



# Educational Rights Holder Program

## Education advocacy is the key to academic success.

### How does an Educational Rights Holder impact a child's life?

As an Educational Rights Holder, you would have the authority and responsibility to

- Make decisions regarding the child's school placement;
- Help create or oversee an Individualized Education Plan for special education, if needed;
- Ensure that the child has access to academic resources and services;
- Ensure that the child has access to extracurricular activities; and
- Engage in school disciplinary matters, if needed.

For most children, their parents serve as their primary academic advocates, providing oversight, support, and intervention when necessary. **However, many children — particularly those in the foster care and juvenile justice systems — do not have parents who are capable of appropriately guiding their educational progress.** Without appropriate help and direction, these children struggle in the classroom and are often academically left behind. Sadly, these children and youth are subject to higher drop-out rates and face disciplinary action at a much higher rate than their peers.

The University of San Diego School of Law's Children's Advocacy Institute (CAI) invites all interested USD School of Law students to become **Educational Rights Holders** for local youth in need. As an Educational Rights Holder, you will be able to directly impact a young person's life. With training and guidance provided by CAI and others in the community, you will learn how to support, encourage, and advocate for youth who need academic guidance.

Under appointment by the Juvenile Court, an Educational Rights Holder represents a child in all aspects of his or her academic life.

## You can impact the life of a youth in need.



## **What does it mean to hold educational rights?**

When you hold educational rights, you have the right to make education-related decisions for a student. You have the same rights as a parent/legal guardian would have and are expected to be a strong advocate for the student in all education matters. All of your educational decisions must be based on the best interest of the student.

## **How does someone become an educational rights holder?**

Parents/legal guardians usually hold educational rights for their children. For a minor under the jurisdiction of the Juvenile Court, the judge may decide to temporarily or permanently remove the right of the parent/legal guardian to make educational decisions, and give that right to another adult. This can apply to a child who is supervised by child welfare services or a youth who is on probation.

## **How long would I hold education rights?**

You will have that responsibility until one of these things happen:

- the youth reaches 18, unless the youth chooses not to make educational decisions, or the judge finds that the youth is incompetent;
- the judge decides that someone else should have these rights;
- a legal guardian or conservator is appointed;
- the judge gives educational rights back to the parents/legal guardians;
- the child is in what the law calls, “another planned permanent living arrangement,” at which time the foster parent, relative caretaker, or non-relative extended family member has the right to make educational decisions (this applies only if the parent/legal guardians educational rights have been taken away); or,
- you give formal notice to the court that you are no longer able to have this responsibility.\*

*\*The Children’s Advocacy Institute asks that you be willing to commit at least one year to serving in this capacity.*

## **Who are the children and youth being served by this program?**

This program will train law students to serve as Educational Rights Holders for children and youth involved in any Juvenile Court proceedings (meaning they may be involved in either Dependency or Delinquency proceedings). If you wish to hold educational rights for only Dependency youth or Delinquency youth, please let us know. More information about the Juvenile Court, including its scope, purpose, role, and process will be provided during your training.

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## What would I do as an Educational Rights Holder?

First, you should tell school officials that you hold the student's education rights. It is a good idea to give the school a copy of the judge's order appointing you as the student's Educational Rights Holder (the JV-535). Because every district is different, you may need to investigate who the right person is to let know you have education rights. In some districts it might be the school principal, or the foster care education liaison, or the director of special education. If you are unable to determine who to let know you have education rights, contact the foster care education liaison in the student's district.

Other things you will do include the following:

- Tell the school to keep you informed about any meetings and relevant information about the student.
- Meet with the student, review his/her school records, and talk with persons involved in his/her education, as well as with the student's attorney, social worker, and/or probation officer.
- Make sure the student is enrolled in and attending school; is placed in the right educational program; has the educational services and after-school support necessary to succeed; and has the opportunity to participate in extracurricular activities.
- Make sure that the school accepts any full or partial credits that are earned by the student. Also ensure that the school does not penalize the student for absences caused by placement changes, court appearances, or court-ordered activity.
- If the student experiences a change in his/her home, consider whether he/she should stay in his/her school of origin in his/her school, make sure that his/her school records transfer to the new school within two days, and ensure that the student is immediately enrolled even if he/she owes fees/textbooks to the old school, or lacks the materials, records, uniform and other documents usually required for enrollment.
- Tell the student's attorney, social worker, and/or probation officer and attorney of changes in the student's education status or if you are no longer able to continue to perform your responsibilities.
- Use discretion in the necessary sharing of sensitive information about the youth.
- Participate in all education-related meetings, and be a strong advocate on behalf of the student.

## How would I know if a youth need special education services?

Although your student's school has a legal responsibility to identify students who are eligible for special education services, school personnel may not discover that a student needs help. If you suspect that a student has a disability that entitles him/her to special education, you can – and should – request an assessment for your student to determine if his/her problems in school are related to a disability that qualifies him/her for special education services. More information about the assessment process and special education services will be provided during your training.

## How much of a time commitment is this?

This endeavor is front-loaded. When you are initially assigned to hold educational rights for a student, you will probably spend several hours over the first month or two meeting with the student, school officials, and others; requesting and reviewing educational records; and determining a course of action. Once that initial work is done, however, the workload becomes quite manageable. For the most part, you will be able to set meetings at times that fit your schedule.

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## How can I get more information?

The Children's Advocacy Institute offers training to adults interested in serving as Educational Rights Holders for students involved in Juvenile Court proceedings. This training covers:

- the role, function, rights, and responsibilities of Educational Rights Holders
- the Juvenile Court system and process
- the educational system and special obligations schools have toward foster youth
- how to request and obtain special education services for a child or youth
- how to address other educational issues (behavioral, discipline, extracurricular activities, etc.)
- how to identify when litigation may be needed to obtain appropriate services for a child, and where to turn to for that type of assistance

For more information, call the Children's Advocacy Institute  
at (619) 260-4806 or email [info@caichildlaw.org](mailto:info@caichildlaw.org).

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