

## **New Court Rules Cheat Sheet**

### **Educational Representatives**

- New rules use the term “educational representative” to refer to the person who holds educational rights when court has limited parent’s ed rights. (Rule 5.502)
- New rules clarify that ed rep has “right to notice of educational meetings and activities, participation in educational meetings and activities, and decision making authority regarding the child’s education...” (Rule 5.650 (e))
- New rules clarify ed rep’s responsibilities for ensuring FAPE, including: stability, LRE, access to academic resources, supports to meet academic standards, and school discipline. Also address: meeting with child, being culturally sensitive, confidentiality, making decisions in child’s best interests, having knowledge and skills to ensure adequate representation, and resignation. (Rule 5.650(f) & (g)).
- If the ed rep asks for assistance in training on relevant ed laws, the clerk, SW, or PO must inform her of “all available resources, including resources available through the CDE and LEA.” (Rule 5.650(i))
- Ed rep must receive notice of all hearings regarding or affecting child’s education. (Rule 5.650(j)(1))
- Ed rep may use form JV-537 (Attachment 3) to explain the child’s educational needs. (Rule 5.650(j)(2))

### **New Procedure Re: School District Appointment of Surrogate Parent**

- When the court refers the child to the responsible LEA to appoint a surrogate parent, the court must order that the JV 535 form (Attachment 1) be served on the LEA within seven calendar days of the order. (Rule 5.650(d)(2))
- Once the LEA receives the form, it must make reasonable efforts to locate a surrogate within 30 days. Once a surrogate is appointed, the LEA must send a copy of the JV 536 form (Attachment 2) to the court and social worker within seven calendar days. (Rule 5.650(d)(3))
- If the LEA cannot locate a surrogate within 30 days, it must notify the court within seven calendar days of its inability to appoint a surrogate and its continuing reasonable efforts to do so. (Rule 5.650(d)(3))

### **New Procedures at Court Hearings**

- To the extent info is available, court must consider who holds ed rights, school of origin, limiting ed rights, and appropriateness of educational placement at initial hearing. (Rule 5.651(b)(1))

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- At disposition and all other hearings, court must address and determine child's general and special ed needs, identify a plan for meeting those needs, and provide a clear, written statement re: educational needs using the JV-535 form. The findings and orders must address: needs, services, responsibility for assessments, placement changes, transfer of ed records, enrollment, limiting ed rights. (Rule 5.651(b)(2))
- For all hearings, court must ensure that to the extent info was available, the SW or PO provided the following info in their report for the hearing: child development issues, needs, extracurricular activities, type of school, special ed needs, early childhood needs, IEP, regional services, ed rights, case plan goals re education, assessments, joint assessments. (Rule 5.651(c))
- The clerk is directed to provide all JV 535, 536 and 537 forms to the child if 10 or older, the child's attorney, the SW or PO, the FY liaison, and the ed rep no later than 7 calendar days after the order. Whoever is directed by the court on the JV 535 form must provide a copy to the LEA. (Rule 5.650(h))

### **New Procedure re School of Origin**

- SW or PO must notify the court, the child's attorney, and the ed rep that proposed change in placement would result in removal of child from school of origin within 24 hours of determination that move would result in removal from school of origin. If the child has an IEP, the SW or PO must also notify in writing the prior and receiving LEA of the impending change in placement at least TEN days before the change. (Rule 5.651(e)(1)).
- Within two court days after receiving notice from the SW or PO, the child's attorney or ed rep may file a JV-539 form (Attachment 5) requesting a hearing regarding the child's education. The hearing will be held no later than seven calendar days after the form was filed. (Rule 5.651(e)(2)). Pending the hearing, the child must be allowed to remain in the school of origin. (Rule 5.651(e)(3)).
- SW or PO must provide a report no later than two court days after the JV-539 was filed that addresses: school of origin, information sharing, agreement on proposed change in school, ed rep's position on change, and LRE. (Rule 5.651(e)(4)). Court must address: whether plan is in child's best interests, what actions are necessary to ensure the child's educational rights, and findings to enforce rights, including joinder of necessary agencies regarding provision of services to allow child to remain in school of origin. Court may make findings and orders using the JV- 538 form (Attachment 4). (Rule 5.651(f)).