.  Indian custodian

a. Name: \_\_\_\_\_

b. Mailing or electronic service address: \_\_\_\_\_

c. Date of service: \_\_\_\_\_

d. Method of service: \_\_\_\_\_

**If requested and entitled to notice under § 293:**

1.  Other (specify): \_\_\_\_\_

a. Name: \_\_\_\_\_

b. Mailing or electronic service address: \_\_\_\_\_

c. Date of service: \_\_\_\_\_

d. Method of service: \_\_\_\_\_

2.  Other (specify): \_\_\_\_\_

a. Name: \_\_\_\_\_

b. Mailing or electronic service address: \_\_\_\_\_

c. Date of service: \_\_\_\_\_

d. Method of service: \_\_\_\_\_

3.  Other (specify): \_\_\_\_\_

a. Name: \_\_\_\_\_

b. Mailing or electronic service address: \_\_\_\_\_

c. Date of service: \_\_\_\_\_

d. Method of service: \_\_\_\_\_

**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:

- 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.
- 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.
- 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.
- 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:

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



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

The clerk may also serve the form on:

- 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);
- To the CASA volunteer (if applicable); and, if requested,
- 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.

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All comments are verbatim unless indicated by an asterisk (\*).

	<b>Commenter</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
1.	Rosanna Anderson, Education Liaison San Mateo County Office of Education	AM	<p>Regarding the need to update the JV-535 at each hearing. I was a child welfare social worker and now work at the County Office of Education - Foster Youth Services Coordinating Program (FYSCP). It has been my experience that when JV535s are not completed at each hearing, they are forgotten. Due to frequent changes in social workers or because social workers have so much on their plates, Educational Rights Holders (ERH) fall by the wayside. We had many foster youth whose parents, who were not involved in the case at all, holding educational rights, or previous foster parents (some from more than two placements ago) still holding educational rights. If not prompted to think about it at each hearing, the issue is forgotten. There are also cases of a school district having a JV535 from a couple of years ago and not knowing a new ERH had been appointed as a new JV535 had not been provided. Due to these circumstances, when I jointed the FYSCP, we began to urge social workers to complete a JV535 at each hearing in order to ensure: 1) the ERH was continuously evaluated for appropriateness AND 2) if the school/district was using a JV535 from a year ago, they would know there was a more current one.</p> <p>It would be helpful to understand for which peoples notice is mandatory vs. optional.</p> <p>The JV-535-INFO would be helpful.</p>	<p>The committee acknowledges this concern and has addressed it in the proposed amended California Rules of Court rule 5.649, which requires: “At any hearing where the court limits, restores, or modifies educational rights, or where there are updates to any contact or other information, in any juvenile proceeding, the findings and orders must be documented on form JV-535.” It also clarifies that any new JV-535 must be attached to the most recent form JV-535(A).</p> <p>The committee also acknowledges that service of the most current JV-535 and JV-535(A) on all applicable parties is critical. For that reason, the committee has further amended Rule 5.649 to add subsection (f) Service of Process, which requires the court clerk to serve the most current JV-535 and JV-535(A) on each applicable party after each hearing where a party has requested a modification, limitation or restoration of educational or developmental-services decision making rights.</p> <p>The committee will be providing a service checkbox on form JV-535(A)</p> <p>No response required.</p>

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All comments are verbatim unless indicated by an asterisk (\*).

	<b>Commenter</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
2.	Renzo Bernales, Education Programs Consultant, California Department of Education	A	<p>Consider adding the youth's statewide student identifier (SSID) to the form. These are provided once a youth enrolls as a student in California public schools. It makes it easier to follow the youth and determine which schools were attended and the districts in which the student has been enrolled.</p> <p>In addition, consider adding information as to the educational responsibilities, such as attending IEP meetings, the education rights holder will need to meet.</p>	<p>The committee agrees with this suggestion and is recommending that the statewide student identifier (SSID) be added to section 1 (General information about the child) on the JV-535(A) form, as altered in response to comments, for adoption.</p> <p>The proposed JV-535-INFO form that the committee is recommending for approval includes a section on "What is Required of an Educational Rights Holder?"</p>
3.	Del Norte County Office of Education by Patti Rommel, Foster Youth Services Coordinator	A	<p>As the Del Norte County Office of Education Foster Youth Services Coordinator, I have requested that I be served with copies of the JV-535, per Rules of the Court. The Court's response was that I needed to request these from the child's attorney. I believe have a checkbox with the list of mandatory service versus optional service would be very useful and would clarify for the courts who are to be served with the form. Thank you</p>	<p>The committee agrees with this suggestion and has incorporated it, with minor alterations, into the amended form JV-535(A) that it is recommending for adoption.</p>
4.	Executive Committee of the Family Law Section of the California Lawyers Association (FLEXCOM)	A	<p>Juvenile Law: Educational Rights Holders FLEXCOM agrees with this proposal.</p> <p>Although FLEXCOM believes the proposal accomplishes the stated purpose, we suggest the modifications below. Our proposed modifications are indicated in bold font, with</p>	



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	Commenter	Position	Comment	Committee Response
			<p><b>underlines</b> for proposed additions and <b>strikeouts</b> for proposed deletions.</p> <p>Rule 5.649: FLEXCOM proposes the following modifications:</p> <p>Rule 5.649. Right to make educational or developmental-services decisions The court must identify the educational rights holder for the child on form JV-535 at each hearing in a dependency or delinquency proceeding. At <b>the first hearing, and at any subsequent any</b> hearing where the court limits, restores, or modifies educational rights, or where there are updates to any contact or other information, in any juvenile proceeding, the findings and orders must be documented on form JV-535. Unless his or her rights have been limited by the court under this rule, the parent or guardian holds the educational and developmental-services decisionmaking rights for his or her child. In addition, a nonminor or nonminor dependent youth holds the rights to make educational and developmental-services decisions for himself or herself unless rule 5.650(b) applies. * * *</p> <p>Rule 5.649(e). Filing of order</p>	<p>The committee does not see a suggestion that differs from the proposal in this section.</p> <p>The committee does not recommend this suggested reorganization of Rule 5.649 because it may cause confusion. If a modification, limitation,</p>

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	Commenter	Position	Comment	Committee Response
			<p><b>If there is no modification, limitation, or restoration of educational or developmental-services decisionmaking rights, and there are no required updates to contact or other information, there is no need to file a new or updated form JV-535. Following the dispositional At any hearing and each statutory review hearing, the party that has requested a modification, limitation, or restoration of educational or developmental-services decisionmaking rights that was granted must complete form JV-535 and any required attachments to reflect the court’s orders and submit the completed form within five court days for the court’s review and signature unless ordered otherwise.</b> If no request is made, the child’s or youth’s attorney must complete and file the form. <b>If there has been no request for modification, limitation, or restoration of educational or developmental-services decisionmaking rights, or there are no required updates to contact or other information, there is no need to file a new form JV-535.</b> If a new or updated form JV-535 is filed, the most recent <i>Attachment to Order Designating Educational Rights Holder</i> (form JV-535(A)) must be attached. The court may instead direct the appropriate party to attach a new or updated <i>Attachment to Order Designating Educational Rights Holder</i> (form</p>	<p>or restoration of educational rights has been requested and the court denies it; that is a new order and would require the filing and service of a new JV-535, along with the most recent JV-535(A)</p>

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	<b>Commenter</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
			<p>JV-535(A)) to document the court’s findings and orders.</p> <p>Basis of proposed modifications: In the second sentence of rule 5.649, the comma after “first hearing” may suggest that the modifier (“where the court limits, restores, or modifies educational rights”) applies only to a “subsequent” hearing. More importantly, for purposes of the rule there is no distinction between a first hearing and subsequent hearing. We believe this sentence could be stated more clearly by simply referring to “any” hearing.</p> <p>In rule 5.649(e), we suggest moving the proposed new language (with some modifications) to the first sentence of the subdivision. We recommend changing “request for modification” to “modification” as the need for a new or updated form is dependent on requisite changes, not whether a request was made (e.g. contact information changes happen independent of requests or orders).</p> <p>We recommend changing “or” to “and” before “there are no required updates to contact or other information” to avoid potential grammatical ambiguity about the use of “or” in the sentence and clarify that if contact or other information is changed</p>	<p>The committee agrees with this suggestion and will modify the language using “any” hearing.</p> <p>The committee does not recommend this suggested reorganization of Rule 5.649 because it may cause confusion. If a modification, limitation, or restoration of educational rights has been requested and the court denies it; that is a new order and would require the filing and service of a new JV-535, along with the most recent JV-535(A)</p> <p>The committee does not recommend this proposed change because it believes that the use of “or” does clarify that the new form JV-535 must be filed for either contingency.</p>

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	Commenter	Position	Comment	Committee Response
			<p>without any other change, an updated JV-535 must be filed.</p> <p>With respect to the second sentence of our proposed modification, while it is true that the question of the need to file the JV-535 initially presents itself at the dispositional hearing, there is no difference in the treatment of the question before the court between the dispositional or subsequent hearings, aside from when a “new” as opposed to “updated” JV-535 is filed. We therefore suggest streamlining the language to simply refer to “any” hearing. We also suggest clarifying the language to state explicitly that a new or updated JV-535 is only required when a request has been <i>granted</i>. We believe “unless ordered otherwise” should be added to preserve the judge’s general discretion in such matters, and is especially appropriate for a situation where “contact or other information” has changed. Notably in the latter situation where no request was made, the petitioner would typically be the default party to file the new or updated form(s).</p> <p><b>JV-535-INFO:</b> Question (1) We suggest modifying the second sentence to read as follows: <b>It can be is usually</b> a parent or guardian of the child or youth.</p>	<p>The committee agrees with the suggestion to modify the rule to reference any hearing, but does not agree with a new JV-535 only being needed when a request is granted. If the request has not been granted, that would requires a new JV-535 to be filed to record the most current decision by the court, even if that decision is to leave things as they were.</p> <p>The committee does not recommend this suggestion, but has modified the language for clarity.</p>

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	Commenter	Position	Comment	Committee Response
			<p>Question (2) Since the parent or guardian may be the default educational rights holder, and no “appointment” is required, to increase clarity FLEXCOM suggests that the first sentence be modified to read as follows: <b>Whether a parent or guardian or another person is appointed as the educational rights holder</b> <b>Whoever holds the educational rights</b> for a child or youth, <b>that person</b> has rights and duties that are imposed by the court. The final phrase of the 4<sup>th</sup> bullet point refers to the hearing that concerns the child’s education or development “or all of these.” FLEXCOM was not clear on the intent and thought this might be intended to refer to education or development “services.”</p> <p>Question (4) The introduction to the last series of bullet points should be modified to read: The clerk may also serve the form <b>to on</b>.</p> <p>Question (5) (inadvertently numbered Question (4)) Non-parent and non-guardian educational rights holders, not being parties, do not have a right to appeal a court’s decision to terminate their educational rights. Non-parent or non-guardian educational rights holders serve at</p>	<p>The committee does not recommend this suggestion, but has modified the language for clarity.</p> <p>The committee agrees with this suggestion and has made the change.</p> <p>The committee agrees with your suggested modification and has incorporated it as suggested.</p>

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	Commenter	Position	Comment	Committee Response
			<p>the pleasure of the court and in the best interests of the minor. Therefore, we suggest modifying the first sentence to read:  <b>If you are a parent or guardian and</b> the court limited or modified educational rights at a juvenile court hearing, you have the right to appeal that decision.</p> <p><b>JV-535</b>            We recommend eliminating (and renumbering accordingly) (1) of both 1. a. and 1. b. because it implies that a form must be filed even if the court does not disturb the educational rights held by a parent.</p>	<p>The committee agrees with the suggested modification and has incorporated it into the proposal.</p> <p>The committee does not recommend this suggestion.</p>
5.	Jason Gutierrez, Coordinator II, Los Angeles County Office of Education	A	<p>My one comment or change I would like to bring up is in regards to our LGBTQ+ youth who do not identify as "his or her" I am not sure what the legalities are with this, but for the sake of changing forms again, maybe this can be explored.</p> <p>Also, is there a way that a box can be checked off by the child welfare agency representative, that states all information provided to the court is current and true to the best of my knowledge, on this day...I ask this because many times what is written in CWS/CMS is not always accurate and when it comes to data sharing with our Educational Passport System (EPS) by ensuring a caseworker has entered current information,</p>	<p>The committee appreciates that the commenter brought this to its attention as it is currently working on removing gendered language from forms and rules and replacing it with gender neutral terms. It will remove all references to “his or her” and replace the references with “child or youth”.</p> <p>The committee does not recommend this suggestion because it is not always filled out by the social worker.</p>

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	<b>Commenter</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
			<p>would assist with identification and clean data. I know this may not be able to be a mandate due to the differing agencies, but even if a comment/reminder is on the form to submit current information and entered into your county agencies data information system.</p> <p>I think this form will be more effective if approved. So many times over the most important information is not listed, thus creating issues for staff.</p>	No response required.
6.	Los Angeles Department of Children and Family Services by Alyssa Skolnick, Deputy County Counsel	A	It would be extremely helpful to the CSW and Dependency court to add check boxes and include date and manner of service (in-person or 1st class mail).	The committee agrees with this suggestion and has incorporated it, with minor alterations, into the amended form JV-535(A) that it is recommending for adoption.
7.	Wendy Lowinger, Attorney	A	A really important addition would be for the clerk/ or whomever sends out the signed filed copies, to EMAIL all the parties who need to be notified. For instance, in San Francisco, where I usually end up doing the 535 and 535a's as minor's counsel, I email the "received" orders out as soon as I get them, most people use email now!	The committee agrees with this suggestion, to the extent that both the particular court and county have agreed to e-service, and the committee has incorporated it as a service option, where applicable, into the JV-535-INFO form that it is recommending for adoption.
8.	San Francisco Education Rights Working Group by Alicia Parks	AM	In general, the JV-535 should be one comprehensive form and there should not be a separate JV-535(A) form. One form should exist and provide all information. Perhaps it would make sense to have a separate service section or attachment with boxes similar to the JV-510 Proof of Service form. Ideally, the JV-	The committee discussed the idea of combining forms JV-535 and JV-535(A) into one form and does not recommend that approach based on the fact that information in each of the different forms is for different purposes: the JV-535 is an Order Designating the Educational Rights Holder, while the JV-535(A) is for General Information about

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	<b>Commenter</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
			<p>535 would include additional information for schools and other providers to let them know the purpose of the form, ie. this JV-535 form is used for children who are the subjects of juvenile petitions. The parent(s)/legal guardian(s) may retain rights to make decisions; their rights may be limited and/or another individual may be named together with the parent/legal guardian to make educational decisions. The schools and school districts should know that the ERH is entitled to all information re: the child's education and should be making decisions. The schools should know when the ERH makes decisions and when the caregiver does (this is complicated but important).</p> <p>Rule 5.649: This rule should require a JV-535 in all cases, even if the child's parent/legal guardian retains rights to make educational decisions. This will make clear to schools and school districts who has the right to make educational decisions for each child. Neither the current Rule nor the proposed Rule makes clear whether the JV-535 is required when parents retain their rights.</p> <p>Ideally, there would be an age for which an ERH is required (ie. children age 3 and older) while Developmental Rights Holders are needed beginning at birth.</p>	<p>the various parties and institutions involved in the case and the court's ongoing findings and orders regarding the case. Both forms are to be served together on the parties and institutions involved in the case, including the school district foster youth educational liaison.</p> <p>Because requiring that a JV-535 be used in every case, even if the educational rights holder is the parent, guardian, or Indian custodian, would impose important substantive changes to the proposal, the committee believes public comment should be sought before it could be considered for adoption. The committee will consider this suggestion during another rules cycle.</p> <p>Because setting an age of the child when an ERH is required would impose important substantive changes to the proposal, the committee believes public comment should be sought before it could be considered for adoption. The committee will</p>



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	<b>Commenter</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
			<p>The proposal modifies the existing Rule’s requirement that a JV-535 be prepared and filed at each hearing to require the form only when there is a change. The San Francisco Education Rights Working Group recommends that the current Rule be maintained. We acknowledge that preparing a form for each hearing is cumbersome however, it is in fact best practice. If the proposed Rule is put into effect, schools and Districts will not know whether a form is up to date or is stale. By requiring a JV-535 at each hearing, schools, districts and all involved will know that the JV-535 should be dated within the past 6-8 months.</p> <p>JV-535 Info            §2: The second bullet point states that the Education Rights Holder may authorize the release of records to the child’s attorney and/or CASA. However, these individuals have independent statutory rights and court authorization to receive these records. The Education Rights Holder should not have within his/her power the authority to grant or withhold the release of these records.</p> <p>The top of the second column: The Education Rights Holder is directed to consult and collaborate with the educational liaison. The</p>	<p>consider this suggestion during another rules cycle.</p> <p>The committee prefers, based on the number of supportive comments submitted, to limit the need for new JV-535 forms to be filed to hearings where there is a change in ERH or there is new contact or other information. At all other hearings the most current JV-535 and JV535(A) will be in effect.</p> <p>The committee does not recommend a change to this language, which does not address the rights of the child’s attorney or CASA volunteer to access the records, but just addresses the ERH’s authority to authorize the access in the same way that a parent could authorize access.</p> <p>The committee agrees to make this section more inclusive and expansive by adding “or other educators and case managers as applicable.”</p>

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	Commenter	Position	Comment	Committee Response
			<p>ERH should consult with education and developmental providers, eg. educators and case managers and not exclusively with the liaison.</p> <p>§3: This section discusses the JV-535(A): As discussed within the JV-535 and 535(A) sections, only one comprehensive form should exist. Having both forms is confusing and duplicative if they are both used. The JV-535(A) includes essential information that will be missing if the JV-535(A) is not mandatory in a particular jurisdiction or is not used.</p> <p>JV-535            ¶¶1 and 2: This form would make more sense if paragraphs 1 and 2 were reversed so that the Educational Rights Holder were listed in ¶1.            Re: ¶1 as presented:            a and b:</p> <p>Why list parents #1 and #2?            Who is the first vs. second parent of a child?            Is there a way to have a third ERH?</p>	<p>As noted above, the committee discussed the idea of combining forms JV-535 and JV-535(A) into one form and does not recommend that approach based on the fact that information in each of the different forms is for different purposes: the JV-535 is an Order Designating the Educational Rights Holder, while the JV-535(A) is for General Information about the various parties and institutions involved in the case and the court’s ongoing findings and orders regarding the case. Both forms are to be served together on the parties and institutions involved in the case, including the school district foster youth educational liaison.</p> <p>The committee specifically chose this order of placement because of requests from judicial officers who wanted to know first at the hearing whether the child’s parent, guardian, or Indian custodian was the educational rights holder or had been limited in any way.</p> <p>The revised JV-535 form has check boxes to add an attachment with additional Educational Rights Holders.</p>

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	Commenter	Position	Comment	Committee Response
			<p>¶3c. This would make more sense if it read, “A different educational rights holder from the one identified by the court in the most recently filed JV-535”.</p> <p>¶8. The Education Rights Holder may authorize the release of records to the child’s attorney and/or CASA. However, these individuals have independent statutory rights and court authorization to receive these records. The Education Rights Holder should not have within his/her power the authority to grant or withhold the release of these records.</p> <p>¶10. The ERH should consult with education and developmental providers, eg. educators and case managers and not exclusively with the liaison.</p> <p>¶11. The child’s school should be included in the list of entities to be served with the Order.</p> <p>JV-535(A)</p> <p>This should not be an independent Optional form. See above. There should be one JV-535 form so that all of the needed information is provided and there is not duplicative information on the JV-535 and JV-535(A).</p> <p>1. Including the child’s date of birth is duplicative of the newly proposed JV-535;</p>	<p>The committee prefers the wording in the proposal, and does not recommend this suggestion.</p> <p>As noted above, the committee does not recommend a change to this language, which does not address the rights of the child’s attorney or CASA volunteer to access the records, but just addresses the ERH’s authority to authorize the access in the same way that a parent could authorize access.</p> <p>As noted above, the committee expanded the language in the JV-535-INFO</p> <p>There is not a statutory requirement to serve the child’s school and thus the committee declines to add this requirement.</p> <p>As noted above, the committee declines to make this a combined form, but is proposing to make JV-535(A) a mandatory form.</p> <p>Because they are different forms, the committee is not concerned that this is duplicative.</p>

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**Juvenile Law: Educational Rights Holders** (Amend California Rules of Court rule 5.649; revise forms JV-535 and JV-535(A); adopt form JV-535-INFO)

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	Commenter	Position	Comment	Committee Response
			<p>Why include the child’s Indian tribe on this portion of the form? Why is this relevant here? The Tribe should be included in the list of entities to be served. If this is to be included and both the JV-535(A) and the birthdate are kept then, the tribe should be listed separately from the child’s birthdate.</p> <p>¶¶2 and 3. It’s very confusing to separate out the county office of education from the school district and liaisons vs. FYS coordinators.</p> <p>The school districts for both the residence (county from which the child is a dependent) and the school district where the child attends should both be included.</p> <p>¶8. This does not appear to be an appropriate order. This is not the standard for limiting a parent or guardian’s rights to make educational decisions. The recipient of the JV-535 is not entitled to know why the court has named the ERH that it has. The purpose of this form should be to inform the school, district, etc. of who makes decisions.</p> <p>¶¶10-11. If an 18 year old is not conserved, what is the authority for limiting that young adult’s rights to make decisions regarding his or her own education? I don’t think that there is and therefore, this section should be that the young adult and/or court has authorized</p>	<p>The child’s tribe is identifying information about the child and the committee is retaining it in this portion of the form on a separate line from the birthdate.</p> <p>The committee has determined that all of the information on the proposed form is useful, but that adding a school district that is not serving the child currently might be confusing, thus the committee does not recommend this suggestion.</p> <p>The committee has determined that these findings are legally accurate and appropriate to support the appointment of the ERH.</p> <p>.</p> <p>The committee has determined that a nonminor who has not been conserved may consent to the continuing assistance of an ERH when the court finds it is in the nonminor’s best interest. The committee does not recommend this suggestion.</p>

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	<b>Commenter</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
			<p>_____ to make decisions in place of or together with the young adult.</p> <p>¶¶14-15. These should be combined. If the answer to 14 is yes then, check the appropriate boxes listed in 15.</p> <p>¶¶19 and 21. It would make more sense for these two paragraphs to be reversed.</p> <p>¶22. If the rule is changed so that a new JV-535 is not required at each hearing, this paragraph does not seem appropriate. This question should be answered at each hearing and not only once to sit on a form that is not modified. Again, the Working Group recommends that a comprehensive JV-535 be prepared for each hearing.</p>	<p>The committee does not recommend this suggestion.</p> <p>The committee does not recommend this suggestion.</p> <p>As explained above, the committee does not recommend this change in procedure.</p>
9.	San Francisco Unified School District Foster Youth Services, by Shira Andron, Foster Youth Services Coordinating Program Coordinator	AM	As a Local Education Agency and County Office of Education, I would recommend making the JV 535A mandatory or at least includes Section 1-7 in the JV 535. Schools and districts will not receive the order from the court clerk if not listed there, so it is important there be a way that the clerk know who to serve the order to.	The committee’s proposed form JV 535-INFO already clarifies in §4 that the most current forms JV 535 and JV 535(A) must always be filed and served together. In addition, the revised Rule 5.649 also requires that they be filed together. The committee agrees that the form JV-535(A) should be mandatory.
10.	Superior Court of California, County of Los Angeles by Bryan Borys, Senior Advisor	AM	Updates on forms are necessary. Having the Proof of Service or Certificate of Mailing as part of the form would be helpful for the judicial assistant to fill out and send notice.	The committee agrees with this suggestion for edits to the JV-535(A) form and is recommending JV-535(A), as altered in part by this comment and others, for adoption.

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**Juvenile Law: Educational Rights Holders** (Amend California Rules of Court rule 5.649; revise forms JV-535 and JV-535(A); adopt form JV-535-INFO)

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	Commenter	Position	Comment	Committee Response
			<p>If notice to parents or guardians is not a MUST how can you hold them to the 60 day appeal deadline from the time the orders were made? If the parental rights are terminated then not an issue. But if there is not TPR then parents and legal guardians should be noticed.</p> <p>Appeal rights should be included. JV 535 has a notice option that says due to confidentiality of the placement of the child, the information should not be sent to parents or guardians. How does this adequately allow parents or guardians the right to file an appeal? Notice requirements should be clarified as it affects the parent/guardians and youth 18 years old rights to file an appeal.</p>	<p>The committee notes that whenever a court limits or modifies a parent’s educational rights, the parent will receive a copy of the order and will have an opportunity to appeal. The Notice box in JV-535 is for use when disclosure of information in the form would create a safety risk.</p> <p>See response to comment directly above.</p>
11.	<p>Superior Court of California, County of Orange            Juvenile Court and Family Law Division            by Fen-Ru Chen</p>		<p><b>Rules 5.649</b>            It is recommended to amended sentence to read, “<u>At the first hearing, and any subsequent hearing where the court limits, restores, or modifies educational rights; or where there are updates to any contact or other information for an educational rights holder in a juvenile proceeding, the findings and orders must be documented on form JV-535.</u>”            Revision will clarify when a JV-535 must be filed.</p>	<p>The committee does not recommend this proposed change because limiting it to information about the educational rights holder would not be as inclusive of all the updates to any contacts or other information that is intended to trigger the use of a new form JV-535.</p>

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	Commenter	Position	Comment	Committee Response
			<p>In the same paragraph, it is recommended “decisionmaking” be updated to “decision-making”.</p> <p><i><b>JV-535 – Order Designating Educational Rights Holder</b></i></p> <p>In section #2, the <i>Confidential Name</i> checkbox has an extra space at the beginning.</p> <p><input type="checkbox"/> Confidential Name    <input type="checkbox"/> Confidential Address</p> <p><input type="checkbox"/> Other Educational Rights Holders—see attached.</p> <p>In the <i>Notice</i> section of the first page, it references the parent(s) or guardian(s) named in 6; however, section #6 on the form relates to the appointment of previous educational rights holders, not parents or guardians.</p> <p style="text-align: center;">Notice</p> <p>Box: Provision of the information on this form—as well as on forms JV-535(A), JV-536, JV-537, JV-538, JV-539, JV-540, or any equivalent form—to the parent(s) or guardian(s) named in 6 <i>will</i> create a safety risk (for example, because of the placement’s confidentiality). The</p>	<p>The committee does not recommend this suggestion.</p> <p>The committee does not recommend this suggestion because the spacing is in part built into the program that is used to generate the form and cannot always be modified.</p> <p>The committee will correct this typographical error.</p>

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	Commenter	Position	Comment	Committee Response
			<p>information <i>may not</i> be disclosed to the parent or guardian.</p> <p>In section #11, it is recommended that the verbiage be converted to checkboxes to better indicate mandatory or optional services and to provide clarity for clerks who need to mail or serve the form.</p> <p><i>Does the proposal appropriately address the stated purpose?</i> Yes, the proposal addresses the stated purpose.</p> <p><i>Would the proposal provide cost savings?</i> Costs savings would be minimal as the process is not changing, with the exception of the clarification that a new JV-535 is not always mandatory. Some courts do not file a new JV-535 unless modifications to the order have been made.</p> <p><i>What would the implementation requirements be for courts?</i> Communication would be needed to judicial officers and staff. Procedures may require revisions and updates would be needed to the case management system.</p>	<p>The committee does not recommend this suggestion, but will include a checkbox for service on form JV-535(A).</p> <p>No response required.</p> <p>No response required.</p> <p>No response required.</p>



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	<b>Commenter</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
			<p><i>Would 3 months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?</i></p> <p>Yes, three months would be sufficient time to implement.</p>	No response required.
12.	Superior Court of California, County of San Diego by Mike Roddy, Executive Office	AM	<p>Does the proposal adequately address the stated purpose? “Yes.”</p> <p>Please comment on whether the proposed form JV-535-INFO would be helpful. “It will be very helpful, but courts probably could benefit from some guidance about using the form -- specifically, when and to whom the form should be provided, and who is responsible for distributing the form (e.g., court staff, attorney of record, social worker or probation officer). It seems obvious it should be given to the educational rights holder, but should it also be given to a parent, guardian, or Indian custodian regardless of whether their educational rights are limited? Also, please see suggested changes below.”</p>	<p>No response required.</p> <p>The committee agrees with this suggestion and will add information about who should be provided with the form to the JV-535-INFO form, as altered in response to comments, for adoption.</p>

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	Commenter	Position	Comment	Committee Response
			<p>Would the proposal provide cost savings?                      “Yes, to the extent courts were unnecessarily requiring new JV-535 forms to be filed at each hearing regardless of whether the court limited, modified, or restored educational rights or whether there were changes to other information on the forms.”</p> <p>What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?                      “Training of staff (courtroom clerks and clerks who handle the paperwork) and revision of procedures will vary depending on how a court is currently handling educational rights issues.”</p> <p>Would three months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?                      “Three months probably is sufficient.”</p> <p>How well would this proposal work in courts of different sizes?                      “Unknown.”</p>	<p>No response required.</p> <p>No response required.</p> <p>No response required.</p> <p>No response required.</p>

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	Commenter	Position	Comment	Committee Response
			<p>“Note: WIC § 361 was amended in 2018 to include the educational rights of an Indian custodian (in addition to parents and guardians). Accordingly, Rule 5.649 should be amended to include Indian custodians (see below).”</p> <p><b>Rule 5.649</b>                      The court must identify the educational rights holder for the child at each hearing in a dependency or <del>delinquency</del> <u>juvenile justice</u> proceeding. At the first hearing, and at any subsequent hearing where the court limits, restores, or modifies educational rights, or where there are updates to any contact or other information, in any juvenile proceeding, the findings and orders must be documented on form JV-535. Unless his or her rights have been limited by the court under this rule, the parent, <del>or</del> guardian, or <u>Indian custodian</u> holds the educational and developmental-services decisionmaking rights for his or her child. In addition, a nonminor or nonminor dependent youth holds the rights to make educational and developmental-services decisions for himself or herself unless rule 5.650(b) applies.</p> <p><b>(a) Order (§§ 361, 366, 366.27, 366.3, 726, 727.2; 20 U.S.C. § 1415; 34 C.F.R. § 300.300)</b></p>	<p>The committee has responded below to the specific amendments suggested.</p> <p>The committee agrees with these suggestions and is recommending that Rule 5.649, as revised by this comment and others, be adopted.</p>

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	Commenter	Position	Comment	Committee Response
			<p>At the dispositional hearing and each subsequent review or permanency hearing, the court must determine whether the rights of a parent, <del>or</del> guardian, or <u>Indian custodian</u> to make educational or developmental-services decisions for the child should be limited. If necessary to protect a child who is adjudged a dependent or ward of the court under section 300, 601, or 602, the court may limit a parent's, <del>or</del> guardian's, or <u>Indian custodian's</u> rights to make educational or developmental-services decisions for the child by making appropriate, specific orders on <i>Order Designating Educational Rights Holder</i> (form JV-535).</p> <p><b>(b) Temporary order (§ 319)</b>            At the initial hearing on a petition filed under section 325 or at any time before a child is adjudged a dependent or the petition is dismissed, the court may, on making the findings required by section 319(g)(1), use form JV-535 to temporarily limit a parent's, <del>or</del> guardian's, or <u>Indian custodian's</u> rights to make educational or developmental-services decisions for the child. An order made under section 319(g) expires on dismissal of the petition, but in no circumstances later than the conclusion of the hearing held under section 361.</p>	

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			<p>If the court does temporarily limit the parent's, <u>or guardian's, or Indian custodian's</u> rights to make educational or developmental-services decisions, the court must, at the dispositional hearing, reconsider the need to limit those rights and must identify the authorized educational rights holder on form JV-535.</p> <p><b>(c) No delay of initial assessment</b></p> <p>The child's initial assessment to determine any need for special education or developmental services need not be delayed to obtain <del>parental or guardian</del> consent <u>from the parent, guardian, or Indian custodian</u> or for the appointment of an educational rights holder if one or more of the following circumstances is met:</p> <p>(1) The court has limited, even temporarily, the educational or developmental-services decisionmaking rights of the parent, <del>or guardian, or Indian custodian,</del> and consent for an initial assessment has been given by an individual appointed by the court to represent the child;</p> <p>(2) The local educational agency or regional center, after reasonable efforts, cannot locate the parent, <del>or guardian,</del> <u>or Indian custodian;</u> or</p>	

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			<p>(3) Parental rights have been terminated or the guardianship has been set aside.  <b>(d) – (e) * * *</b></p> <p><b>JV-535-INFO, item 1</b>            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, <u>or guardian, or Indian custodian</u> of the child or youth. But if the court limits <del>a parent's or guardian's</del> decisionmaking rights and appoints an educational rights holder other than the parent, <del>or guardian,</del> <u>or Indian custodian,</u> 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, <u>guardian, or Indian custodian.</u></p> <p><b>JV-535-INFO, item 2</b>  <del>Whether a parent or guardian or another</del> <u>The</u> person who is appointed as the educational rights holder for a child or youth, <del>that person</del></p>	<p>The committee agrees with most of these suggestions for clarifying edits and is recommending JV-535-INFO, as altered in part by this comment and others, for adoption.</p>

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	Commenter	Position	Comment	Committee Response
			<p>has rights and duties that are imposed by the court. The appointed educational rights holder:</p> <p>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 <u>or youth's</u> education or development, <u>or do</u> all of these. The <u>educational</u> rights holder may submit written recommendations on <i>Educational Rights Holder Statement</i> (form JV-537) or in any other suitable format. To the greatest extent possible, the educational rights holder must consult and collaborate with the <u>school district's</u> educational liaison or regional center service coordinator, as applicable, to gather information needed to meet the needs and protect the rights of the child or youth.</p> <p><b>JV-535-INFO, item 3</b></p> <p>At each hearing in a dependency or <del>delinquency</del> <u>juvenile justice</u> proceeding, the</p>	

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			<p>court is required to identify the educational rights holder(s) for the child or youth. At the dispositional hearing, the social worker or probation officer will have interviewed the parent, <del>or guardian, or Indian custodian,</del> and have had them <del>parent or guardian</del> fill out and return <i>Your Child's Health and Education</i> (form JV-225), <del>and</del> have filed it with the court. At that hearing the court, using the information available, will appoint an educational rights holder <del>and that in an order that</del> will be made on <i>Order Designating Educational Rights Holder</i> (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 <u>or developmental-services</u> rights, or where there is a need to update any contact or other information on form JV-535; ...</p> <p><b>JV-535-INFO, page 1, item 4</b>            The first form JV-535 and any following form JV-535 with new information, along with the most recently <u>updated form</u> JV-535(A), must</p>	



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	Commenter	Position	Comment	Committee Response
			<p>be served by the clerk of the court on the following:</p> <p>...</p> <p>The clerk may also serve the form <del>to</del> <u>on</u>:</p> <p><b>JV-535-INFO</b>, right footer at bottom of <b>page 1</b></p> <p>“Insert underneath WIC § citations:” Cal. Rules of Court, rules 5.502, 5.649, 5.650, 5.651</p> <p><b>JV-535-INFO, page 2, item 4 5</b> –“Renumber item 4 to item 5.”</p> <p>If the <u>juvenile</u> court limited or modified <u>your</u> <u>educational or developmental-services</u> <u>decisionmaking</u> rights at a <del>juvenile court</del> hearing, you have the right to appeal that decision. To appeal <del>a decision to limit your educational rights</del>, your attorney must fill out and file <i>Notice of Appeal — Juvenile</i> (form JV-800) within 60 days of the date of the decision. <b><i>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).</i></b> The appeal <del>can</del> <u>should</u> be filed in the clerk's office at the court where the decision was made.</p>	

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			<p><b>JV-535, item 1a &amp; 1b</b> Add checkboxes for “Indian custodian” under the checkboxes for “guardian.”</p> <p><b>JV-535, item 2</b> “The following adult(s) <u>is/are</u> designated as the educational rights holder(s), ...”</p> <p><b>JV-535, item 3</b> “The adult(s) identified in item 2 ___ Name 1 ___ Name 2 <u>is/are</u> (<i>check all that apply</i>):”</p> <p>a. ___ The <i>first</i> educational rights holder(s) identified by the court for this child or youth.</p> <p>b. ___ The <i>same</i> educational rights holder(s) as last identified by the court, with new contact information in item 2, above.</p> <p>...</p> <p><b>JV-535, boxed NOTICE at bottom of page 1</b> Provision of the information on this form—as well as on forms JV-535(A), JV-536, JV-537, JV-538, JV-539, JV-540, or any equivalent form—to the parent(s), <del>or</del> guardian(s), <u>or Indian custodian(s)</u> named in <u>item 6</u> will create a safety risk (for example, because of the placement's confidentiality). The information may not be disclosed to the parent, <del>or</del> guardian, <u>or Indian custodian</u>.</p> <p><b>JV-535, right footer at bottom of page 1</b></p>	<p>The committee agrees with most of these suggestions for edits to the JV-535 form and is recommending JV-535, as altered in part by this comment and others, for adoption.</p>

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			<p>“Insert underneath WIC § citations: Cal. Rules of Court, rules 5.502, 5.649, 5.650, 5.651”</p> <p><b>JV-535, item 4</b> The responsible adults identified in <u>item 2</u> are appointed the educational rights holders ...</p> <p><b>JV-535, item 5</b> <i>(Check only if <u>items 2, 3, and 4</u> do not apply.)</i> The court cannot identify a parent, guardian, <u>Indian custodian</u>, or other responsible adult to act as the educational rights holder.</p> <p><b>JV-535, item 5b</b> ... The child's attorney and the social worker or probation officer must make every effort to identify a responsible adult to make future educational or developmental-services decisions for the child.</p> <p><b>JV-535, item 10</b> The appointed educational rights holder must meet with the child or youth; investigate the child's or youth's educational and 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</p>	

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			<p>attend the review hearing and participate in any part of the hearing that concerns the child's education or development OR <u>do</u> all of these. ...</p> <p><b>JV-535(A), item 2</b>            a. School district (<u>local educational agency or LEA</u>):            “Note: “LEA” is used, without explanation, in items 15 and 17.”</p> <p><b>JV-535(A), item 3</b> (see CRC 5.650(h)(6))            County office of education (<u>name and address</u>):            Foster youth services coordinator ...</p> <p><b>JV-535(A), item 8</b>            The child's parent, <del>or guardian,</del> or <u>Indian custodian</u> is unavailable, unable, or unwilling to exercise educational or developmental-services rights; the agency has made diligent efforts to locate and secure the participation of the parent, <del>or guardian,</del> or <u>Indian custodian</u> in educational and developmental-services decisionmaking; ...</p> <p><b>JV-535(A), item 9</b>            Limitation of the rights of the parent(s), <del>or guardian(s),</del> or <u>Indian custodian(s)</u> to make ...</p> <p><b>JV-535(A), right footer at bottom of page 1</b></p>	<p>The committee agrees with most of these suggestions for edits to the JV-535(A) form and is recommending JV-535(A), as altered in part by this comment and others, for adoption.</p>

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	Commenter	Position	Comment	Committee Response
			<p>“Insert underneath WIC § citations: Cal. Rules of Court, rules 5.502, 5.649, 5.650, 5.651”</p> <p><b>JV-535(A), item 12</b> The court has <del>not ordered</del> <u>denied</u> or <del>has</del> terminated reunification services for the parent, <del>or</del> guardian, or <u>Indian custodian</u>, and the child or youth is placed in a planned permanent living arrangement under section 366.21(g)(5), 366.22, 366.26, 366.3(i), or 727.3(b)(5)–(6).</p> <p><b>JV-535(A), item 15 (last line)</b> “Query: Should “SELPA” be added?” “The LEA, SELPA, or regional center must <del>ensure that</del> provide a copy of any plan <del>is provided</del> to the designated educational rights holder.”</p> <p><b>JV-535(A), item 17 (first line)</b> “Query: Should any timeline be added?” The appointed educational rights holder must, <u>as quickly as possible, (check all that apply):</u> ..., <u>within a reasonable time,</u> ... ..., <u>no later than five days after appointment,</u> ...</p>	<p>The committee agrees with this suggestion for edits to the JV-535(A) form and is recommending JV-535(A), as altered in part by this comment and others, for adoption.</p>
13.	Stanislaus County Office of Education by Elisa Beltran, Foster Youth Liaison	AM	In an educational rights holder case, there are mandatory and optional people who may be served with process. Would it be helpful to	The committee agrees with this suggestion and has incorporated it, with minor alterations, into

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**Juvenile Law: Educational Rights Holders** (Amend California Rules of Court rule 5.649; revise forms JV-535 and JV-535(A); adopt form JV-535-INFO)

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	Commenter	Position	Comment	Committee Response
			<p>create a service section on form JV-535(A) that has check boxes for the mandatory and optional persons to be served for a specific case?                      Response: Yes! Our office has encountered difficulties in obtaining educational rights holder information, accurate and updated information, and actual JV535 forms for foster youth from the court and social services.</p> <p>Confidential ERH information:                      Although we understand the need to indicate whether the names or addresses of the educational rights holders (ERHs) are confidential, education agencies are required by law to contact the person holding educational rights for foster youth for education decisions making purposes. For this reason, I want to make certain that the proposed changes allow educational agencies to obtain education right holder information when deemed confidential for the purpose of fulfilling other state laws and regulations? If not, I believe it is vital to address this issue by identifying who can and cannot receive such information.</p> <p>Please comment on whether the proposed form JV-535-INFO would be helpful.                      Response: Absolutely! This is a long-awaited shift in foster care information sharing practices between agencies and the court that are</p>	<p>the amended form JV-535(A) that it is recommending for adoption.</p> <p>The committee’s recommendations do not change any existing legal access to information about Educational Rights Holders that is held by education agencies.</p> <p>The committee agrees with this suggestion and is recommending the JV-535-INFO form, as altered in response to comments, for adoption.</p>

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			<p>necessary and in the best interest of children in foster care.</p> <p>Would the proposal provide cost savings? If so, please quantify?                      Response: Yes, this would provide cost saving as it would limit the time spent requesting the information provided in these forms by COEs and other educational agencies through the development of other forms, emails, phone calls, etc. on a regular bases to ensure that educational agencies have the most current information and are not contacting individuals who are no longer involved in the student's case.</p> <p>What would the implementation requirements be for courts?                      Response: Appropriate court staff (including judges should be required to attend training courses at least as part of the court's hiring, 6-month, and/or annual clerk re-certification process, and judge's annual refresher course. The course should allow for in-person and/or online one-hour training to include testing as part of the course to ensure competency. If the employee cannot pass the test, then they should be provided an opportunity to retake the test. It may also be beneficial to ensure that social workers completing these forms are also trained in the same manner.</p>	<p>No response required.</p> <p>This question was directed to the courts to determine what the impacts on them would be. The training suggestions made here are beyond the scope of this proposal and outside the purview of the committee.</p> <p>No response required.</p>

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	<b>Commenter</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
			Would 3 months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? Response: Yes.	