

COUNTY OF LOS ANGELES
PROBATION DEPARTMENT

DIRECTIVE

No.: 1381
Issued: 6/10/2015
Post Until: 7/10/2015

SUBJECT: JUVENILE - EDUCATIONAL RIGHTS HOLDERS AND DEVELOPMENTAL SERVICES DECISIONMAKERS

(This Directive supersedes Directive 1270; issued 11/30/11)

The purpose of this Directive is to define the responsibilities of Probation staff regarding the provision of accurate school data and developmental services information to the Court to assist in enforcing the educational and developmental services rights of each minor and to assist with determining a minor's general and special education needs and the minor's developmental services needs.

Students in the State of California have certain educational rights that have been established by Federal and State Codes. It is the responsibility of the Probation Department to work collaboratively with the courts, school districts and other juvenile justice partners to ensure that these rights are afforded to all minors under its jurisdiction. Further, for minors with developmental disabilities, the State of California has established specific rights for these individuals and it is the responsibility of the Probation Department to work collaboratively with the courts, regional centers and other juvenile justice partners to ensure that these rights are afforded to all applicable minors under its jurisdiction.

Court Reports Content Requirements

California Rules of Court Number 5.651 requires that the court, at every hearing, inquire about school attendance and achievement and make findings to assure that minors are afforded their educational rights. This Rule of Court also requires that at every hearing, the court inquire the status of minors with developmental disabilities and make findings to assure that these minors' developmental needs are met. This Rule of Court also applies to all children for whom petitions have been filed under Welfare and Institutions Code (WIC) Sections 300, 601, and 602. At all hearings, including disposition and joint assessment hearings, the court must ensure that, to the extent the information is available, the social worker or probation officer's report for the hearing provides the following information as delineated in the Rule:

1. *The child's or youth's age, behavior, educational level, and developmental status, and any discrepancies between that person's age and his or her level of achievement in education or level of cognitive, physical, and emotional development;*
2. *The child's or youth's educational, physical, mental health, or developmental needs;*
3. *Whether the child or youth is participating in developmentally appropriate extracurricular and social activities;*
4. *Whether the child or youth is attending a comprehensive, regular, public or private school;*
5. *Whether the child or youth may have physical, mental, or learning-related disabilities or other characteristics indicating a need for developmental services or special education and related services as provided by the state or federal law;*
6. *If the child is 0 to 3 years old, whether the child may be eligible for or is already receiving early intervention services or services available under the California Early Intervention Services Act (Gov. Code, § 95000 et seq.), and, if the child is receiving services, the specific nature of those services;*

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7. *If the child is between 3 and 5 years and is or may be eligible for special education services, whether the child is receiving the early educational opportunities provided by Education Code section 56001 and, if so, the specific nature of those opportunities;*
8. *Whether the child or youth is receiving special education and related services or any other a services through a current individualized education program and if so, the specific nature of those services;*
*(i) A copy of the current individualized educational program should be attached to the report unless disclosure would create a risk of harm. In that case, the report should explain the risk.**
9. *Whether the child or youth is receiving services under section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 701 et seq.) and, if so, the specific nature of those services;*
*(i) A copy of the current Section 504 plan should be attached to the report unless disclosure would create a risk of harm. In that case, the report should explain the risk.**
10. *Whether the child or youth is or may be eligible for developmental services or is already receiving developmental services and, if that person is already receiving services, the specific nature of those services;*
*(i) A copy of any current individualized family service plan or individual plan should be attached to the report unless disclosure would create a risk of harm. In that case, the report should explain the risk.**
11. *Whether the parents or guardians educational or developmental services decision making rights have been or should be limited or restored;*
12. *If the social worker or probation officer recommends that the court limit the parent's or guardian's right to make educational or developmental-services decisions, the reasons those rights should be limited and the actions that the parent or guardian may take to restore those rights if they are limited;*
13. *If the parent's or guardian's educational or developmental services decision making rights have been limited, the identity of the designated or appointed educational rights holder or surrogate parent;*
14. *Recommendations and case plan goals to meet the child's or youth's identified educational, physical, mental health, and developmental-service needs, including all related information listed in section 16010(a) as required by section 16010(b);*
15. *Whether any orders to direct an appropriate person to take the necessary steps for the child or youth to receive assessments, evaluations, or services, including those for developmental services or for special education and related services, are requested; and*
16. *In the case of joint assessments, a separate statement by child welfare department and the probation department, each addressing whether the child or youth may have a disability, and whether the child or youth needs developmental services or special education and related services, or qualifies for any assessment or evaluation required by state or federal law.*

**Disclosure is considered harmful if the report contains references to trauma or circumstances which may induce psychological harm to the child or youth. In the event that there is a need for the court report to explain a risk; the report should be sent to court in an envelope addressed to the Bench Officer and marked as "confidential".*

Deputy Probation Officer (DPO) Responsibilities

Effective for School Enrollment/Achievement Progress, Annual/Progress and Supplemental Reports:

When a parent is unavailable or unable to provide educational and/or developmental services decisions, the Court may limit the parents' right to make these services decisions and assign that right to another educational or developmental services representative. A recommendation to limit a parent's educational and/or developmental service rights and to appoint an educational rights holder and/or developmental services decisionmaker can also be made by the DPO when a parent is unresponsive to the educational or developmental services needs of the minor. A DPO can make a recommendation for an educational rights holder in the School Enrollment/Achievement Progress Report (Prob. 1568, Rev. 10/11) and a recommendation for developmental services decisionmaker holder in the Annual/Progress Report (Prob.1245, Rev. 04/06) or the Supplemental Report (Prob. 24, Rev. 04/06).

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In the event that a School Enrollment/Achievement Progress Report (Prob. 1568, Rev. 10/11) or an Annual/Progress Report (Prob.1245, Rev. 04/06) is not calendared by the court, the DPO can request an ex-parte Supplemental Report (Prob. 24, Rev. 04/06) to make a recommendation regarding educational rights and/or developmental services decisions. Procedures for arranging an ex-parte submission vary among court departments. Therefore, the DPO must contact the designated department court clerk via telephone for instructions.

Effective for Pre Plea/Disposition Reports:

DPOs shall:

- Include the above requisite information (to the extent available to the DPO) in the below identified sections of all Pre-Plea/Disposition and Joint Assessment (241.1 WIC) reports for the purpose of assessing educational and developmental services needs as mandated by the California Rules of Court Number 5.651:
 - Court Report Face Sheet
 - Health Information
 - School Information
 - Regional Center Information
 - Prior Services Summary
 - Service Delivery Plan Summary

Court Report Facesheet

- Indicate minor's age.

Health Information

Section D

- Describe any physical, mental health or developmental issues that might affect the minor's school achievement or require special programs.

School Information

Section D

- Indicate type of school minor is attending (e.g. comprehensive, regular, public or private school).

Section H

- Indicate whether minor is receiving special education and related services.
 - If yes, indicate services received and whether minor is receiving appropriate services through the current individualized education program (IEP). A copy of the IEP should be attached to the report unless disclosure would create a risk of harm. In that case, the report should explain the risk.
 - If no, indicate whether the minor may have physical, mental, or learning-related disabilities or other special education needs and is in need of special education and related services.
 - If no, indicate whether the minor is or may be eligible for services under Section 504 of the Rehabilitation Act of 1973. A copy of the Section 504 Plan should be attached to the report unless disclosure would create a risk of harm. In that case, the report should explain the risk.
 - If no and completing a 241.1 Joint Assessment, include a separate statement by the DPO and DCFS Social Worker whether they believe that minor may have a disability, and

whether the he/she is in need of special education and related services, or requires evaluation as required (Title 20 United States Code Section 1412(a)(3), Education Code section 56425, or Section 504 of the Rehabilitation Act of 1973).

Section L

- Include minor's performance/behavior.

Section O

- Include minor's participation in developmentally appropriate extracurricular and social activities.

Section P

- Identify minor's educational needs.
- Identify educational level and developmental status and any discrepancies between the minor's age and his or her level of achievement in education or level of cognitive, physical, and emotional development.
- Indicate whether holder of education rights has been directed (by the court) to initiate assessments, evaluation, or services (including those for special education and related services).

Section Q

- Indicate whether the minor is or may be eligible for developmental services through the regional center or is already receiving regional center services. A copy of any individual program plan (IPP) or individualized family services plan (IFSP), should be attached to the court report unless disclosure would create a risk of harm. In that case, the report should explain the risk.

Section R

- Identify who holds the minor's educational rights and developmental services decisionmaking rights and indicate if parent/guardian's rights have been limited. If the parent's or guardian's educational or developmental services decisionmaking rights have been limited, identify the designated or appointed educational holder or (surrogate parent) and the developmental services decisionmaker.

Section S

- Indicate whether the parent's or guardian's educational rights or developmental services decisionmaking rights should be limited.
- If the DPO recommends limiting the parent's or guardian's right to make educational decisions or developmental services decisions, provide the reasons why those rights should be limited and the actions that the parent or guardian may take to restore those rights if they are limited.

Prior Services Summary

All prior services provided to the minor and family shall be included with particular attention in the following areas:

- DCFS Subsection: include the type of services/placements.
- CBO Subsection: include the CBO name and type of services.
- Additional Information Section: report all mental health services that the minor has been provided.

Service Delivery Plan Summary

Services to meet the minor's educational, physical, mental health and developmental needs shall be recommended in the Service Delivery Plan Summary.

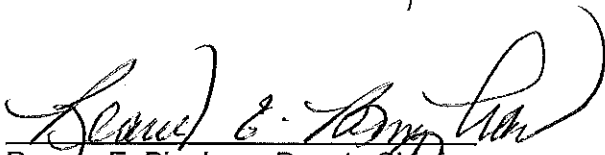
- Recommendation and case plan goals to meet the minor's identified educational, physical, mental health, and developmental needs.

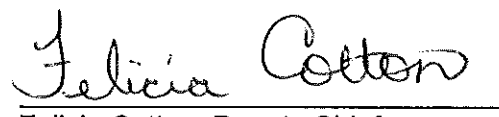
Supervising Deputy Probation Officer (SDPO) Responsibilities

SDPOs shall:

- Train and instruct DPOs on obtaining and including complete information in court reports.
- As part of the case clearance process prior to the completion of the court report, in regards to the minor's educational rights and developmental services needs:
 - Discuss the dynamics of the case, including educational and developmental services issues, with the DPO.
 - Review the worksheet for completeness and determine if all available school and developmental services statuses and data have been included.
- Read and approve the completed report prior to submission to court.

Questions regarding this Directive should be directed to the applicable Bureau Consultant.


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