

**Juvenile Court  
Best Practices Guide  
For  
Interagency Collaboration**

**FINAL 05/01/08  
REVISED 06/06/08**

# **Juvenile Court Best Practices Guide For Interagency Collaboration**

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**Juvenile Court  
Best Practices Guide  
For Interagency Collaboration  
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## INTRODUCTION

In 2005, a committee of representatives from the Orange County Department of Education (OCDE) and school districts met with Judge Hutson and Commissioner Bischoff to propose developing a positive working relationship between the Juvenile Court system and educational agencies in Orange County. A meeting was convened to identify problems in the system and propose solutions. The committee was expanded to include members of the Probation Department, Social Services and Mental Health. The committee has discussed many issues and developed this Juvenile Court Best Practices Guide for Interagency Collaboration.

This Juvenile Court Best Practices Guide for Interagency Collaboration is designed to assist the staffs of the participating agencies and to facilitate collaboration among the participating agencies. The Guide is not intended to waive the rights of any of the participants under federal or state law. The Best Practices Guide for Interagency Collaboration is not intended to be a legal document and it is not intended to give rise to a legal cause of action by any public agency, court or individual. Each participating agency shall determine the best method for distributing and implementing the Guide.

The Committee acknowledges the efforts of Ronald Kotkin, Ph.D., Clinical Professor of Pediatrics, Child Development Center, UCI, for taking a leadership role in the formation of the juvenile court collaborative committee. The Committee also acknowledges the assistance of the Juvenile Court, in particular, Judge Hutson and Commissioner Bischoff, and the participating panel attorneys, Patricia Cromer and Kathleen Loyer for their time and effort on behalf of students with disabilities in the juvenile court system.

## MEMORANDUM OF UNDERSTANDING ASSESSMENT OF WARDS AND DEPENDENTS

In 2006, each of the Orange County SELPAs approved and executed a Memorandum of Understanding outlining the Assessment of Wards<sup>1</sup> and Dependents<sup>2</sup> (copy attached hereto as Appendix A).

The Memorandum of Understanding (MOU) is an agreement among the Orange County SELPAs that defines the process for assessments for wards and dependants of the Juvenile Court. The MOU states that the SELPA and/or school district that begins the

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<sup>1</sup> A ward for purposes of this Guide is generally defined as a minor under the age of 18 years who has violated federal or state law. See Welfare and Institutions Code section 602.

<sup>2</sup> A dependent for purposes of this Guide is generally defined as a minor under the age of 18 years who has suffered serious physical, sexual or emotional abuse and as a result the juvenile court has taken jurisdiction over the minor and has determined that the minor should be declared a dependent of the court.

assessment of a ward or dependent of the Orange County Juvenile Court will complete the assessment within 60 days of receiving the parents' consent to the assessment plan.<sup>3</sup> The 60 day timeline will remain in effect unless written notice of the ward or dependent's relocation has not been given to the SELPA director of the SELPAs involved and the special education directors of the school districts involved by the appropriate county agency. If written notice of the ward or dependent's location has not been given, the 60 day timeline will be extended and will recommence on the date that the SELPA director of the SELPAs involved and the special education directors of the school districts involved receive written notice.

SELPAs and/or school districts may agree to share responsibility and share completion of the assessment of a ward or dependent of the Orange County Juvenile Court within the timelines specified in Education Code section 56344. If no agreement is reached by and between the SELPAs and school districts, the original SELPA and/or school district that initiated the assessment will complete the assessment required under Education Code section 56344, provided that the SELPA directors of the SELPAs and special education directors of the school districts involved received written notice of the child's transfer and present location. The MOU does not apply to students located outside of Orange County, nor does it apply to a student who has moved to a location outside of Orange County prior to completion of an assessment.

If a SELPA and/or school district has concerns about the implementation of the MOU, the SELPA and/or school district shall send written notice to the presiding judge of the Juvenile Court stating that SELPA and/or school district's concern and requesting a meeting with the presiding judge of the Juvenile Court or the presiding judge's designee. The meeting shall be held within 10 days of receipt of the request. Following the meeting, the SELPA may terminate their participation in the MOU by giving 60 days written notice to the SELPAs and districts participating in the MOU.

## CONVENING IEP MEETINGS

Federal and state law requires the local educational agency to notify parents of IEP meetings.<sup>4</sup> Once the parent or the court identifies an attorney as their representative, an additional notice in writing should be sent to the attorney.

In order to schedule dates that are convenient to all parties, the SELPA and/or school district should contact the panel attorney by phone call, e-mail, fax, or in writing to obtain suggested IEP dates in addition to notifying the parent.

To avoid conflict with mandatory court appearances for the panel attorneys, IEP meetings should be scheduled later in the day within the work day of the employees' local education agency (LEA). If attorneys do not respond and districts are not able to

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<sup>3</sup> See 20 U.S.C. § 1414(a)(1); Education Code section 56344.

<sup>4</sup> 20 U.S.C. Section 1414; Education Code section 56340 et seq.

arrange an IEP date with the attorney in a reasonable time period, the district will schedule an IEP meeting and provide notice to the attorney and the parent.

With respect to the signing of IEPs in a timely manner, the parent/guardian shall be given two weeks following the IEP meeting for providing written consent to the IEP. If any party or an attorney is having difficulty obtaining consent to the IEP, the attorney or party involved should contact the SELPA and/or district to make them aware of the inability to obtain consent to the IEP.

If an attorney advises a party not to consent to an IEP, the attorney shall provide a written statement to the SELPA and/or district informing them of the reason for not consenting to the IEP. If at all possible, parties will attempt to obtain consent for that portion of the IEP that is acceptable and continue to seek agreement on the remaining portions of the IEP that have not been agreed to. The SELPA and/or district may seek assistance from the Juvenile Court to resolve any conflicts regarding consent to the IEP.

### **ATTENDANCE AT IEP MEETINGS**

The Individuals with Disabilities Education Act (IDEA) defines the term individualized education program team or "IEP team" as a group of individuals composed of the following:

1. The parents of a child with a disability.
2. Not less than one regular education teacher of such child (if the child is, or may be, participating in the regular education environment).
3. Not less than one special education teacher, or where appropriate, not less than one special education provider of such child.
4. A representative of the local educational agency who is qualified to provide, or supervise the provision of specially designed instruction to meet the unique needs of children with disabilities, who is knowledgeable about the general education curriculum and who is knowledgeable about the availability of resources of the local educational agency.
5. An individual who can interpret the instructional implications of evaluation results which may include a member of the team described in 2-6.

6. At the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate.
7. Whenever appropriate, the child with a disability.<sup>5</sup>

State law contains a similar definition of an IEP team.<sup>6</sup> State law further indicates that the determination of whether the individual has knowledge or special expertise regarding the pupil and may be invited to the IEP team meeting shall be made by the party who invites the individual to be a member of the IEP team.<sup>7</sup>

Under both federal and state law, it is the local educational agency that has the legal duty to convene an IEP team meeting. The local educational agency presides over the IEP meeting and is charged with the responsibility for conducting the meeting. The parents and their attorneys are important participants in the IEP meeting and may state their objections to the participation of individuals or any concerns of how the IEP meeting was conducted. Objections to IEP participants or IEP procedures shall be noted in the meeting notes and the meeting shall proceed under the direction of the local educational agency. However, the district, the parents and their attorneys may not seek to bar or exclude any individual from the IEP meeting, unless the individual violates the Civility Guidelines or related policies adopted by the LEA (see sample policy on next page).

It shall be the responsibility of the parent and their attorney to provide a copy of any court orders relating to parental rights to the local educational agency and other members of the IEP team in a timely manner.

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<sup>5</sup> 20 U.S.C. § 1414(d)(1)(B); see also 34 C.F.R. § 300.321.

<sup>6</sup> Education Code section 56341.

<sup>7</sup> Education Code section 56341(b)(6).

## **CIVILITY GUIDELINES FOR IEP MEETINGS**

Members of school district, SELPA or county office (hereinafter referred to as the "District") staff will treat parents and other members of the public with respect and expect the same in return. Each District is committed to maintaining orderly educational and administrative processes in keeping schools and administrative offices free from disruptions and preventing unauthorized persons from entering school/District grounds.

This policy promotes mutual respect, civility and orderly conduct among District employees, parents and the public. This policy is not intended to deprive any person of his/her right to freedom of expression, but only to maintain, to the extent possible and reasonable, a safe, harassment-free workplace for our students and staff. In the interest of presenting District employees as positive role models to the children of this District, as well as the community, the District encourages positive communication, and discourages volatile, hostile or aggressive actions. The District seeks public cooperation with this endeavor.

### **Disruptions**

1. Any individual who disrupts or threatens to disrupt school/office operations; threatens the health and safety of students or staff; willfully causes property damage; uses loud and/or offensive language which could provoke a violent reaction; or who has otherwise established a continued pattern of unauthorized entry on school District property, will be directed to leave school or school District property promptly by the Chief Administrative Officer or designee.
2. If any individual uses obscenities or speaks in a demanding, loud, insulting and/or demeaning manner, the administrator or employee to whom the remarks are directed will calmly and politely admonish the speaker to communicate civilly. If corrective action is not taken by the abusing party, the District administrator or designee will verbally notify the abusing party that the meeting, conference or telephone conversation is terminated and, if the meeting or conference is on District premises, the offending person will be directed to leave promptly.
3. When an individual is directed to leave under such Paragraph 1 or 2 circumstances, the Chief Administrative Officer or designee shall inform the person that he/she may be guilty of a misdemeanor in accordance with California Education Code § 44811 and Penal Codes § 415.5, § 626.7, and § 626.8, if he/she reenters any District facility within 30 days after being directed to leave, or within seven days if the person is a parent/guardian of a student attending that school. If an individual refuses to leave upon request or returns before the applicable period of time, the Chief Administrative Officer or designee may notify law enforcement officials. An Incident Report (copy attached) should be completed for the



situations as set forth in paragraphs 1 and 2; a copy of this report goes to the site Chief Administrative Officer or designee and another to the Family Facilitator.

4. If any individual abuses the privilege of communicating via e-mail, that privilege may be revoked by the Chief Administrative Officer. Abuses are enumerated in paragraphs 1 and 2, but also include inappropriate use of the "copy to:" feature, excessive size or frequency of email.
5. In the event the Chief Administrative Officer concludes that an individual has abused the privilege of communicating via e-mail, he/she will inform the abusing party in writing that all future communication will take place in writing transmitted via the US Postal Service, e-mail or facsimile. As an alternative or in addition, the Chief Administrative Officer may, at his/her discretion, arrange face to face meetings to discuss the party's concerns.

### **Safety and Security**

6. The Superintendent or designee will ensure that a safety and/or crisis intervention techniques program is provided to district employees in order to raise awareness on how to deal with these situations if and when they occur.
7. When violence is directed against an individual, or theft against property, individuals and/or employees shall promptly report the occurrence to their principal or supervisor. Employees and supervisors should complete an Incident Report and report to law enforcement, any attack, assault or threat made on School/District premises or at School/District sponsored activities.
8. An individual, whose person or property is injured or damaged by willful misconduct of a student, may ask the District to pursue legal action against the student or the student's parent/guardian.

### **Documentation**

9. When it is determined by staff that a member of the public is in the process of violating the provisions of this policy, an effort should be made by staff to provide a written copy of this policy, including applicable code provisions, at the time of occurrence. The employee will immediately notify his/her supervisor and provide a written report of the incident on the attached form.

**INCIDENT REPORT**  
**Civility Guidelines for IEP Meetings**

*To be completed by the Chief Administrative Officer/or designee, copy to the Family Facilitator.*

Name: \_\_\_\_\_ Site: \_\_\_\_\_

Today's Date: \_\_\_\_\_

Date and time (approximate) of Incident: \_\_\_\_\_

Location of Incident (office, classroom, hallway, etc.):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Name of person you are reporting (if known): \_\_\_\_\_

Is this person a parent/guardian or relative to a student at the District? \_\_\_\_ Yes \_\_\_\_ No

Did you feel your well being/safety was threatened? \_\_\_\_ Yes \_\_\_\_ No

Were there any witnesses to this incident? \_\_\_\_ Yes \_\_\_\_ No

Name(s) of witness(es): \_\_\_\_\_

Were the police contacted? \_\_\_\_ Yes \_\_\_\_ No

Below, please describe what happened:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*If you need additional space, please use the back of this sheet.*

\_\_\_\_\_  
Signature of Person Completing Form

*Civility Guidelines Incident Report*

**SHARING CRITICAL INFORMATION  
ORANGE COUNTY PROBATION DEPARTMENT**

The Orange County Probation Department Agency (hereinafter "Probation") will establish systems to provide SELPAs and/or school districts with timely information and records regarding Probation wards of the Orange County Juvenile Court who have been given placement orders (with care custody and control being given to the Probation Officer) and are eligible for special education services or suspected of being eligible for special education services. Probation will establish systems to provide SELPAs and/or school districts with copies of court orders indicating whether the Orange County Juvenile Court has specifically limited the rights of the parent or guardian to make educational decisions for a placement ward, and whether a responsible adult or panel attorney has been appointed. The name, address and telephone number of the responsible adult, if appointed, shall be provided to the SELPA and/or school district. Probation will, whenever possible, use e-mail and faxes to provide this information in a timely manner to foster youth services at the Orange County Department of Education. Foster Youth Services will forward the information in a timely manner to the appropriate personnel in the district of residence.

Probation shall provide information to the SELPAs and/or school districts regarding students who are placement wards of the Juvenile Court in the form of a Probation Education Passport (copy of form attached hereto as Appendix D). The form is designed to provide relevant information about students who are placement wards of the Juvenile Court to SELPAs and/or school districts.

Probation shall provide the probation officer's name and contact information for wards (minor's who remain in the home, as well as in foster care) to SELPAs and/or school districts.

**SHARING CRITICAL INFORMATION  
ORANGE COUNTY SOCIAL SERVICES AGENCY**

The Orange County Social Services Agency (hereinafter "Social Services") will establish systems to provide SELPAs and/or school districts with timely information regarding placements of dependents of the Orange County Juvenile Court eligible for special education services or suspected of being eligible for special education services. Social Services will establish systems to provide SELPAs and/or school districts with copies of court orders indicating whether the Orange County Juvenile Court has specifically limited the rights of the parent or guardian to make educational decisions for a child who is a dependent of the court, and whether a responsible adult or panel attorney has been appointed. The name, address and telephone number of the responsible adult, if appointed, shall be provided to the SELPA and/or school district. A Notification of Transfer of Foster Youth form (copy attached hereto as Appendix C) shall be utilized.

Social Services will, whenever possible, use e-mail and faxes to provide this information in a timely manner to Foster Youth Services at the Orange County Department of Education. Foster Youth Services will forward the information in a timely manner to the appropriate personnel in the district of residence.

Social Services shall provide information to the SELPAs and/or school districts regarding students who are dependents of the Juvenile Court in the form of the Health and Education Passport (hereinafter "HEP") (copy of form and policy/procedure attached hereto as Appendix E). The form is designed to provide relevant information about students who are dependents of the Juvenile Court to SELPAs and/or school districts.

### **RESOLVING CONFLICTS**

If a SELPA, school district, Probation or Social Services believes that a member of the panel of attorneys appointed by the Orange County Juvenile Court has acted in an unprofessional manner, the agency may contact the presiding judge of the Juvenile Court regarding their concern. The Juvenile Court will discuss the matter with the attorney and attempt to resolve the matter to the satisfaction of all parties.

### **A PARENT ATTORNEY'S PERSPECTIVE: POSSIBLE TRIGGERS TO FILING DUE PROCESS**

A member of the panel of the attorneys appointed by the Juvenile Court has compiled a list from a parent attorney's perspective entitled, "A Parent Attorney's Perspective: Triggers to Filing Due Process." A copy is attached as Appendix B. The document lists 16 "triggers" which this member of the panel identified as leading to the filing of due process hearings. The list serves as information for public agencies to consider when seeking to avoid due process hearings.

## Appendix A

### MEMORANDUM OF UNDERSTANDING ASSESSMENT OF WARDS AND DEPENDENTS

MEMORANDUM OF UNDERSTANDING  
ASSESSMENT OF WARDS AND DEPENDENTS

This Memorandum of Understanding (MOU) is entered into by and between the Special Education Local Plan Areas (SELPA) of Orange County as follows:

WHEREAS, Education Code section 56344 requires that an Individualized Education Program be developed as a result of an assessment of a pupil within certain specified timelines;

WHEREAS, the SELPAs and school districts of Orange County are interested in completing the assessments of wards and dependents of the Orange County Juvenile Court in a timely manner;

WHEREAS, wards and dependents may be moved by the Orange County Juvenile Court, Social Services or Probation from location to location across school district boundaries without input from SELPAs or school districts;

WHEREAS, the SELPAs and school districts of Orange County wish to avoid delays in completing the assessment of wards and dependents of the Orange County Juvenile Court when wards and dependents are moved across district lines;

WHEREAS, the purpose of this agreement is to minimize the possibility of delay in completing the assessments of wards and dependents of the Orange County Juvenile Court.

NOW, THEREFORE, IT IS HEREBY AGREED AS FOLLOWS:

1. The SELPA and/or school district that begins the assessment of a ward or dependent of the Orange County Juvenile Court will complete the assessment within 60 days of receiving the parent's consent to the assessment plan as specified in 20 U.S.C. Section 1414(a)(1) and Education Code section 56344, unless otherwise agreed with the SELPA or school district where the ward or dependent has been relocated, provided that the SELPAs and school districts involved received written notice from the placing agency (e.g. Orange County Social Services, Orange County Probation) - each time a ward or dependent is relocated. The 60 day timeline shall remain in effect unless written notice of the ward or dependent's relocation has not been given to the SELPA director of the SELPAs involved and the special education directors of the school districts involved by the appropriate county agency. If written notice of the ward or dependent's location has not been given, the 60 day timeline shall be extended and shall recommence on the date the SELPA director of the SELPAs involved and the special education directors of the school districts involved receive written notice.

2. SELPAs and/or school districts may agree to share responsibility and share completion of the assessment of a ward or dependent of the Orange County Juvenile Court when practical within the timelines specified in Education Code section 56344. If no agreement is reached by and between SELPAs and school districts, the original SELPA and/or school district that initiated the assessment will complete the assessment

required under Education Code section 56344 provided that the SELPA directors of the SELPAs and special education directors of the school districts involved received written notice of the child's transfer and present location.

3. The SELPAs and/or school districts involved in the assessment of a ward or dependent of the Orange County Juvenile Court shall discuss and determine the appropriate participants for the IEP meeting to discuss the assessment completed under Education Code section 56344. The SELPA and/or school district where the child resides shall convene and conduct the IEP meeting.

4. The SELPAs and/or school district shall meet quarterly to assess the effectiveness of this agreement. If a SELPA and/or school district have concerns about the implementation of this MOU, the SELPA and/or school district shall send written notice to the presiding judge of the juvenile court stating the SELPA and/or school district's concern and requesting a meeting with the presiding judge of the juvenile court or the presiding judge's designee. The meeting shall be held within 10 days of receipt of the request. Following the meeting, the SELPA may terminate their participation in this MOU by giving 60 days written notice to the SELPAs and districts participating in this MOU.

5. This MOU shall not apply to students located outside of Orange County nor shall it apply in the event a student is moved to a location outside of Orange County prior to the completion of an assessment.

DATED:

ANAHEIM CITY SELPA

By: *Shirley Blalock*

DATED:

CAPISTRANO SELPA

By: \_\_\_\_\_

DATED:

GARDEN GROVE SELPA

By: \_\_\_\_\_

DATED:

GREATER ANAHEIM SELPA

By: \_\_\_\_\_

required under Education Code section 56344 provided that the SELPA directors of the SELPAs and special education directors of the school districts involved received written notice of the child's transfer and present location.

3. The SELPAs and/or school districts involved in the assessment of a ward or dependent of the Orange County Juvenile Court shall discuss and determine the appropriate participants for the IEP meeting to discuss the assessment completed under Education Code section 56344. The SELPA and/or school district where the child resides shall convene and conduct the IEP meeting.

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DATED:

ANAHEIM CITY SELPA

By: \_\_\_\_\_

DATED:

CAPISTRANO SELPA

By: Cathy Fauser

DATED:

GARDEN GROVE SELPA

By: \_\_\_\_\_

DATED:

GREATER ANAHEIM SELPA

By: \_\_\_\_\_



required under Education Code section 56344 provided that the SELPA directors of the SELPAs and special education directors of the school districts involved received written notice of the child's transfer and present location.

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DATED:

ANAHEIM CITY SELPA

By: \_\_\_\_\_

DATED:

CAPISTRANO SELPA

By: \_\_\_\_\_

DATED:

10/4/06

GARDEN GROVE SELPA

By: *Sue McCann*

Sue McCann, Assistant Superintendent - Business

DATED:

GREATER ANAHEIM SELPA

By: \_\_\_\_\_

required under Education Code section 56344 provided that the SELPA directors of the SELPAs and special education directors of the school districts involved received written notice of the child's transfer and present location.

3. The SELPAs and/or school districts involved in the assessment of a ward or dependent of the Orange County Juvenile Court shall discuss and determine the appropriate participants for the IEP meeting to discuss the assessment completed under Education Code section 56344. The SELPA and/or school district where the child resides shall convene and conduct the IEP meeting.

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5. This MOU shall not apply to students located outside of Orange County nor shall it apply in the event a student is moved to a location outside of Orange County prior to the completion of an assessment.

DATED:

ANAHEIM CITY SELPA

By: \_\_\_\_\_

DATED:

CAPISTRANO SELPA

By: \_\_\_\_\_

DATED:

GARDEN GROVE SELPA

By: \_\_\_\_\_

DATED:

GREATER ANAHEIM SELPA

By: Barbara Quintana / Candy Miller  
GASEPA Board President / GASEPA Regional Administrator

DATED: 10/27/2006

IRVINE SELPA

By: Nancy Melgares

DATED:

NEWPORT-MESA SELPA

By: \_\_\_\_\_

DATED:

NORTHEAST SELPA

By: \_\_\_\_\_

DATED:

NORTH ORANGE COUNTY SELPA

By: \_\_\_\_\_

DATED:

ORANGE SELPA

By: \_\_\_\_\_

DATED:

SANTA ANA SELPA

By: \_\_\_\_\_

DATED:

SOUTH ORANGE COUNTY SELPA

By: \_\_\_\_\_

DATED: IRVINE SELPA

By: \_\_\_\_\_

DATED: 8/22/06 NEWPORT-MESA SELPA

By: Diana Casate

DATED: NORTHEAST SELPA

By: \_\_\_\_\_

DATED: NORTH ORANGE COUNTY SELPA

By: \_\_\_\_\_

DATED: ORANGE SELPA

By: \_\_\_\_\_

DATED: SANTA ANA SELPA

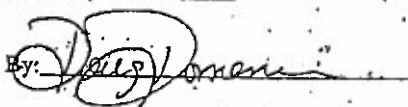
By: \_\_\_\_\_

DATED: SOUTH ORANGE COUNTY SELPA

By: \_\_\_\_\_

DATED: IRVINE SELPA  
By: \_\_\_\_\_

DATED: NEWPORT-MESA SELPA  
By: \_\_\_\_\_

DATED: NORTHEAST SELPA  
By: 

DATED: NORTH ORANGE COUNTY SELPA  
By: \_\_\_\_\_

DATED: ORANGE SELPA  
By: \_\_\_\_\_

DATED: SANTA ANA SELPA  
By: \_\_\_\_\_

DATED: SOUTH ORANGE COUNTY SELPA  
By: \_\_\_\_\_

DATED: 8-4-06

NORTH ORANGE COUNTY SELPA

By: [Signature]

DATED:

NORTHEAST ORANGE COUNTY SELPA

By: \_\_\_\_\_

DATED:

ORANGE SELPA

By: \_\_\_\_\_

DATED:

SANTA ANA SELPA

By: \_\_\_\_\_

DATED:

SOUTH ORANGE COUNTY SELPA

By: \_\_\_\_\_

DATED:

TUSTIN SELPA

By: \_\_\_\_\_

DATED:

WEST ORANGE COUNTY SELPA

By: \_\_\_\_\_

DATED:

ORANGE COUNTY DEPARTMENT OF EDUCATION

By: \_\_\_\_\_

(Rev. 06-22-06)

DATED: IRVINE SELPA

By: \_\_\_\_\_

DATED: NEWPORT-MESA SELPA

By: \_\_\_\_\_

DATED: NORTHEAST SELPA

By: \_\_\_\_\_

DATED: NORTH ORANGE COUNTY SELPA

By: \_\_\_\_\_

DATED: 11/6/06 ORANGE SELPA

By: [Signature]

DATED: SANTA ANA SELPA

By: \_\_\_\_\_

DATED: SOUTH ORANGE COUNTY SELPA

By: \_\_\_\_\_

DATED:

IRVINE SELPA

By: \_\_\_\_\_

DATED:

NEWPORT-MESA SELPA

By: \_\_\_\_\_

DATED:

NORTHEAST SELPA

By: \_\_\_\_\_

DATED:

NORTH ORANGE COUNTY SELPA

By: \_\_\_\_\_

DATED:

ORANGE SELPA

By: \_\_\_\_\_

DATED:

SANTA ANA SELPA

By: Don Jones

DATED:

SOUTH ORANGE COUNTY SELPA

By: \_\_\_\_\_



DATED:

IRVINE SELPA

By: \_\_\_\_\_

DATED:

NEWPORT-MESA SELPA

By: \_\_\_\_\_

DATED:

NORTHEAST SELPA

By: \_\_\_\_\_

DATED:

NORTH ORANGE COUNTY SELPA

By: \_\_\_\_\_

DATED:

ORANGE SELPA

By: \_\_\_\_\_

DATED:

SANTA ANA SELPA

By: \_\_\_\_\_

DATED: 11/29/06

SOUTH ORANGE COUNTY SELPA

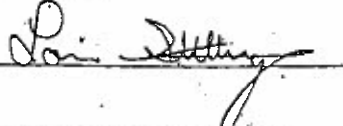
By: *Davidson*

DATED:

9/22/06

TUSTIN SELPA

By:



DATED:

WEST ORANGE COUNTY SELPA

By: \_\_\_\_\_

OCT-26-2006 THU 02:49 PM

FAX NO.

P. 06

DATED:

TUSTIN SELPA

By: \_\_\_\_\_

DATED:

WEST ORANGE COUNTY SELPA

By: R. J. [Signature]

## **Appendix B**

### **TRIGGERS TO FILING DUE PROCESS**

**A Parent Attorney's Perspective:  
Triggers to Filing Due Process**

- 1) Failing to provide an analogous placement to children entering OAF.
  - a. Entering with an IEP that provides for SDC 85% or whatever percentage of their day outside of general education only to have them offered 1 x week 45 mins, 3 % out side of general education: Not an analogous placement.
- 2) Districts suspending IEPs to place a child in ACCESS.
- 3) Transferring students from one school to another instead of referring for a special education evaluation, for already identified special education students increasing the special education services, or making an OCHCA referral.
- 4) Dependent children with behavior issues who are left to DSS to provide the appropriate placement and counseling services.
- 5) Dependent child with multiple placement changes without anyone requesting an evaluation for special education eligibility.
- 6) Discipline:
  - a. Failing to assess for special education eligibility when a child has a lengthy discipline chart.
  - b. Ignoring when detention and Saturday school is not changing behavior.
  - c. Ignoring when behavior is not changing from whatever the LEA is doing.
  - d. BSPs that are not functional.
  - d. Allowing NPS programs to violate the Hughes Act by placing students in locked time out rooms.
- 7) OCDE's policy of dropping kids from ACCESS based on absences and without an IEPT meeting.
- 8) Not providing transportation to DIS services that are off campus including OCHCA.
- 9) Transition services that dependent children require not being provided by districts except for 18-22 year old programs.
- 10) Consent
  - a. Failing to seek out the parents and if none located appointing an education surrogate within 30 days.
  - b. Failing to seek a RA from the courts.
  - c. Allowing NPA/NPS programs staff to sign IEPs and other forms that require parental consent.
  - d. Once an education surrogate is appointed, many months later, having them sign previous documents for IEPS and assessments they did not attend.
  - e. NPS programs assessing without any consent.
  - f. Foster parents signing for consent without the parents education rights being limited.
- 11) OCHCA services
  - a. Services dropped outside of an IEPT meeting.

- b. OCHCA contracting with providers like WYS who cannot offer a higher level of care when the child should be looked at for RTC.
  - c. Failing to recommend an assessment for RTC consideration.
  - d. Failing to provide the OCHCA services on site or transportation provided.
  - e. District's failing to identify the services provided to a student across all domains when sending in a referral.
- 12) Failure to education in the least restrictive environment, especially for kids placed in group homes and subjected to group home run non-public schools.
  - 13) Lack of academic progress year after year.
  - 14) Expulsion recommendations with inappropriate manifestation determinations..
  - 15) Failure to provide travel training (mobility training) and related services to kids with severe cognitive disability based on the notion that the child is functioning at his/her cognitive level.
  - 16) Failure to assess or conduct assessments appropriately, including outright refusal to conduct medical evaluations for diagnostic purposes.

## **Appendix C**

### **Notification of Transfer of Foster Youth**



**ORANGE COUNTY SOCIAL SERVICES AGENCY  
CHILDREN AND FAMILY SERVICES  
NOTIFICATION OF TRANSFER OF FOSTER YOUTH**

Effective with any placement change for a school-age child, the Placing Social Worker and the Assigned Social Worker shall complete and fax this form to: OCDE Foster Youth Services (714) 560-0585 or (714) 973-4719.

Assigned Senior Social Worker, Orange County Social Services Agency  
Name: \_\_\_\_\_ Telephone: \_\_\_\_\_  
Address: \_\_\_\_\_ City: \_\_\_\_\_ Zip: \_\_\_\_\_

Pupil Name (Last, First, MI): \_\_\_\_\_ Current Grade Level: \_\_\_\_\_ Birthdate: \_\_\_\_\_  
J/DP #: \_\_\_\_\_ Ethnicity: \_\_\_\_\_ Primary Language (if other than English): \_\_\_\_\_

Holder of Educational Rights Name: \_\_\_\_\_ Telephone: \_\_\_\_\_  
Relationship to child:  Parent  Guardian  Court Appointed (specify relationship)  
Address: \_\_\_\_\_ City: \_\_\_\_\_ Zip: \_\_\_\_\_

New Caregiver or Facility Name: \_\_\_\_\_ Telephone: \_\_\_\_\_  
Address: \_\_\_\_\_ City: \_\_\_\_\_ Zip: \_\_\_\_\_

Date of Placement: \_\_\_\_\_ Reason for Enrollment Change: \_\_\_\_\_ Child Currently AWOL

Child's previous school and/or district Name of District: \_\_\_\_\_ City: \_\_\_\_\_

- Current known special educational and/or medical needs of the child:
- The child has a current:  Individual Education Program (IEP)  504 Plan Date: \_\_\_\_\_  
And/or Is an educational assessment currently in process?  Yes  No  Unknown
  - Are Special Education needs suspected?  Yes  No If so, briefly describe: \_\_\_\_\_
  - Current medical and/or developmental concerns/medications: \_\_\_\_\_
  - Other comments: \_\_\_\_\_

Signature of Senior Social Worker \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_

Distribution:  Caregiver  Assigned Social Worker  Educational Attorney (Attorney name: \_\_\_\_\_)

**For Use By OCDE Foster Youth Services**

Old district of residence: \_\_\_\_\_ Notified by: \_\_\_\_\_ Date: \_\_\_\_\_  
New district of residence: \_\_\_\_\_ Notified by: \_\_\_\_\_ Date: \_\_\_\_\_  
Child enrolled in: \_\_\_\_\_ On: \_\_\_\_\_



California Education Code, Section 49069.5(b) states: The proper and timely transfer between schools of pupils in foster care is the responsibility of both the local educational agency and the county placing agency.



**Appendix D**  
**Orange County Probation**  
**Education Passport**



# Orange County Probation Educational Passport



Name: \_\_\_\_\_ Gender: \_\_\_\_\_ Age: \_\_\_\_\_ DOB: \_\_\_\_\_

Primary Language: \_\_\_\_\_ Ethnicity: \_\_\_\_\_ Alias: \_\_\_\_\_

Ed. Rights Limited? \_\_\_\_\_ Rep. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Phone: \_\_\_\_\_

Date Rep. Appointed: \_\_\_\_\_ Relationship of Rep: \_\_\_\_\_

### - Placement and Residence Information -

Placement Agency: \_\_\_\_\_ Address: \_\_\_\_\_ Placement Agency Phone: \_\_\_\_\_

Placement Worker: \_\_\_\_\_

Care Provider Name: \_\_\_\_\_

Residence Address: \_\_\_\_\_ Res. Phone: \_\_\_\_\_ Type of Placement: \_\_\_\_\_

Date Arrived at this Home: \_\_\_\_\_ Date Left: \_\_\_\_\_

### - Education Information -

Class of \_\_\_\_\_ On track to Graduate: \_\_\_\_\_

School District: \_\_\_\_\_ School: \_\_\_\_\_ Start Date: \_\_\_\_\_ Withdrawal Date: \_\_\_\_\_ Grade: \_\_\_\_\_

Fall Credits Earned Spring Credits Earned Summer Credits Earned

---

Fall Credits Earned Spring Credits Earned Summer Credits Earned

---

Fall Credits Earned Spring Credits Earned Summer Credits Earned

---

Fall Credits Earned Spring Credits Earned Summer Credits Earned

---

Fall Credits Earned Spring Credits Earned Summer Credits Earned

---

Fall Credits Earned Spring Credits Earned Summer Credits Earned

---

Total High School Credits Earned to Date:

Special Ed?                      Most Recent IEP:                      Most Recent Triennial Review Date:                      504 Plan?

Special Ed Remarks:

Primary Disability Category:

Primary Service Category:

**Test Scores**

Test Name:                      Test Date:

ELA passed?                      Score:

Scale Score:                      Score:

Test Name:                      Test Date:

Math passed?                      Score:

Scale Score (250-450)                      Score:

FYS Remarks:

Report Date:  
Created by:  
Phone Number:  
Approved by:

## **Appendix E**

### **Orange County Children and Family Services Health and Education Passport**

Confidential

# Health and Education Passport

## Instructions to Foster Parents

Please keep this Health and Education Passport while this child is in your care. Please keep the child's Medi-Cal card, health eligibility identification cards, Medical Consent form, Birth Certificate and Immunization record with this Passport.

According to CHDP guidelines, a child 3 years old or older is eligible for a health check-up once a year while receiving Foster Care services. However, younger children should have more frequent exams. Additionally, starting at age 3, children should have a dental exam once a year or earlier if a problem exists.

Take this Passport to all medical, dental, and educational visits pertaining to the child. Remind doctors, dentists, and teachers, mental health care providers, vision care providers, and other health care providers to add or correct information on the form after each visit. Please give the corrected Passport to the social worker at your next meeting. When the child leaves your care, the latest update of this Passport will go with the child to aid the next care provider.

If you have any questions, please speak with the child's social worker and/or Public Health Nurse.

**CHILD INFORMATION**

CHILD'S NAME		BIRTH DATE	AGE	GENDER
NAME ALSO KNOWN BY		CHILD ID NUMBER	COURT NUMBER	
CASE NUMBER	MEDI-CAL RECORD NUMBER	MEDICAL INSURANCE COMPANY NAME / HMO		POLICY NUMBER
ADDRESS			SOCIAL SECURITY NUMBER	
			PHONE	
ETHNICITY		RELIGION	ICWA ELIGIBILITY	
PRIMARY LANGUAGE		SECONDARY LANGUAGE		
NAME OF SUBSTITUTE CARE PROVIDER		RELATIONSHIP TO CHILD OR TYPE OF FACILITY		
SCHOOL NAME	SCHOOL ADDRESS		GRADE	
PHONE				

**CURRENT HEALTH INFORMATION**

SENSITIVE HEALTH & MEDICAL INFORMATION ON FILE
LIMITATION PUT ON SUBSTITUTE CARE PROVIDER'S ABILITY TO MAKE HEALTH DECISIONS
INDIVIDUAL HEALTH CARE PLAN ON FILE FOR SPECIAL NEEDS CHILD

**\*\* ALERTS \*\***

DESCRIPTION

**ALLERGIES**

DESCRIPTION	
ONSET DATE/FIRST VISIT	DIAGNOSED BY

**SUMMARY OF CHILD'S CURRENT HEALTH CONDITION**

**DEVELOPMENTAL / FUNCTIONAL LIMITATIONS**

VISUAL IMPAIRMENT	HEARING IMPAIRMENT	SPEECH IMPAIRMENT
SPECIAL DIET REQUIRED	NEUROLOGICAL IMPAIRMENT	MEDICAL EQUIPMENT REQUIRED
DEVELOPMENTALLY DISABLED	NON AMBULATORY	MEDICAL PROCEDURES REQUIRED
DEVELOPMENTALLY DELAYED	SPECIAL EDUCATION PUPIL, CERTIFIED	EMOTIONAL DISORDER, DSM, CURNT REV
OTHER DESCRIPTION		

**CURRENT HEALTH ISSUES**

HEALTH PROBLEM	ONSET DATE/FIRST VISIT	NEXT SCHEDULED VISIT DATE
DIAGNOSED BY: NAME	DIAGNOSED BY: PHONE	COMMUNICABLE DISEASE? YES NO UNKNOWN
HEALTH PROBLEM DESCRIPTION		
TREATMENT PLAN / INSTRUCTIONS		

**WELL CHILD EXAM**

DATE	EXAM TYPE	SERVICE PROVIDER			
AGE AT TIME OF EXAM	HEIGHT	HEIGHT %	WEIGHT	WEIGHT %	HEAD CIRCUMFERENCE
COMMENTS / OUTCOMES / REFERRALS					

**IMMUNIZATIONS**

IMMUNIZATION TYPE	DATE GIVEN	SOURCE OF INFORMATION / CLINIC / PHYSICIAN	NEXT DUE DATE
-------------------	------------	--	---------------

**CURRENT HEALTH SERVICE PROVIDERS**

CURRENTLY RECEIVES SERVICES FROM:	CA CHILDREN'S SERV	REGIONAL CENTER	OTHER
SERVICE PROVIDER NAME	SERVICE PROVIDER TYPE	DATE LAST SEEN	
CLINIC/AGENCY NAME, IF ANY	ADDRESS		
PHONE			

**PAST HEALTH INFORMATION**

**BIRTH HISTORY**

BIRTH PLACE / HOSPITAL NAME	BIRTH LOCATION (CITY COUNTY STATE AND COUNTRY)
-----------------------------	--

WEIGHT	LENGTH	HEAD CIRCUMFERENCE	APGAR	GESTATION AGE
--------	--------	--------------------	-------	---------------

TOXICOLOGY SCREENING	NEWBORN SCREENING RESULTS
----------------------	---------------------------

PRENATAL / PERINATAL COMMENTS

---

**PAST HEALTH ISSUES**

HEALTH PROBLEM	ONSET DATE/FIRST VISIT	END DATE
----------------	------------------------	----------

DIAGNOSED BY: NAME	DIAGNOSED BY: PHONE	COMMUNICABLE DISEASE? YES      NO      UNKNOWN
--------------------	---------------------	---

HEALTH PROBLEM DESCRIPTION

TREATMENT

---

PREV. RECEIVED SERVICES FROM:	<b>PAST HEALTH SERVICE PROVIDERS</b> CA CHILDREN'S SERV    REGIONAL CENTER    OTHER
-------------------------------	--

SERVICE PROVIDER NAME	SERVICE PROVIDER TYPE	DATE LAST SEEN
-----------------------	-----------------------	----------------

CLINIC/AGENCY NAME, IF ANY	ADDRESS
----------------------------	---------

PHONE

---

**FAMILY MEDICAL HISTORY**

MATERNAL - SIGNIFICANT HEALTH PROBLEMS

---

PATERNAL - SIGNIFICANT HEALTH PROBLEMS

---



**EDUCATION INFORMATION**

PARENT(S) / GUARDIANS EDUCATIONAL RIGHTS LIMITED? YES NO

COURT APPOINTED EDUCATION REPRESENTATIVE PHONE NUMBER

DOES THE CHILD HAVE AN INDIVIDUALIZED EDUCATION PROGRAM (IEP/IFSP)? YES NO MOST RECENT IEP DATE:

LOCATION OF EDUCATIONAL RECORDS / ATTEMPTS TO ACQUIRE

ARE TRANSITIONAL INDEPENDENT LIVING SERVICES BEING PROVIDED? YES NO

**Current**

SCHOOL NAME

SCHOOL ADDRESS:

CONTACT NAME

EXPLANATION IF CHILD WAS NOT PLACED IN PROXIMITY OF PREVIOUS SCHOOL ENROLLMENT

SPECIAL EDUCATION NEEDS OF THIS CHILD

GRADE

GRADE LEVEL PERFORMANCE

EDUCATIONAL NEEDS / SCHOOL PERFORMANCE / STRENGTHS / INTERESTS

**Previous**

SCHOOL NAME

SCHOOL ADDRESS:

CONTACT NAME

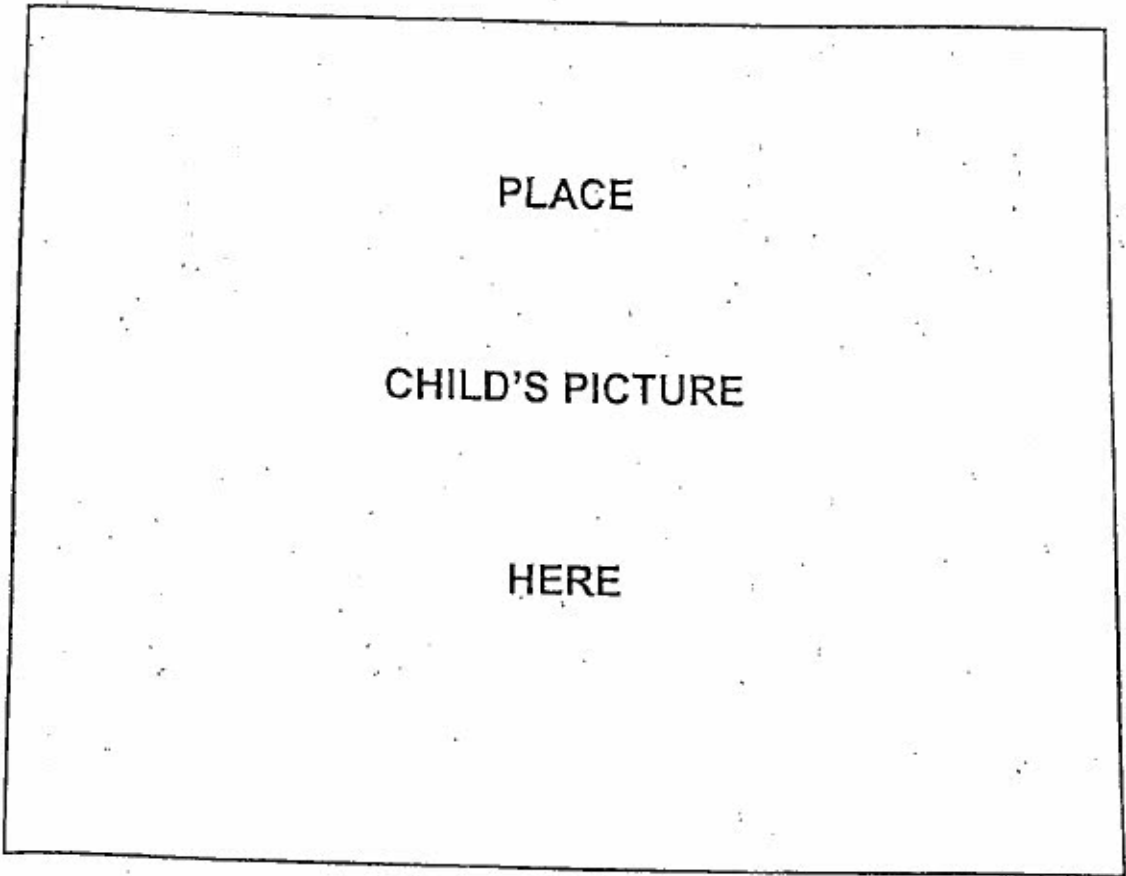
REASON CHILD LEFT SCHOOL

SPECIAL EDUCATION NEEDS OF THIS CHILD

GRADE

GRADE LEVEL PERFORMANCE

EDUCATIONAL NEEDS / SCHOOL PERFORMANCE / STRENGTHS / INTERESTS



Distribution of Child's Health and Education  
Passport (HEP) to Out of Home  
Caregivers and Educational Providers

Purpose

Ensure that caregivers and educational providers are in possession of current, accurate, and relevant health and education information regarding the child.

PROCEDURE

Required Actions	Staff Responsible	Step	Required Action
------------------	-------------------	------	-----------------

Placing Social Worker

1

Upon placement, the placing social worker will provide the out of home caregiver with the *Health and Education Passport (HEP) cover letter, form F063-28-314 plus two (2) copies of the Health and Education Passport.*

2

The caregiver will retain one copy of the HEP and provide the second copy of the HEP to the appropriate school official if the child is being enrolled in a local school.

Required Actions: The following steps must be completed for each subsection of the placement.  
 Staff Responsible: \_\_\_\_\_  
 Step: \_\_\_\_\_ Required Action: \_\_\_\_\_

- |                              |   |  |
|------------------------------|---|--|
| <b>Placing Social Worker</b> | 1 | Upon placement (but no later than 48 hours after placement), the placing social worker will provide the out of home caregiver with the <i>Health and Education Passport (HEP) cover letter, form F063-28-314</i> plus two (2) copies of the Health and Education Passport. |
|                              | 2 | The caregiver will retain one copy of the HEP and provide the second copy of the HEP to the appropriate school official if the child is enrolled or being enrolled in school.  |

Required Actions: The following steps must be completed for each state.  
 Staff Responsible: \_\_\_\_\_  
 Step: \_\_\_\_\_ Required Action: \_\_\_\_\_

- |                               |   |  |
|-------------------------------|---|--|
| <b>Assigned Social Worker</b> | 1 | Prior to the clerical deadline for the status review hearing, the assigned social worker will review the child's health and education information in CWS/CMS for completeness and accuracy:                                  |
|                               | 2 | Changes and/or additions to the child's information will be recorded on the <i>HEP Face sheet form, F063-28-323</i> and forwarded to the assigned social worker's unit clerk for input.                                      |
|                               | 3 | The unit clerk for the assigned social work will generate two (2) copies of the updated HEP and mail them with the <i>Health and Education Passport (HEP) cover letter, form F063-28-314</i> , to the out of home caregiver. |
|                               | 4 | The caregiver will retain one copy of the updated HEP and provide one copy to the appropriate school official.   |

## **APPENDIX F**

### **GUIDELINES FOR PARTICIPATION IN THE COLLABORATIVE SPECIAL NEEDS CHILDREN IN THE JUVENILE COURT SYSTEM**

**GUIDELINES FOR PARTICIPATION IN THE COLLABORATIVE  
SPECIAL NEEDS CHILDREN IN  
THE JUVENILE COURT SYSTEM**

The purpose of the meeting is to identify specific problems that can be addressed by the group with the purpose of improving the quality of services to children with special needs in the juvenile court system. The primary concern is the safety and welfare of the children in the juvenile court system. Everyone on the committee has an equal right to give input regarding issues brought before the committee. To assure that suggested solutions having the consensus of the committee are communicated and implemented by the broader professional community, a Best Practices Guide for Interagency Collaboration will be developed for distribution. Best practices guidelines will be provided to representatives of all participating organizations. The various representatives from each discipline agree to distribute the Best Practices Guide to members of their respective organizations. The following general guidelines for participation in the meetings are suggested to foster a spirit of collaboration:

- Topics for discussion must define a problem in terms of its effect on the health and welfare of the children in the juvenile court system.
- Solutions to systemic problems should focus on improved communication and coordination among agencies within current budget constraints.
- Solutions should focus on systemic processes that can be streamlined and improved.
- Proposed solutions that would impose higher levels of expenditures or long term commitments beyond legal requirements on agencies should be avoided.
- Joint efforts to lobby the Legislature on mutually agreed issues should be encouraged.
- Discussion should focus on systemic issues rather than personalities or individuals as much as possible.
- Specific concerns about the professional conduct of individuals from any of the participating agencies should be resolved privately between the relevant parties.
- The committee members agree to participate in a yearly evaluation assessing the implementation of the Memorandum of Understanding – Assessment of Wards and Dependents and the Juvenile Court Best Practices Guide for Interagency Collaboration.

## **Appendix G**

### **Process for Parent Attorney to Utilize When There Is a Disagreement With a District on an IEP**

**PROCESS FOR PARENT ATTORNEY TO UTILIZE  
WHEN THERE IS A DISAGREEMENT WITH  
A DISTRICT REGARDING AN IEP**

1. Identify clearly the issues the holder of education rights consents to in the IEP document or in the dissent to the IEP.
2. Dissents in writing must be provided in a timely fashion to the district.
3. If the disagreement is between the attorney and the holder of education rights:
  - A. Place the matter on the court calendar for the Juvenile Court Judge to address.
  - B. File a motion to limit the education rights of the individual who holds the education rights, if appropriate.
4. If the disagreement is between the holder of education rights and the district, either of the following procedures may be followed:
  - A. The district can file a joinder motion<sup>1</sup> in the Juvenile Court to resolve the matter.
  - B. Either party can file a request for a due process hearing with the Office of Administrative Hearings.

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<sup>1</sup> The filing of a joinder motion in Juvenile Court by a school district is, in essence, a request by the school district asking the Juvenile Court to make the school district a party to the Juvenile Court proceeding involving the minor. If the Juvenile Court grants the joinder motion, the school district will be subject to the jurisdiction or authority of the Juvenile Court and the Juvenile Court will have the authority to issue orders that are binding on the school district.