

What to Expect if you are the Educational Rights Holder (ERH)

Role of the Ed Rights Holder

The Ed Rights Holder (ERH) has the legal authority and responsibility to assess the child's educational needs, ensure the needs are met, and make educational decisions based on the child's best interests. This includes requesting an initial IEP assessment (60-day timeline); scheduling an IEP meeting; determining what services will be in the IEP, and/or whether the child shall remain in the same school or change schools.



Getting Started

1. Get to know the child by visiting the child regularly.
2. Attend Child and Family Team(CFT) Meetings per PSW invitation.
3. Review child's educational history
 - Interview child (record all schools attended)
 - Review cumulative file, special education and disciplinary record (Show your JV535 order to access records at school site)
4. Ask local Foster Youth Services (FYS) Liaison to assist you to obtain records, enroll in school, and for ongoing support.
5. Attend all of child's school meetings. Collaborate with the team, caregiver, teacher, attorney and providers on important issues and to schedule meeting date/time.
6. Advise school staff if attorney wants to attend IEP meetings. (Notice to attorney of all disciplinary meetings is mandatory).
7. Maintain regular contact with teacher(s), and special education case manager.
8. Request access to parent portal, obtain and read current assessments and grades(consult/share with team)



Building an Educational Team

Effective educational advocacy benefits from the strength of the Team. Always include the following people when discussing educational issues, holding IEPs and other meetings, and making educational decisions for the student:

- Child's PSW
- Child's Caregiver
- Any Co-Ed Rights Holders
- Parent(s), if active in case
- Child's Attorney
- Child's Providers

Advocating for an Individualized Educational Plan (IEP)

If the student has academic or behavioral performance issues, send a written request to the school principal to request an IEP meeting. The district must hold a meeting within 30 days of receiving the request for a meeting. Notify the Educational Team about any concerns and the date and time of the meeting and share the team's contact information with the school district to give the school the opportunity to invite team members to the meeting.

Preparation for the Meeting

- Thoroughly review academic and progress reports, student evaluations, and disciplinary records to be prepared to discuss.
- Check in with the caregiver to ensure the caregiver's participation in the meeting.
- Request assistance from the PSW if needed, to help the caregiver participate in the meeting in person or by phone.
- Arrive early on the day of the meeting to check in with participants and to build relationships with school staff.



The Meeting

- Identify your concerns AND listen to concerns of the school staff and team.
- Ask questions when you don't understand.
- Identify possible resources and negotiate how issues shall be addressed, including having assessments conducted in a reasonable timeframe.
- Request transportation **now** if it is needed or **may be needed** in the future in order to ensure support and possible financial coverage if services are later required.
- Discuss extended school year (ESY). Negotiate for ESY if it is not already part of the IEP.
- Request copies of completed and future assessments prior to the next meeting.
- Review IEP Notes for detail and accuracy before the meeting ends. Make sure all your requests are documented, and corrections are made to the IEP. Take the IEP draft and/or your notes with you. Consult with the educational team.
- Schedule the next meeting now if one is needed.
- Consult with a subject matter expert prior to the next meeting



The IEP Document

- Thoroughly read the IEP document and notes and consult with the educational team **before signing the IEP**.
- Check to ensure that the identified needs match the specified goals and that the services target the needs.
- Ensure needed corrections are made to the document before signing it.

Questions? Consult the following resources, [California Foster Youth Educational Law Facts \(January 2021\)](#) and [AB167-216 High School Graduation for Foster Youth](#)