

1668 EDUCATIONAL SURROGATE PARENTS

Chapter: **Out-of-Home Placements**

Section: **Educational Stability**



New Hampshire Division for Children, Youth and Families Policy Manual

Policy Directive: **17-56**

Effective Date: **October 2017**

Scheduled Review Date:

Approved:

A handwritten signature in black ink, appearing to read "Christine Tappan".

Christine Tappan, Interim DCYF Director

Related Statute(s): [RSA 169-B](#), [RSA 169-C](#),
[RSA 169-D](#), and [RSA 186-C](#)
Related Admin Rule(s): [Ed 1100](#)
Related Federal Regulation(s):

Related Form(s): [FORM 1550](#)
Bridges' Screen(s) and Attachment(s):

Everyone needs and deserves a life of well-being. In addition to offering an array of services that promote opportunities for families to meet their basic needs, DCYF helps to facilitate connections to families and local educational programs. The Educational Surrogate Parent Program, coordinated through the New Hampshire Department of Education, Bureau of Special Education, provides an educational surrogate parent to act as the child's educational decision-maker in the special education process. Through the use of Department of Education certified volunteers who have successfully completed the training to act as educational surrogate parents, the Division is better able to support the educational well-being of children and youth.

Purpose

To establish the policy and procedures for securing educational surrogate parents for children and youth with disabilities in placement, when necessary.

Definitions

"CPSW" or **"Child Protective Service Worker"** means an employee of DCYF who is authorized by the Division to perform functions of the job classification Child Protective Service Worker.

"DCYF" or the **"Division"** means the Department of Health and Human Services' Division for Children, Youth and Families.

"JPPO" or **"Juvenile Probation and Parole Officer"** means an employee of DCYF who is authorized by the Division to perform functions of the job classification Juvenile Probation and Parole Officer.

"Placement" means the removal of a child/youth from his/her normal place of residence to reside in a court-ordered substitute care setting under the placement and care responsibility of DCYF.

"Surrogate Parent" mean a person appointed to act as a child's advocate in place of the child's biological or adoptive parents or guardian in the educational decision-making process (as defined in RSA 186-C:14).

Policy

- I. A child/youth who is in placement must have a surrogate parent assigned when:
 - A. A child/youth with a disability's parents are unknown, unavailable, or unable to take responsibility for the child/youth's educational needs; or

- B. There is reason to believe that a child/youth **may** be a child/youth with a disability and the parents are unknown, unavailable, or unable to take responsibility for the child/youth's educational needs.
- II. Any child/youth in DCYF Guardianship with a disability must have a surrogate parent appointed.
- III. Any child/youth with a disability who does not have a parent/guardian making special education decisions on their behalf needs to have a surrogate parent appointed.
- IV. The child/youth's educational needs must be documented in the DCYF Case Plan (Form 1550) and must be reviewed and updated every six (6) months.
- V. Surrogate parents represent a child/youth with a disability in all proceedings relating to the identification, evaluation, and educational placement of the child/youth and to the provision of a free, appropriate public education.
- VI. Surrogate parents have the same right of access as parents or guardians to records concerning the child pursuant to statute RSA 186-C:14, V, including educational, medical, psychological and health and human service records.

Procedures

- I. The CPSW/JPPPO must:
 - A. Determine whether there is reason to believe that a child/youth may have a disability;
 - 1. If a school district is joined to the case as the sending school district and the child is not identified for special education, the school district must treat the school joinder as a referral from a parent for special education pursuant to the respective RSA (RSA 169-B:22, I; RSA 169-C:20, I; or RSA 169-D:18, I).
 - B. Determine if a child/youth with a disability has parents who cannot be located or is in DCYF Guardianship;
 - C. Request a surrogate parent by providing the Department of Education's Application to Request an Educational Surrogate Parent to the local education authority (LEA):
 - 1. The [Application for Requesting an Educational Surrogate Parent](#) shall be used for requesting an Educational Surrogate Parent for a child age 3 and older; or
 - 2. The [Application for Requesting an Educational Surrogate Parent FCESS](#) shall be used for requesting an Educational Surrogate Parent for a child 0-3 years old receiving Family Centered Early Supports and Services.
 - 3. All Applications for Requesting an Educational Surrogate Parent must be accompanied by a copy of the court order granting custody or guardianship to DCYF which includes the name of the court and the date of the court order.
 - D. Document contacts, meetings, and discussions with school teachers, school officials, the surrogate parent, the child/youth, parents, and the placement provider in Bridges;

- E. At the time of the referral, forward the names of children/youth in placement who need a surrogate parent to the Surrogate Parent Program Coordinator at the Department of Education.
- F. Notify the Surrogate Parent Program Coordinator at the Department of Education and the Educational Coordinator at State Office when a surrogate parent:
 1. Has failed or is failing to advocate for the child/youth;
 2. Has a conflict of interest;
 3. Is an employee of DCYF or a DCYF certified Residential Treatment Program;
 4. Has not become familiar with the child/youth's needs; or
 5. Is not representing the child/youth in the Special Education Process (Ed 1100).

Practice Guidance

Where do I find the Application for Requesting an Educational Surrogate Parent?

- The Department of Education has the standard Application for Requesting an Educational Surrogate Parent and the Application for Requesting an Educational Surrogate Parent FCESS available on the New Hampshire [Educational Surrogate Parent Program](#) website.

The Application for Requesting an Educational Surrogate Parent states it should be submitted to the Department of Education but the policy states to submit it to the local education authority, where do I send the Application for Requesting an Educational Surrogate Parent?

- The form must be returned to the local education authority. The Department of Education has instructions for each version of the Application for Requesting an Educational Surrogate Parent on the New Hampshire [Educational Surrogate Parent Program](#) website. The local education authority will need to process the request and complete an Under Age of Majority Affidavit based on the information in the application and court order to then submit the request to the Department of Education.

Can a judge appoint an Educational Surrogate Parent if there has been difficulty with timely assignment, locating the parent, or parent's failure to participate in the special education process?

- Pursuant to Ed 1116.03 and RSA 186-C:14, III, a judge can issue an order to have an Educational Surrogate Parent appointed.