

Educational Judicial Bench Card

If any answer below is “no”, or for assistance with a deeper inquiry, see supporting information inside.

11. Youth Voice in Education Decisions and Planning?

- A. Has court ensured that youth who want to be present (if developmentally appropriate) have had an opportunity to appear before the court?
- B. Has youth been given ample opportunity to update the court on their current education experiences, any challenges to be addressed, highlights to be recognized, and future education goals?
- C. Does the court have any follow up questions related to information shared? If youth not present, have parties agreed to provide follow up information, or relay youth’s views to the court?
- D. Has court used developmentally appropriate means to seek youth input?

12. Adult(s) involved as an education advocate?

- A. If no one identified, has court ordered parties to identify at least one individual who can serve as an educational advocate?
- B. If appropriate, has parent(s) been invited and encouraged to continue involvement in education advocacy for the child?

13. A clearly defined education decision maker?

- A. Do parent retain education decision making authority or has the court limited the rights of the parent(s) to make education decisions?
- B. If parent’s rights are limited, has the court identified an education decisionmaker for the child? If the child is in special education, or suspected of needing special education, has the school or court appointed a surrogate parent for the child?

14. Clear Recommendations and Findings of the Court?

- A. Has court appropriately considered the recommendations put forth by the school, child welfare worker, child’s attorney, or any other education advocate, to support the education needs of the student?
- B. Does the court require any additional information be provided in considered of these recommendations?
- C. Has the court reviewed all supplemental education information? Is there anything missing that the court needs to make the necessary findings? (i.e. Attendance record, report card, IEP or 504 plan)?
- D. Are there any additional recommendations the court should make to address the education needs of the student?

Does the Child Have:

1. Current Education Status Documented?
2. School Stability Since Last Hearing?
3. Educational History Documented?
4. School Records Being Accessed as Needed?
5. Regular Attendance?
6. Good School Performance?
7. Meaningful School Participation?
8. Needs Addressed for Special Education/504 Evaluation, Identification, and Supports, if applicable?
9. Clean Disciplinary Record?
10. Post High School Education Plans (Beginning at Age 14)?
11. A Voice in Education Decisions and Planning?
12. Adult(s) Involved as an Education Advocate?
13. A Clearly Defined Education Decision Maker?
14. Clear Recommendations For, and Findings of, the Court?

1. Current Education Status: Documented?

- A. Is current school name and grade level provided?

2. School stability since last hearing?

- A. Is agency's best interest decision regarding remaining or enrolling in a new school documented, clear, and appropriate?
- B. If remaining in current school, has inquiry been made about transportation needs and how they will be addressed?
- C. If re-enrollment in new school was necessary, was it immediate? Was it a smooth transition?
- D. If barriers, did further advocacy occur to ensure enrollment?

3. Educational History Documented?

- A. For initial shelter hearing only, how many school changes has the child experienced prior to entry into care?
- B. How many school changes since entry into care?
- C. Any significant education challenges or achievements in the child's education history?

4. School Records being Accessed as Needed?

- A. Does child welfare worker have access to education records maintained in the case plan?
- B. Is court action/order necessary to ensure access to records by any necessary parties or individuals?
- C. If school transfer occurred, were records timely shared with new school?

5. Regular Attendance?

- A. Causes of missed classes/days?
- B. Any school disruptions due to case plan services or parent/child visitation?
- C. Patterns in attendance issues?
- D. Supports needed to re-engage in classes/school?
- E. Supports needed to make up missed work/assignments?

6. Meaningful School Participation?

- A. Free and Reduced Lunch access?
- B. Fees Waived?
- C. Extra Curricular Activities?

7. Good School Performance?

- A. Is student performing at grade level?
- B. Are course grades reflective of student's ability?
- C. For high school students, is student on track for graduation?
- D. Has student passed all necessary standardized tests?
- E. If assistance needed, have additional academic support services been identified (i.e. tutoring, special academic support, etc.)?

8. Needs Addressed for Special Education/504?

A. If student is in Special Education/504:

- i. Is the special education evaluation, 504, or IEP current?
- ii. Who in child's life is participating in the IEP meetings?
- iii. If 14 or older, does the IEP address Transition Services?
- iv. If necessary, has a referral been made for an education attorney?
- v. If needed, has a surrogate parent been appointed by the school or the court?

B. If student is not in Special Education/504:

- i. Is there reason to suspect the child may have a disability impacting on their education?
- ii. If so, has a referral been made for the child to be evaluated for Special Education services?
- iii. If not found eligible for Special Education, has the child been evaluated for 504 Plan?

9. Clean Disciplinary Record?

- A. What is the nature and duration of the disciplinary actions since the last hearing?
- B. Was there someone at the disciplinary proceeding representing and supporting the student?
- C. If needed, was a referral made to an attorney to support the student in the disciplinary proceeding?
- D. Are any additional supports needed to ensure no further disciplinary

10. Post High School Education Plans (beginning by age 14)?

- A. What are the student's post high school plans/goals?
- B. How many credits are needed to complete high school?
- C. Has a mentor been appointed for the student?
- D. Does the child welfare agency have a transition/independent living plan in place for the youth?