

EDUCATION FACT SHEETS FORMS AND SUMMARIES

Education planning is an essential component in preparing a child to succeed in life. The Table of Contents links below will take you to fact sheets, forms and summaries of legislation that may be of use to you when educational issues arise on your caseload.

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The DCFS 179 Release of Information

The DCFS 179 is a primary release of information document. For schools, or school districts, to provide the department with educational information regarding a child, the department must present them with appropriate documentation establishing the right to access this information. The most direct way is with a release of information from the parent, or holder of education rights.

In signing the DCFS 179, the parent or holder of education rights is authorizing the recipient to release information to the department.

The DCFS 179 is often completed prior to, or at the time of detention. It should be in the case file.

Documents:

1. [DCFS 179](#)

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In the event that a DCFS 179 cannot be located, or the parent or holder of education rights refuses to sign a release of information the schools are able to accept a minute order.

Court Minute Order

Current minute orders should include specific language that orders the release of educational information to the department. However, not all minute orders include this language, and should be reviewed carefully to insure that they are correct and complete. Some minute orders may include language such as “School to provide I.E.P.” or “School to provide Special Education”. These orders mean that the court wants the student assessed as to whether they qualify for special education services through an [Individual Education Plan \(I.E.P.\)](#).

Important, before a minute order is provided to a school or school district, all identifying information concerning any individuals other than the specific child the request is being made for, must be redacted. This means that the names, case numbers, and specific orders for any other children or adults must be removed or covered so that they cannot be read.

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Special Education and Assessments Individual Education Plans (IEP), Student Success Team (SST)

There are many different services a student may require to succeed academically. Some issues that impact the student’s ability to succeed may respond well to traditional school based interventions while others may require assessments and adjustments to the student’s educational program.

Special Education is a term that is used to describe a wide variety of services and educational placements (special schools or classes) that may be required to meet an individual student’s needs. These range from children with special physical needs, such as those requiring special equipment or physical assistance to attend and participate in an educational program, to those with learning disabilities, developmental or severe behavioral issues.

When a student is identified as experiencing difficulty in school the school and the parent or caregiver usually follow the order below in determining the best way of addressing the student’s needs.

1. **Student Success Team (S.S.T.).** The S.S.T. is an informal conference where the school and the parent/caregiver meet to review the student’s progress and to determine what is causing them to perform below expectations. This can be to address either academic concerns, behavioral concerns, or both. The parent, caregiver or CSW, can request the S.S.T. conference. It is probably best to call the school and ask who, at the school, schedules these conferences, so that the letter can be addressed properly. Get the individuals phone and fax number, as it is possible to fax this letter. It is not necessary for the CSW to attend this conference as the parent or caregiver

is sufficient for this informal meeting. During this meeting a plan will be created by the participants to resolve the issues and to bring the student up to the level expected. The plan that comes out of the S.S.T. is for a short period, usually a few weeks, to see if the interventions are working. If the student's grades or conduct improves then the matter is either resolved or in the process of being resolved. If the student's grades or conduct does not improve or worsens then the parent/caregiver and the school may choose to try a different short term plan. If the grades are so poor or the behaviors so extreme that the school is not able to successfully address them using traditional methods then a Individual Education Plan may be required. The SST is usually the first step in the I.E.P. process, though it is not required prior to an I.E.P.

2. **Individual Education Plan (I.E.P.)** An I.E.P. is a specialized and unique educational plan that is designed for the student. The I.E.P. is a contract between the school district and the holder of education rights. The terms of the contract are decided at the I.E.P. conference. The I.E.P. is the only way that a plan for a Non Public School can be approved and the only way that services under Assembly Bill 3632 (AB 3632) can be approved. The holder of education rights for the student **must** attend the I.E.P. and **only the holder of education rights can sign authorizing the I.E.P.**

To determine whether an I.E.P. is required or not a request must be made to the school district the child resides in for assessment. The I.E.P. request **must** come from the holder of education rights for the student. It should be provided by hand to the child's school or mailed, certified and return receipt requested, to the school. Once a school has received an I.E.P. request they are required to respond quickly and to schedule an I.E.P. conference within two months.

In situations where there has been a major change to the student's circumstances or an existing I.E.P. is considered inadequate a request can be made for an expedited I.E.P. to address the issues.

The I.E.P. is an annual document and full reassessment is done at three year intervals. The holder of education rights must attend and sign all I.E.P. contract documents at each of these conferences.

If this is an initial I.E.P., or there is reason to believe that significant changes will be required to the existing plan, then a referral can be made to the Education Consultant Program to have a consultant attend the I.E.P. conference to advise the CSW and the holder of education rights of possible options.

The court cannot order a school district to provide a special education plan or an I.E.P. for a child. Minute Orders indicating this mean that the court wants the child assessed. The findings of the assessment would determine if the child qualifies for an I.E.P.

3. **Assessments** are a part of the process of determining the appropriate educational services for a student. Assessments are usually coordinated by the school's child psychologist and may be for variety of educational issues. They may be requested if there is any reason to believe a child has a learning issue and are a part of every I.E.P. Assessments may be requested for mental health issues that impact a student's learning and these are used to determine the student's eligibility of services under Assembly Bill 3632 (AB 3632). This type of assessment, as part of an I.E.P., is the only way to access services from the Department of Mental Health under the provisions of AB 3632. In

2010 AB 3632 funding was eliminated. While the status of AB 3632 remains in question, subsequent court rulings have supported that the school districts must provide mental health services to students regardless of the funding source.

While any person may request an assessment, for the purpose of an I.E.P. the request should come from the holder of education rights.

Documents:

1. [S.S.T., Sample Letter](#)
2. [I.E.P., Sample Letter](#)
3. [Request for Assessment, Sample Letter](#)

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The Holder of Education Rights.

The Holder(s) of Education Rights is the person, or persons, who are able to make education decisions for the child. They are the only individuals who can make these decisions, and they are the only individuals who can sign to “authorize” an I.E.P.

The Education Consultants have very limited access to information on the Holder of Education Rights as this is determined by the court and not the school or school district.

The following guideline may assist in identifying the holder of education rights.

Who is a Holder of Education Rights?

1. The parent(s) are automatically holder(s) of education rights until such time as the child reaches adulthood. In the event that a parent is not available, not able, or has not properly utilized these rights, then the court may decide to “limit” these rights. This does not terminate the parents parental or education rights, but rather limits and transfers them to:
2. A person who has been assigned to act as a holder of education rights by the court pursuant to a request by the Department (Ex Parte petition, **DCFS 1727**) and an order by the court (**JV 535**, for an identified party to act as holder, or **JV 536**, for a school district to assign a “surrogate” for this purpose). At the time of that order it will be recorded on a court “minute order” and will be entered into both the CWS/CMS system, in “Court Order Summary” and into the JADE system. Upon receipt of the **JV 535** or **JV 536**, signed by court, the CSW or clerical staff should enter the information for the new Holder of Education rights into the CWS/CMS client folder, the Holder’s name, relationship to the child and the date of the court order.

How do I find out who holds the Education Rights?

1. Check CWS/CMS. In the **client case, Education Notebook** (graduation cap/apple/book), **Enrollment Information** tab/page in the upper left hand corner is a box that should indicate if the education rights of the parent are limited, and who the holder of education rights is. If you have reason to

believe that the education rights have been limited, but it does not show on this page then:

2. Check CWS/CMS. In the **client case**, Go to **Print Report, Case Reports, Court Order Summary**, select all, and then scroll back, look for a specific court order assigning education rights. Or:
3. Search the legal folder in the paper file for the **JV 535** or **JV 536** and/or a minute order assigning education rights. If you are still unable to find the information then you can:
4. Contact the County Counsel assigned the case, and request this information from their records.

What do I do then?

1. Enter the information into CWS/CMS in the **Education Notebook**, in the areas identified above, and file the paper copy into the child's legal folder. Make copies since these may be needed to prove who holds the education rights so the school district can schedule appointments, such as special assessments or I.E.P.s.

What if the rights have not been limited and the parent(s) are unavailable or unwilling to participate in educational planning for the child?

1. Start the process of having someone appointed by the court to act as the holder of education rights. This is done with by submitting the DCFS 1727 and the JV 535 order form, specifying whether a request is being made for a JV 535 or JV 536 order, to the court liaison.

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The DCFS 1727 Ex Parte Petition to Limit the Parents' Education Rights and Assign Education Rights to another party

The **DCFS 1727** is a petition to the court, and can only be completed by the CSW or other appropriate department personnel.

It is utilized when a parent is absent, unable or unwilling to make necessary education decisions for the child. These can include such things as requests for special education testing, assessments or Individual Education Plans (I.E.P.s). The result of the court hearing on a **DCFS 1727** petition will most likely be either a **JV 535** or a **JV 536** order.

The petition is filled out by the CSW, and is submitted to court through the Court Liaison office. Once it is received by the Court Liaison, it is then sent to the Court to be heard. This process is often best combined with an existing scheduled hearing as no guarantee can be made as to how quickly individual Courtrooms will set independent petitions such as the 1727. In the event that the DCFS 1727 is being submitted separately from a scheduled court hearing contact the County Counsel assigned to the case to review what steps may be required by that courtroom.

The **DCFS 1727** can be found on LA Kids in the Forms section. There are instructions in Policy as to completion and submission.

When you submit a **DCFS 1727** to court through the Court Liaison you will be asking the court for either a **JV 535** or **JV 536** order.

Documents:

1. [DCFS 1727](#)
2. [JV 535](#)

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The JV 535 & JV 536 Findings And Orders Limiting Rights To Make Educational Decisions For The Child

The **JV 535** and **JV 536** are specific court orders. The form used to request either order is the **JV 535**.

These orders are made as the result of an Ex Parte Petition (**DCFS 1727**) requesting that the court limit the education rights of the parent or current holder of education rights, and assign these rights to another person. The JV 535 order form will be submitted to the court liaison with the DCFS 1727.

The JV 535 order form has several sections which need to be completed by the CSW. These are identified in the DCFS policy. To complete question 9, identifying the Foster Youth Education Liaison and providing contact information, you can refer to the [Foster Youth Education Liaison list](#), or can you contact the child's school and request the name and contact information for that school district's required Foster Youth Education Liaison. Some schools may not know that their school district has an Education Liaison or what this person's duties are, in that case contact the school district headquarters directly or look this information up on the school district's website.

What is the difference between the JV 535 and the JV 536?

The **JV 535** is the order appointing a specific person to act as the holder of education rights for the child. It is usually someone with regular on-going knowledge of the child, and any special needs that the child may have. It cannot be an employee of a group home, the child's attorney, social worker or therapist, as this would present a potential conflict of interest.

The **JV 536** is the order assigning the right to appoint a "surrogate" to the school district that the special education child resides in or is receiving academic services from. The need for this is indicated on the JV 535 form by box 11e. This option is only used for special education students, and only if there is no appropriate adult available to act as

holder of education rights. It should only be used in the event that an academic service must be determined or initiated, and there is not already someone able to authorize it.

Once the court has made these orders they should appear in CWS/CMS in the Court Order Summary. A copy of the order will be provided to the Department and the CSW. The CSW should then file the order in the legal folder and update the “holder of education rights” information in the case on CWS/CMS. This is done by going to the child’s case in CWS/CMS, opening the **Education Notebook** (Apple & Book Icon), and going to the “**Enrollment Information**” tab. In the “Education Decision Information” box, check the box for “Parental Rights to Make Education Decisions for this Child limited by Court”. Then enter the date the order was made, the name, and relationship, of the court appointed education representative, and the contact number for this person.

Documents:

1. [DCFS 1727](#)
2. [JV 535](#)

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Enrollment

Enrollment issues are usually related to communication or documentation problems. Children in foster care (Out of Home Placement) are covered by the California Assembly Bill 490 (AB 490).

This legislation allows the child the right to remain in their school of origin. This is the school the child was attending at the time they were detained from their family. This may not always be practical given the distances that may be involved but it should always be a consideration in placement.

Foster children must also be enrolled immediately by the new school and enrollment cannot be delayed due to the child not having the documentation that usually accompanies a child at the time of registration or lack of uniforms or other school requirements.

For children with Individual Education Plans (IEPs) the child must still be enrolled immediately though the school may not be able to place them in a class until they have received and reviewed the IEP to insure that the child’s needs are met.

The new and former school are required to transfer the records within two business days to facilitate this.

The form to notify the new and former school of the child’s foster care status is the DCFS 1399.

Make sure the new and old school receive copies of the complete DCFS 1399 and if there is any confusion on the part of a school as to how to proceed provide them with a copy of the AB 490 summary and refer them to their school district’s foster care liaison.

Documents

1. [Sample Letter](#)

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The DCFS 1399 Notification to School of Pupil's Foster Care Status

The DCFS 1399 is used every time a child, receiving DCFS placement services, is enrolled in a new school. This includes the initial enrollment after detention and any subsequent changes of school the child may have.

The Education Consultants are not CSWs or DCFS employees and cannot fill out the DCFS 1399.

The DCFS 1399 form is very important in that it provides the new school and old school with the contact information necessary to timely transmit the necessary school records for the child.

How do I find out the school the child will be going to?

1. At the time of placement, ask the new caregiver the name of the school district that they are in. If they are in a different school district than the child's school of origin, and the distance is such that transportation is impractical, ask them the school that they will be enrolling the child in.
2. If they are unsure as to which local school they will be enrolling the child in then arrange to speak with them the next school day to confirm the school that they will be using.

What do I do next?

First, look up the policy on LA Kids so you can refer to the most recent instructions. The following is a description of the basic steps in submitting the 1399 to the schools.

1. Go on-line and look up both the former school and the new school. You can "Google" the school name and community/school district to get the contact information.
2. Confirm the fax numbers for **both** schools by telephone as these can change frequently.
3. Fax copies of the completed 1399 to **both** the old and the new schools.
4. In CWS/CMS, end date the old school (if there is a current school showing) and start the new school. If you require help with this speak with your supervisor.
5. File the 1399 in the purple file, along with the fax transmission confirmations.

What do I do if I have just received a transferred case?

1. Look in the case file for the current 1399.
2. Contact the caregiver, and confirm the school the child is attending matches the school appearing in the CWS/CMS education folder. If it does not, then:
3. In CWS/CMS, end date the old school (if there is a current school showing) and start the new school. If you require help with this, speak with your supervisor.
4. If the child is changing schools, create a new 1399 and submit to **both** the old and the new school.

Why is important to notify the old school?

1. The old school is required to provide the new school, upon request, the student's complete educational records. There is a set timeframe for this, per AB 490, and the schools must comply. Many of our children have attended several schools in several different school districts, and it is essential that their complete educational records follow them.

Documents:

1. [DCFS 1399](#)
2. [Sample letter](#)

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Records & the DCFS 1726

Planning Sheets, Partial Credits, Lost Credits, Records Interpretation

Basic Records Requests, including Planning Sheets.

Requests for records and Planning Sheets are an important part of tracking, and documenting, the child's progress.

The most usually requested documents are Report Cards, Attendance Records and Student Credit Reports.

Another document that is very valuable is the **Credit Planning Sheet** or Guide. This provides a clear list of what is required and how the student can complete the required credits for graduation.

The Request of School Records form ([DCFS 1726](#)) has been developed for this purpose. The DCFS 1726 covers most records requests and has a line where specific documents, that are not identified by check boxes, can be filled in.

This is the standard form for requesting all education information usually required for court reports and general records. This form, and a Release of Information ([DCFS 179](#)) or Minute Order (M.O.) specifying release of educational information or records, must accompany requests for records from schools. Because the DCFS 1726 covers so much material it can sometimes result in confusion when only very specific information is needed or the request is actually a part of a larger assessment. Therefore, it is best to include a cover letter that makes the nature of the request clearer to the person who will be gathering and sending the information on to you.

Documents:

1. Request for School Report ([DCFS 1726](#))
2. Release of Information ([DCFS 179](#)) or Minute Order (must indicate release of school/educational information)
3. [Cover letter](#), if needed in addition to the 1726's cover letter.

Steps:

1. Contact the school and confirm the name of the school administrator or counselor who handles records, their mailing address and/or fax number.
2. Include this information in the DCFS 1726 and its automatic cover letter, as well as in your cover letter.
3. If you are mailing, remember to include a stamped self address envelope. If you are faxing be sure to collect and save the fax receipt.
4. Mail or fax the DCFS 1726, 179/M.O. and cover letter.

Most schools aim to respond to requests within two weeks of receiving them. If you are requesting information during a school break, you may not receive a response until the school reopens.

This should be sufficient for getting most student records.

If you have not received a response within 30 days you may want to consult the Education Consultant. Have a copy of the DCFS 1726, 179/M.O. and your cover letter available for them at that time. They may provide you with direction or may determine that a referral for Education Consultant services is appropriate.

Records Interpretation

The school records you receive and/or already have on file may be hard to interpret.

While it is clear from report cards that a child is passing or failing there are several other means of determining how a child is performing that can be indicated in the records but may not be easily spotted by someone who is not a teacher or directly involved in education.

Once you have received the records you have requested you may want to contact your Education Consultant to request that they review the records.

This will require a Referral to the Education Consultant.

You must be prepared to provide the Education Consultant with the current records and with the DCFS 179 or the Minute Order, specifying release of educational/school records.

The Education Consultant may, upon review of the records, determine that there is reason to believe that there may missing credits and that these will require further inquiry.

Lost Credits, Partial Credits, Credit Recovery.

When foster children are moved from one school district to another there may be times when some credits, full or partial, are not properly transferred.

This is covered under **California Assembly Bill (AB) 490.**

There are many features to AB 490 and the most pertinent ones are covered in the AB 490 Summary below.

Each school district is required, pursuant to AB 490, to provide a **Foster Youth Education Liaison** who is responsible for coordinating the timely transfer of credits to the new school district. The school districts are also responsible for calculating partial credits and these must be transferred with the full credits.

Link:

1. [Foster Youth Education Liaison](#)
2. [AB 490 Summary \(CLC 2003\)](#)

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To determine what credits may have been lost or not properly transferred it is first necessary to get a current school credit report.

Follow the steps listed above in the [records request section](#) and when you have received the records contact your Education Consultant and discuss whether a referral is called for.

AB 490 also sets timeframes for certain specific actions by school districts, such as:

- Enrollment of a foster child is to be immediate, even if not all the normally required documentation is available.
- The child has the right to remain in their school of origin through at least the end of the current school year. This has been revised and extended so it is advisable to seek the most current information as to this section. The school of origin is the school the student was attending at the time they were detained from the parent or legal guardian and not their school of attendance at their most recent placement.
- The school the student is transferring from must transfer the student's records to the new school within 2 business days. The timeframe for this is dependent upon the school receiving notification of the change of school and the correct contact information for the new school. Reminder: the DCFS 1399 is the appropriate form for this.

California Assembly Bill 167 and Foster Youth Graduation.

AB 167 exempts pupils in foster care from local graduation requirements, under certain circumstances.

The state sets minimum high school graduation requirements and the local districts have flexibility to require additional course work to graduate from high school.

The purpose of this legislation was to insure that foster youth, who experienced disruption to their school program due to relocation, not suffer unnecessarily by being required to complete additional coursework to graduate from high school.

There are four eligibility requirements for graduation under AB 167

1. The youth must have been a pupil in foster care some time after the bill's effective date, January 1st, 2009
2. The youth must have transferred schools in the 11th or 12th grade
3. The youth must complete all California state graduation requirements
 - Three courses in English

- Two courses in mathematics. (Including one year of Algebra 1 unless previously completed)
 - Two courses in science, including biological and physical sciences.
 - Three courses in social studies.
 - One course in visual or performing arts or foreign language.
 - Two courses in physical education (unless exempted)
 - Must pass the CAHSEE English and Math exams (I.E.P. and 504 students may be exempt)
4. The school district must find that the pupil is not reasonably able to complete the additional graduation requirements in time to graduate while he or she remains eligible for foster care benefits.

Link:

1. [AB 167 Frequently Asked Questions \(CFYE, 2010\)](#)

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California Assembly Bill 3632

California Assembly Bill 3632 (AB 3632) provided mental health services to youth who required them as part of an Individual Education Plan. The services were provided through the Department of Mental Health. These services were discontinued in July of 2011 and are repealed as of January 2012.

While AB 3632 services are no longer available this does not mean that student's with severe mental health issues are not to be provided appropriate mental health care.

The school district's are now responsible for providing this care through their own programs and these are now referred to as Educational Related Mental Health Services (ERMHS)

Educational Related Mental Health Services (ERMHS)

Educational Related Mental Health Services (ERMHS) have now taken the place of the mental health services provided under the old AB 3632 program. Because the individual school districts are now responsible for providing the services through their programs each school district will have its own set of guidelines. Some processes remain essentially the same and they described in the "From AB 3632 to ERMHS" chart that is linked below.

The most important things to remember when considering how to proceed with requesting ERMHS services are:

- The student must be eligible for special education services, this may be due to the severity of the student's mental illness.
- The services must be requested and coordinated through an Individual Education Plan, and can only be approved by the holder of education rights.

Links:

1. [Sample Letter requesting assessment](#)
2. ["From AB 3632 to ERMHS" chart.](#)

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