

JUDICIAL COUNCIL OF CALIFORNIA

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INVITATION TO COMMENT

W20-08

Title	Action Requested
Juvenile Law: Educational Rights Holders	Review and submit comments by February 11, 2020
Proposed Rules, Forms, Standards, or Statutes	Proposed Effective Date
Amend California Rules of Court rule 5.649; revise forms JV-535 and JV-535(A); adopt form JV-535-INFO	September 1, 2020
Proposed by	Contact
Family and Juvenile Law Advisory Committee Hon. Jerilyn L. Borack, Cochair Hon. Mark A. Juhas, Cochair	Chris Cleary christine.cleary@jud.ca.gov 415-865-8792

Executive Summary and Origin

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 adopting form JV-535-INFO to clarify requirements, alleviate confusion, and provide more guidance on service of process. The committee considers this proposal a matter of some urgency because it has received several comments about and requests for improvements to forms JV-535, JV-535(A), and rule 5.649 from court clerks, attorneys, and judges primarily expressing confusion about what the rule requires, inadequate guidance on service requirements, and a lack of clarity and insufficient information on the forms. This proposal details suggested amendments to the rule, revisions to the forms, and the adoption of a new form, JV-535-INFO, to further clarify the procedural requirements regarding educational rights holders.

Background

Forms JV-535 and JV-535(A) were last revised effective 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. Rule 5.649 was also adopted effective 2014.

The proposals have not been approved by the Judicial Council and are not intended to represent the views of the council, its Rules and Projects Committee, or its Policy Coordination and Liaison Committee. These proposals are circulated for comment purposes only.

The Proposal

The committee proposes the following:

1. Amend rule 5.649;
2. Revise *Order Designating Educational Rights Holder* (form JV-535);
3. Revise *Attachment to Order Designating Educational Rights Holder* (form JV-535(A));
and
4. Adopt *Information on Educational Rights Holders* (form JV-535-INFO).

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 needs at all hearings. 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.

When an educational rights holder (ERH) is appointed by the court, 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 hearings and the use of the two forms.

The committee has received several comments about and requests for improvements to forms JV-535, JV-535(A), and rule 5.649 from court clerks, attorneys, and judges primarily expressing confusion about what the rule requires, inadequate guidance on service requirements, and a lack of clarity and insufficient information on the forms. This proposal details suggestions for revisions and the adoption of new form JV-535-INFO.

This proposal is responsive to identified concerns or problems; and is otherwise helpful in advancing Judicial Council goals and objectives. It 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 unless the court has limited, modified, or restored educational rights or there has 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.

Rule 5.649

The following issues have been addressed in the proposed amended rule:

Courts and attorneys have been confused about whether there needs to be a new JV-535 at each hearing. The committee believes that a new form should only be needed at the first hearing and at any subsequent hearing where the court limits, restores, or modifies educational rights, or

where there is a need to update contact or other information. Otherwise, if there has been no change, the prior form JV-535 should remain in effect. The committee recommends amending the introduction to Rule 5.649 as follows:

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 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 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.

Rule 5.649(d) and (e) states that if the court determines that the child needs any assessments, evaluations, or services, it is the judge's responsibility to direct the appropriate person to request such. That person then has the responsibility to file a new form JV-535 reflecting the change. Rule 5.649(e) further requires the child's attorney to file a form JV-535 if there has been no request for change. The committee recommends that be stricken and replaced with the following language:

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. If a new form JV-535 is filed, the most recent form JV-535(A) must be attached. The court may instead direct the appropriate party to attach a new form JV-535(A) to document the court's findings and orders.

Form JV-535

The following issues have been addressed on this proposed revised form:

1. In the caption, the "Child's Name" section does not include the child's date of birth, which causes problems for the form user. The committee recommends adding "Child's Date of Birth." directly under the child's name in the caption.
2. The key information for the court is currently in item 6 on page 2 of the form, which is the information on whether the educational rights of the mother, father, or guardian have been limited, terminated, or restored. We recommend that item 6 become item 1 and the other items renumbered accordingly. The committee also recommends changing this item to include two sets of boxes instead of one to accommodate the possibility of more than one parent or guardian sharing educational rights.

3. Court clerks noted that there needed to be a more helpful way to indicate whether the names or addresses of the educational rights holders (ERHs) were confidential. We recommend adding confidential boxes under the names of the ERHs in item 2.
4. There was a universal complaint that in a case where there are two rights holders (or more), it is insufficient to have just one set of boxes to check to provide information on the holders; however, space is an issue on this section of the form. The committee recommends changing item 3 to have one set of boxes with room to put the identifier “Name 1” or “Name 2” in the boxes, along with a check box for “See attached” in case there are more than two ERHs.
5. In item 4 (formerly item 3), minor edits are recommended to accommodate more than one ERH.
6. Item 12, under Service of Order, has a comprehensive—though not necessarily complete in every case—list of those who need to be served. Clerks in the court are supposed to serve the form to all that apply on the list, but they do not always have the names and addresses to serve in individual cases. One suggestion was that the social worker or probation officer in the case be given notice on the form that it is his or her responsibility to make sure that the clerk of the court has the correct names and addresses of those who need service. But many of the required names and addresses are located on form JV-535(A)—the attachment that holds the information about the child’s school and social worker information, along with the court’s findings and orders. That issue is addressed in form JV-535(A), below.

Form JV-535(A)

As noted above, many of the names and addresses of those who require service of any changes in the ERH are listed on this form. However, there are two that must be served that are not included on JV-535(A): the child’s Indian tribe (if applicable) and the county office of education foster youth services coordinator. An item has been added containing the name and address for the CASA organization and the name and contact information for a court-appointed special advocate, if there is one appointed in the case. The committee recommends that those three new contacts be added to the General Information section of form JV-535(A).

New form JV-535-INFO

The committee believes that court users would benefit from a JV-INFO form addressing the requirements for hearings that involve Educational Rights Holders. A proposed new form JV-535-INFO (Information on Educational Rights Holders) is attached.

The following issues are addressed in the proposed new form:

1. What is an educational rights holder? The new form provides a description of what an ERH is and what it means if a parent’s or guardian’s educational rights are limited.
2. What are the rights and duties of an ERH?

3. What is required of the court and various parties at each hearing regarding the ERH?
4. What is required of the court clerk regarding service on the parties when there has been a change in form JV-535?
5. How does one appeal a decision by the court to limit or modify educational rights?

Implementation Requirements, Costs, and Operational Impacts Implementation requirements, costs, and operational impacts will be minimal since the only change to the rule and the forms is a clarification that a form JV-535 does not need to be drafted for every hearing, along with additions to the forms to make them more user friendly. Additionally, the proposed form JV-535-INFO should simplify an understanding of the requirements that accompany hearings on educational rights holders. That should save both time and costs.

Request for Specific Comments

In addition to comments on the proposal as a whole, the advisory committee is interested in comments on the following:

- Does the proposal appropriately address the stated purpose?
- In an educational rights holder case there are mandatory and optional people who may be served with process. Many are listed in the Service of Order section of form JV-535 such as the parent or guardian (unless their rights have been terminated or there is a confidentiality restriction), the CASA volunteer, or any other person entitled to notice under Welfare and Institutions Code section 293. Would it be helpful to 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?
- Please comment on whether the proposed form JV-535-INFO would be helpful.

The advisory committee also seeks comments from *courts* on the following cost and implementation matters:

- Would the proposal provide cost savings? If so please quantify.
- 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.
- Would 3 months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?
- How well would this proposal work in courts of different sizes?

Attachments and Links

1. Cal. Rules of Court, rule 5.649, at pages 7
2. Forms JV-535, JV-535(A), and JV-535-INFO, at pages 8–13

Rule 5.649 of the California Rules of Court will be 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 dependency or delinquency proceeding. At the first hearing, and at any
5 subsequent hearing where the court limits, restores, or modifies educational rights, or
6 where there are updates to any contact or other information, in any juvenile proceeding,
7 the findings and orders must be documented on form JV-535. Unless his or her rights
8 have been limited by the court under this rule, the parent or guardian holds the
9 educational and developmental-services decisionmaking rights for his or her child. In
10 addition, a nonminor or nonminor dependent youth holds the rights to make educational
11 and developmental-services decisions for himself or herself unless rule 5.650(b) applies.

12
13 (a)—(c) ***

14
15 (d) **Judicial determination**

16
17 If the court determines that the child is in need of any assessments, evaluations, or
18 services—including special education, mental health, developmental, and other
19 related services—the court must direct an appropriate person to take the necessary
20 steps to request those assessments, evaluations, or services.

21
22 (e) **Filing of order**

23
24 Following the dispositional hearing and each statutory review hearing, the party
25 that has requested a modification, limitation, or restoration of educational or
26 developmental-services decisionmaking rights must complete form JV-535 and any
27 required attachments to reflect the court’s orders and submit the completed form
28 within five court days for the court’s review and signature. ~~If no request is made,~~
29 ~~the child’s or youth’s attorney must complete and file the form.~~ If there has been no
30 request for modification, limitation, or restoration of educational or developmental-
31 services decisionmaking rights, or there are no required updates to contact or other
32 information, there is no need to file a new form JV-535. If a new form JV-535 is
33 filed, the most recent *Attachment to Order Designating Educational Rights Holder*
34 (form JV-535(A)) must be attached. The court may instead direct the appropriate
35 party to attach a new *Attachment to Order Designating Educational Rights Holder*
36 (form JV-535(A)) to document the court’s findings and orders.
37
38

JV-535-INFO**Information on Educational Rights Holders****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 or guardian of the child or youth. But if the court limits a parent's or guardian's decisionmaking rights and appoints an educational rights holder other than the parent or guardian, 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?

Whether a parent or guardian or another person is appointed as the educational rights holder for a child or youth, that person 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 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.

3 At Each Hearing...

At each hearing in a dependency or delinquency 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 or guardian and have had the parent or guardian fill out and return *Your Child's Health and Education* (form JV-225) and filed it with the court. At that hearing the court, using the information available, will appoint an educational rights holder and that order 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 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 and any following form JV-535 with new information, along with the most recent 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 to:

- 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.

4 If You Want to Appeal a Decision by the Court to Limit or Modify Educational Rights

If the court limited or modified educational rights at a juvenile court hearing, you have the right to appeal that decision. To appeal a decision to limit your educational rights, 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 recent form JV-535(A).*** The appeal can be filed in the clerk's office at the court where the decision was made.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS: _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY DRAFT Not approved by the Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CHILD'S NAME: CHILD'S Date of Birth:	
ORDER DESIGNATING EDUCATIONAL RIGHTS HOLDER	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 to make <input type="checkbox"/> educational <input type="checkbox"/> developmental-services Check one for each named educational right holder. (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 his or her 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 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 his or her 18th birthday.
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2. The following adults are designated as the educational rights holders, as defined in rule 5.502.

a. Name 1: Address: Telephone: E-mail: 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: E-mail: Relationship to child or youth: <input type="checkbox"/> Confidential Name <input type="checkbox"/> Confidential Address
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3. The adults identified in item 2 Name 1 Name 2 are (check all that apply):

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

b. The *same* educational rights holder 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) or guardian(s) named in 6 **will** create a safety risk (for example, because of the placement's confidentiality). The information **may not** be disclosed to the parent or guardian.

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, 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** 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 and any 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:
 Indian child's tribe (if applicable): _____
 Address: _____ City: _____ Zip Code: _____
 Email: _____ Phone No.: _____
2. School information
 - a. School district:
 - 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 (*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 or guardian 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 or guardian 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) or guardian(s) to make educational developmental-services 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 himself or herself.
 - b. is deemed incompetent to make educational or developmental-services decisions for himself or herself.
11. (*If 10a or 10b is checked*): The appointment of an educational rights holder to make developmental-service decisions for the youth is in his or her best interests.

CHILD'S NAME:	CASE NUMBER:
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- 12. The court has not ordered or has terminated reunification services for the parent or guardian, 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. Other (*explain*):

The LEA or regional center must ensure that a copy of any plan is provided 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 his or her 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 his or her 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.