



## FOSTER YOUTH ACHIEVEMENT PROGRAM EDUCATION RIGHTS HOLDER FACT SHEET

### WHO IS THE EDUCATION RIGHTS HOLDER (ERH)?<sup>1</sup>

- The default education rights holder (ERH) is a child's biological parent(s).
- However, a court can limit a parent's education rights and appoint a "Responsible Adult" or "Educational Representative" to make educational decisions.
- If the court is unable to appoint a responsible adult AND a child has been referred for a special education assessment or has an IEP or is subject to disciplinary proceedings, then the District must appoint a "Surrogate Parent" as ERH.
- Once a child turns 18 years old, he or she holds his or her own education rights.

Who can be a child's ERH?	Who can <u>NOT</u> be a child's ERH?
<ul style="list-style-type: none"><li>• Biological Parent</li><li>• Legal Guardian</li><li>• Responsible adult who is appointed by the court (e.g. foster parents or relative caregiver)</li><li>• Educational surrogate appointed by the school district</li><li>• For children in long-term foster care, <b>after parents' education rights have been limited and reunification services have ended</b>, the current caregiver is ERH.</li></ul>	<ul style="list-style-type: none"><li>• DCFS social worker</li><li>• Probation Officer</li><li>• Group home staff</li><li>• District employee</li><li>• Employee of any agency involved in the "education or care" of the child</li><li>• Anyone with a conflict of interest</li></ul>

### HOW DO YOU KNOW WHO THE ERH IS?

- Helpful documents
  - JV-535: Court order designating ERH
  - DCFS 1399: Notification to School of Pupil's Foster Care Status
- Ask the caregiver and verify with DCFS social worker or probation officer
- Contact CLC attorney or Public Defender

<sup>1</sup> Ca. Welfare & Institutions Code §§ 319(g), 361(a).



## Pupil Services

*"To ensure that all LAUSD students are enrolled, attending, engaged and on-track to graduate"*

### **WHAT IS THE ROLE OF THE ERH?**

- Stand in the shoes of a parent and make educational decisions based on the best interest of the child
- Investigate the child's educational needs and determine whether those needs are met
- Communicate with the county social worker and/or court prior to each hearing on the child's educational needs

### **WHY IS IT IMPORTANT TO KNOW WHO THE ERH IS?**

- Only a person who legally holds a foster child's education rights can make educational decisions. For example:
  - Whether a child should remain in his/her school of origin or transfer to a new school;
  - Whether a child's IEP is appropriate; or
  - Whether a child should graduate from high school under AB 167/216.
- School districts must afford the same rights to an ERH as to a student's parents.
- The law specifically requires school districts to notify the ERH:
  - When a school is recommending that a foster child transfer to a new school;
  - Whether a foster child qualifies for AB 167/216, within 30 days after the child transfers into a new high school after their second year.
  - When the child is subject to specific disciplinary proceedings such as an expulsion hearing.