



# GUIDELINES AND PROCEDURES FOR THE ASSIGNMENT OF SURROGATE PARENTS

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**This manual is the product of collaboration between:**

The New York City Department of Education,  
The New York City Administration for Children's Services,  
Advocates for Children of New York, Inc., and  
The Legal Aid Society



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## INTRODUCTION

Under state and federal law, school districts must appoint surrogate parents for students with disabilities who have no parent to participate in special education decision-making.<sup>1</sup> Students in foster care, various residential settings, and unaccompanied homeless youth are those most likely to need surrogate parents, depending on their circumstances. The NYC Department of Education (hereinafter “DOE”) has the duty to ensure that all students’ rights are protected and must appoint surrogate parents for students whenever they are needed for any part of the IEP process including initial referrals, placement, and the IEP review process (including annual reviews and evaluations, requested reviews and evaluations, and triennial evaluations).

A surrogate parent represents a child’s best interests and has all of the due process rights of a parent. Surrogate parents may request evaluations, attend IEP meetings and consent to special education placements and services. A surrogate parent cannot be an employee of the school district or a child welfare agency involved with the care of the child, or have any conflict of interest with the student, and must have the knowledge and skills needed to be a surrogate parent. Parent members on IEP teams may not serve as surrogate parents, but foster parents may be assigned as surrogates. School, CPSE, CSE and CFN staff should consult with the child welfare or other social service agency involved with the student, if any, when determining the status of the parent’s rights, attempting to contact the parents, or selecting a surrogate parent for a student.

This Manual explains how school, CPSE, CSE and CFN staff should determine if a particular child needs a surrogate parent, who may serve as a surrogate parent, what the responsibilities of a surrogate parent are, how to assign a surrogate parent to a student, and when surrogate parents may be reimbursed for expenses. The procedures apply to all students who are or may be in need of preschool or school-age special education services.

An Appendix is included at the back of this manual with a series of documents for staff to reference or complete at different stages of the surrogate parent appointment process. Questions should be directed to the appropriate Surrogate Parent Liaison, a list of which is included in the Appendix. Further information on consent and surrogate parent issues is available in Section 3 of the February 2009 Standard Operating Procedures Manual, available on the DOE website, and the accompanying webcast, available at <http://intranet.nycboe.net/TeachingLearning/SpecialEducation/default.htm>.

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<sup>1</sup> Federal regulations governing the identification of parents and the appointment of surrogate parents can be found at 34 C.F.R. §§ 300.30 and 300.519; state regulations are located at 8 NYCRR §§ 200.1(ii) and 200.5(n).

## DETERMINING THE NEED FOR A SURROGATE PARENT

When a child is referred for an initial evaluation or receives an initial recommendation for special education services, or when a child who is already classified as a student with a disability is referred for a re-evaluation (including a mandated triennial evaluation), and prior to the annual review of a student's IEP, the school, CSE, or CPSE must determine who the "parent" is so they may begin outreach to obtain parental consent. For children living apart from their parents, this determination merits special consideration. When children live in foster homes, group homes, residential treatment centers, hospitals or other congregate facilities, or are homeless and living apart from their parents, outreach by DOE staff must include contact with the foster care agency, residential or medical facility, or other social service organization involved in the child's care.

These agencies, as well as the child's immediate caregiver, can help school, CSE, or CPSE staff identify and contact the child's parents. Agencies also may contact DOE staff first to alert them when a child needs a surrogate parent. Schools, CSEs, and CPSEs should refer to the *Flowchart for Determining Who is Authorized to Sign Consent for Special Education Evaluations and Services* and the *Guide for School Social Workers: Questions for Caregivers and Foster Care Agency Staff*, available in the Appendix, for assistance during this process. In all circumstances, DOE staff must identify the parent and conduct necessary outreach promptly to ensure that students are evaluated and placed within the timelines required by law.

### Who is a parent?

In order to determine if a child needs a surrogate parent, school, CSE, or CPSE staff must look to see if the child has a parent, as defined under state and federal law, to make special education decisions for him or her. In New York State, "parent" is defined broadly and includes the following individuals:

- A birth or adoptive parent;
- A legal guardian;
- A person in parental relation to the child (such as a relative with whom the child lives);
- An individual designated by the parent as a person in parental relation;
- A foster parent, under certain circumstances;
- A person appointed by a judge to make educational decisions; or
- A surrogate parent.

When more than one person meets the definition of "parent," the student's birth or adoptive parent is presumed to be the decision-maker as long as he or she maintains parental rights. If the parent's legal rights have been terminated or surrendered, any of the other parties who fall within the definition of "parent" may act as the parent. The state, however, is never considered a child's parent, which means that employees of the NYC Administration for Children's Services (hereinafter "ACS"), foster care agency or other social service agency may never consent to special education evaluations or services for a child in their care.<sup>2</sup> **If a caseworker has**

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<sup>2</sup> There is an exception to this rule. In the case of a child who is an unaccompanied homeless youth, appropriate staff of emergency shelters, transitional shelters, independent living programs, and street outreach programs may be appointed as temporary surrogate parents until another surrogate parent meeting the above requirements can be appointed.

**questions about this limitation please direct them to the ACS Education Unit at:**  
<http://www.nyc.gov/html/acs/education/>.

Although a child's legal guardian should have some documentation to prove this status, caregivers in less formal arrangements may not have official legal documents reflecting their relationship to the child. Official documentation is not required if the individual meets the qualifications of a person in parental relationship to the child.<sup>3</sup> Step-parents, grandparents or other individuals caring for a child in the parent's absence generally qualify as persons in parental relationship.

If a parent is incarcerated, he or she still may have parental rights, and appropriate outreach efforts should be made. Please see *Tips for Working with Children of Incarcerated Parents* in the Appendix for information on how to locate and contact incarcerated parents.

Parents also may designate someone else as a "person in parental relation" to their child under Title 15-A of the New York General Obligations Law. The designation must be in writing, must state the name of the parent, designee, and the child, and must be signed by the parent. If the designation is for more than 30 days, it must also include contact information for the designee and parent, provide the name and date of birth of the child, include the written consent of the designee to the designation, and must be notarized. Designations can be valid up to 6 months, and may be revoked by the parent at any time. Although it is not required, parents may use the form included in the Appendix to this manual.

The foster parent of a child in foster care may assume the role of parent when the birth parents' rights have been terminated or surrendered, a judge has limited the birth parents' rights to make educational decisions, or the parents are deceased. Saying that a child has been "freed for adoption," or that the "custody and guardianship" of a child has been committed to the child welfare agency means the same thing as saying that the parents' rights have been terminated or surrendered; in either case, the parent no longer has the authority to make special education decisions for the child. When the child has a foster parent in these circumstances, the foster parent does not need to be assigned as the student's surrogate parent, because he or she already meets the definition of "parent" for special education purposes. Foster parents may be assigned as surrogates when birth parents retain their rights but cannot be located (see below).

A family court judge also may assign someone to make education decisions for a child or appoint a surrogate parent for a student in a particular case. This may or may not be a child's foster parent.

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<sup>3</sup>"Person in parental relation" is defined by New York Education Law § 3212, which states: "a person in parental relation to another individual shall include his father or mother, by birth or adoption, his step-father or step-mother, his legally appointed guardian, or his custodian. A person shall be regarded as the custodian of another individual if he has assumed the charge and care of such individual because the parents or legally appointed guardian of such individual have died, are imprisoned, are mentally ill, or have been committed to an institution, or because, they have abandoned or deserted such individual or are living outside the state or their whereabouts are unknown, or have designated the person pursuant to title fifteen-A of article five of the general obligations law as a person in parental relation to the child."

DOE staff should include supporting documentation in the child's school file whenever there is a question about the status of the parent's rights. If official court papers are not available, other substantiating documents (such as a letter from the social services agency or the child's attorney) are acceptable. Questions about who may assume the role of parent in a particular case should be directed to the Surrogate Parent Liaisons.

### **When is a surrogate parent required?**

When a child has no parent, as outlined above, to make special education decisions for him or her, a surrogate parent must be appointed. This may occur when:

- Both of the student's parents are deceased;
- The parents' identities are unknown;
- After reasonable efforts, the DOE cannot discover the whereabouts of the parents; or
- Parental rights have been legally terminated or surrendered.

A homeless youth who is not in the physical custody of his or her parent or guardian, called an "unaccompanied homeless youth," also requires a surrogate parent. Surrogate parents should only be assigned to a student when there is no one else in the student's life who can assume the role of parent. For example, a student being cared for by her aunt after her parents' death does not need a surrogate parent; her aunt assumes the role of parent.

If a student is removed from a parent's home by ACS, the student may then be placed into foster care through a foster care agency. Going forward, the foster care agency will have primary case planning responsibilities for the student and should have direct and regular contact with both the student's birth parents and foster parents. A student may also be placed into foster care by a parent voluntarily, as part of a delinquency proceeding, or through a Person-in-Need-of-Supervision (PINS) proceeding.

When students in foster care need or may need special education services, school, CSE, or CPSE staff must contact the students' foster care agency caseworker, who can assist DOE staff in determining the legal status of the child and the rights of his or her parents. If you have trouble reaching the caseworker, ask to speak with his or her supervisor.

DOE Students in Temporary Housing Liaisons (Content Experts) are available to answer questions about whether an unaccompanied homeless youth requires a surrogate parent. Contact information for the Students in Temporary Housing Content Experts can be found at <http://schools.nyc.gov/NR/rdonlyres/9831364D-E542-4763-BC2F-7D424EBD5C83/86768/STHContactInformationFORDISTRIBUTION20102012.pdf>.

A student living on his or her own who is not homeless also may require a surrogate parent, depending on the whereabouts of the parents. If a homeless or otherwise unaccompanied youth does not know the whereabouts of his or her parents or refuses to disclose the information, then a surrogate parent should be appointed.

### **What are "reasonable efforts" to locate a student's parents?**

Before concluding that a parent's whereabouts are unknown, New York state regulations require that school districts make reasonable efforts to locate the parent. "Reasonableness" will depend

on the specific circumstances. DOE staff are required to do outreach to the parent, which, at a minimum, includes at least two attempts to contact the parent by telephone (if the parent has a telephone) and a follow up letter sent to the parent by mail. When a student is in foster care or placed with another social services agency, outreach to the parent by the DOE must include contact with the agency responsible for the student's care. Caseworkers may be able to help locate the parent, since they should be in regular contact with him or her. The parent's attorney, the student's family court attorney, or other child welfare professionals may also be a resource to school, CSE, or CPSE staff.

Sometimes social service agencies working with families already will have made repeated efforts to contact a student's parent. While there is no need to duplicate the agency's efforts, the school district is still required to make documented outreach efforts to the parent. Parents who do not respond to agency staff may respond to staff from their student's school. **Under no circumstances may the DOE appoint a surrogate parent for a student without documenting required outreach initiatives to the student's parents.** Every case is different and staff should determine, based on the circumstances, whether the parent can be located. Surrogate Parent Liaisons are available to advise staff on particular cases.

Generally, surrogate parents should not be appointed for children in foster care whose parents are incarcerated, hospitalized or in temporary housing, unless their whereabouts are determined to be unknown following outreach efforts to locate them. Parents may be able to participate in meetings and evaluations by phone and receive correspondence by mail or fax. In some circumstances, such as when a parent is incarcerated, living out of state, or in a residential facility, parents may wish to designate someone else as a person in parental relation to the child. This can be done pursuant to Title 15-A of the New York General Obligations Law, using the form included in the Appendix. Staff should be creative when working with parents in these circumstances, and should contact the Surrogate Parent Liaison for their school if they require guidance in this area.

As soon as school, CSE, CPSE or CFN staff become aware that a student may need a surrogate parent, DOE staff must send notice of the possible need of a surrogate parent to the parents' last known address and any social services agency or foster care agency involved in the child's case. A form for this notice is included in the Appendix (please note that this form should be put on the appropriate CSE, CPSE, or CFN letterhead, and the bracketed information must be filled in for each individual case). This letter may be sent with other outreach or appointment letters. Once it is determined that the student needs a surrogate parent, the law requires that one be assigned to the student within 10 business days.

## RECRUITING AND SELECTING SURROGATE PARENTS

### Recruitment

The DOE is required to keep a list of individuals who are eligible and willing to serve as surrogate parents so that a surrogate parent can be assigned promptly to any student who needs one. The Surrogate Parent Liaison at each CFN and CSE is ultimately responsible for creating and maintaining the list of surrogate parents.

Surrogate Parent Liaisons must periodically recruit new surrogate parents. Special consideration must be given to include volunteers from racially, culturally, and linguistically diverse backgrounds. Potential sources of surrogate parent volunteers include local civic groups, religious institutions, colleges and universities (especially schools of education), support groups for individuals or families of individuals with disabilities, and other community-based organizations.

### Eligibility Requirements

In order to serve as a surrogate parent, an individual must:

- Have no other interest that could conflict with his or her primary allegiance to the child as a surrogate parent;
- Have the knowledge and skills necessary to ensure adequate representation of the student; and
- Be committed to representing a student's best interests with the strictest confidentiality.

The Surrogate Parent should also be able to communicate with the student in the student's primary language.

Employees of the DOE, NY State Education Department, ACS, a child's foster care agency, or any other agency involved in the care or education of the student may not serve as surrogate parents. A surrogate parent is not an employee of the DOE solely because he or she may be reimbursed by the DOE to serve as a surrogate parent. Agency caseworkers, supervisors or other staff cannot serve as the surrogate parent for a child at their agency, but foster parents generally can. CSE Parent Members also may not serve as surrogate parents.

In order to be added to the list of potential surrogate parents, individuals must be fingerprinted and pass a DOE security clearance. Certified foster parents need not go through this step, as they have already been fingerprinted and cleared by their respective foster care agencies. Individuals will also be asked to complete a *Surrogate Parent History*, a copy of which is available in the Appendix. This form will provide critical information about the individual to the Surrogate Parent Liaisons, which will help them when matching surrogate parents to particular students. Potential surrogate parents may request geographic limitations, may only wish to serve as surrogate parents for children of certain ages or in certain agencies, or may have special language skills, professional backgrounds or other considerations that should be documented and noted on the Surrogate Parent List.



There are no longer any formal training requirements for an individual to be placed on the list as a potential surrogate parent for a child. Instead, surrogate parents will be informed of their rights and responsibilities as surrogate parents, including any right to reimbursement, will be provided with a copy of the Procedural Safeguards Notice, and will be appraised of the continuum of services when they are assigned to a particular student. In addition, the social worker must explain parental due process rights and the CSE process, including a review of handicapping conditions, to the surrogate parent during the social history or social update. During the assignment process, the surrogate parent should also be informed of any relevant trainings the CSE, Office of Family Information and Action, or other office or agency may be offering to the public that would help the surrogate perform his or her surrogate parent duties.

## **SURROGATE PARENT RIGHTS AND RESPONSIBILITIES**

A surrogate parent represents a child's best interests, with the strictest confidentiality, in all matters pertaining to the identification, evaluation and placement of a child with special needs. This includes:

- Signing a statement of agreement to act as a surrogate parent for a particular student (see the Appendix for a sample statement of agreement)
- Meeting with the student
- Reviewing the student's relevant educational and clinical records
- Speaking to the teacher and other appropriate school staff about the student's needs
- Participating in IEP meetings and other school meetings
- Considering and consenting to proposed evaluations and placements, as appropriate
- Exercising due process rights on behalf of the student
- Serving as a surrogate parent for as long as required, but at least through the first year

Surrogate parents should meet and become familiar with the child they represent. Depending on the child's age, the surrogate parent may ask the child to discuss his or her educational experiences and should consider the child's opinions when making decisions. School, CSE, and CPSE staff and Surrogate Parent Liaisons should encourage surrogate parents to learn as much as they can about the child they represent by reviewing the child's records and speaking to the child's caseworker, lawyer, teacher, therapists, and other relevant service providers.

Surrogate parents also should become familiar with the special education process and educational options available to the student. This includes reading through the Procedural Safeguards Notice, Special Education Continuum, Parent Guide and other provided information. Surrogate parents should be encouraged to reach out to staff at schools, CPSEs, CSEs, CFNs and Surrogate Parent Liaisons if they have questions about particular issues.

### **Reimbursement**

Surrogate parents will be reimbursed for expenses incurred when performing duties representing their students.<sup>4</sup> Remuneration will be given at the rate of \$12.50 per four hour session (up to a \$25 per day maximum), which includes transportation and meals.

More information regarding reimbursement, and applicable forms, are available in the *Surrogate Parent Toolkit*, which is included in the Appendix. Please note that reimbursement forms contained in the appendix should be put on appropriate CSE, CPSE or school letterhead.

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<sup>4</sup> Foster parents who are assigned as surrogate parents for their foster children cannot be reimbursed for expenses. Foster parents assigned to represent students who are not their foster children are entitled to reimbursement in the same manner as other surrogate parents.

## ASSIGNING SURROGATE PARENTS

Once the school, CSE, CPSE, CFN, Surrogate Parent Liaison, or other DOE staff determines that a child needs a surrogate parent, one must be assigned to the student within 10 business days. If a surrogate parent has not already been identified for the child, DOE staff should reach out to the foster care or other social service agency, current caregiver or group home staff, and the student, if appropriate, to find out if there is someone in the student's life who would be willing to serve as a surrogate parent for the child. If the student has a foster parent, s/he may serve as the surrogate parent, when appropriate. A relative, family friend, mentor, coach or other adult may also be an appropriate surrogate parent for a student.

The school, CSE or CPSE team in charge of the student's case must contact the appropriate Surrogate Parent Liaison to inform him or her that a surrogate parent needs to be assigned. The team should provide the Liaison with documentation of attempts to contact the parent, information about the status of parental rights, and the name and contact information for the proposed surrogate parent. If a proposed surrogate parent has not been identified, the school, CSE or CPSE should provide background information about the student so that the Surrogate Parent Liaison can select an appropriate stranger surrogate from the Surrogate Parent List.

A member of the review team or the Surrogate Parent Liaison must immediately schedule a meeting with the proposed surrogate parent to assign that individual to the student. During the meeting, the DOE staff person will:

- Ensure that the individual meets all eligibility requirements to serve as a surrogate parent
- Explain surrogate parent rights and responsibilities to the individual
- Give the surrogate parent information about his or her due process rights, the special education continuum, and surrogate parent reimbursement procedures
- Complete the *Surrogate Parent History* with the individual and add his or her name and contact information to the Surrogate Parent List, when applicable

DOE staff must stress to prospective surrogate parents that they will have access to confidential information, which must remain confidential. DOE staff should use the *Checklist for Surrogate Parent Assignments*, included in the Appendix, to ensure that all steps in the assignment process are properly completed.

If a foster parent is being assigned as a surrogate parent for a child in their care, the foster parent does not need to be added to the Surrogate Parent list unless they would like to serve as a surrogate parent for other children.

Once the DOE staff member has reviewed all required information with the individual, the new surrogate parent must sign the *Surrogate Parent Agreement*, included in the Appendix. A copy must be saved in the student's file. The DOE staff member must also fill out the *Surrogate Parent Letter of Certification* (available in the Appendix), provide a copy to the new surrogate parent, and place a copy in the student's file. The DOE staff member will also provide the new surrogate parent a copy of the *Surrogate Parent Agreement*, along with the *Surrogate Parent Toolkit* (contained in the Appendix), the student's records, and school and agency contact

information, as appropriate. Please note that reimbursement forms contained in the appendix should be put on appropriate CSE, CPSE, or school letterhead.

On the same day that the surrogate parent assignment process is complete, if the Liaison completed the assignment process, the Liaison must notify the team in charge of the student's case and forward the team the surrogate parent's contact information and a signed copy of the *Surrogate Parent Agreement*. Conversely, if a school, CSE, or CPSE staff completes the surrogate parent assignment process, such person must notify the appropriate Liaison and forward the Liaison the surrogate parent's contact information and a signed copy of the *Surrogate Parent Agreement*. School, CSE, or CPSE staff must contact surrogate parents to schedule a social history promptly, if one was not done concurrently with the assignment, and within applicable timelines. When the social history and the surrogate parent appointment are happening in the same building and the surrogate parent already knows the child well, staff should try to schedule both meetings for the same day so that the process can be completed in a timely manner.

From that time forward, the surrogate parent's name and contact information will be included on page 1 of the IEP and entered into the applicable computer databases. If the surrogate parent's name and address needs to be kept confidential, then contact information for the student's foster care agency should be used instead on all documents. All special education notices and appointment letters will be sent to the surrogate parent. If at any point the surrogate parent can no longer serve as the parent for the student, the school, CSE, or CPSE staff member must notify the Surrogate Parent Liaison, and a new surrogate parent will be assigned to the student, unless there is now an adult who can assume the role of parent for the student.

If there is a change in the circumstances that led to the appointment of a surrogate parent, school, CSE, or CPSE staff must consider whether a surrogate parent is still needed. If the child acquires someone in his or her life who fits the definition of "parent," the surrogate parent's services would no longer be needed. For example, if a parent's rights are reinstated by a court, if their identity becomes known, or if their whereabouts become known, decision-making authority would revert to the parent. In such a case, remember that the address of the surrogate parent may be confidential. Similarly, if a child was assigned a surrogate parent because he was living in a group home and his parents' rights had been terminated, and the child is subsequently placed in a foster home or is adopted, a surrogate parent may no longer be needed because the foster parent or adoptive parent could act as the "parent."

## **Appendix**

- Appendix 1** List of Surrogate Parent Liaisons
- Appendix 2** Common Foster Care Terms & Abbreviations
- Appendix 3** Flowchart for Determining Who is Authorized to Sign Consent for Special Education Evaluations and Services
- Appendix 4** A Guide for School Social Workers: Questions for Caregivers and Foster Care Agency Staff
- Appendix 5** Tips for Working with Children of Incarcerated Parents
- Appendix 6** Designation of Person in Parental Relation for Purposes of Educational Decisions
- Appendix 7** Form Letter – Notice of Potential Need for a Surrogate Parent
- Appendix 8** Surrogate Parent History
- Appendix 9** Checklist for Surrogate Parent Assignments
- Appendix 10** Surrogate Parent Agreement
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### **Surrogate Parent Toolkit**

- Appendix 12** Frequently Asked Questions and Answers for Surrogate Parents
- Appendix 13** Helpful Websites for Surrogate Parents
- Appendix 14** Reimbursement Forms

## **APPENDIX 1**

### **List of Surrogate Parent Liaisons**

**NEW YORK CITY DEPARTMENT OF EDUCATION  
CFN SURROGATE PARENT LIAISONS**

<b>CLUSTER</b>	<b>CLUSTER LEADER</b>	<b>SURROGATE PARENT LIAISON</b>	<b>ADDRESS</b>	<b>PHONE NUMBER</b>	<b>EMAIL ADDRESS</b>
<b>1</b>	Corinne Rello Anselmi	Nick Chaverria	333 7 <sup>th</sup> Avenue New York NY 10001	212-356-3813	<a href="mailto:nchavar@schools.nyc.gov">nchavar@schools.nyc.gov</a>
<b>2</b>	Charles Amundsen	Nancy Finegold	28-11 Queens Plaza North Long Island City, NY 11101	917-208-7656	<a href="mailto:nfinego@schools.nyc.gov">nfinego@schools.nyc.gov</a>
<b>3</b>	Donald Conyers	Jeffrey Kirsh	131 Livingston St. Room 310c Brooklyn, NY 11201	718-935-5956	<a href="mailto:jkirsh@schools.nyc.gov">jkirsh@schools.nyc.gov</a>
<b>4</b>	Anthony Conelli	Liberato Vega	PS 5, District 7 School Assessment Team Room 108 564 Jackson Ave. Bronx NY, 10455	718-292-2683 ext 1082	<a href="mailto:lvega7@schools.nyc.gov">lvega7@schools.nyc.gov</a>
<b>5</b>	Debra Maldonado	Rosa Pineda	333 7 <sup>th</sup> Avenue, room 820 New York NY 10001	212-356-3869	<a href="mailto:rpineda2@schools.nyc.gov">rpineda2@schools.nyc.gov</a>
<b>6</b>	Jose Ruiz	Bill Ahearn	1230 Zerega Ave, Room 48, Bronx, NY 10462	718-828-5978	<a href="mailto:wahearn@schools.nyc.gov">wahearn@schools.nyc.gov</a>

**NEW YORK CITY DEPARTMENT OF EDUCATION  
CSE SURROGATE PARENT LIAISONS**

<b>CSE</b>	<b>CHAIRPERSON</b>	<b>ADDRESS</b>	<b>SURROGATE PARENT LIAISON</b>	<b>PHONE NUMBER</b>	<b>EMAIL ADDRESS</b>
<b>1</b>	Rosetta BrownLee	One Fordham Plaza Bronx, N.Y. 10458	Matilde Maldonado- Diedricks	(718) 329-8027	<a href="mailto:mmaldon2@schools.nyc.gov">mmaldon2@schools.nyc.gov</a>
<b>2</b>	Michele Beatty	3450 East Tremont Ave., 2 <sup>nd</sup> fl Bronx, N.Y. 10465	Migdalia Roque	(718) 794-7468	<a href="mailto:MRoque2@schools.nyc.gov">MRoque2@schools.nyc.gov</a>
<b>3</b>	Vacant (former Chair retired 9/1/10)	30-48 Linden Place Flushing, N.Y. 11354	Phil Stronger	(718) 557-2748	<a href="mailto:PStrong@schools.nyc.gov">PStrong@schools.nyc.gov</a>
		90-27 Sutphin Boulevard Jamaica, N.Y. 11435			
<b>4</b>	Esther Recinos	28-11 Queens Plaza North, 5 <sup>th</sup> fl Long Island City, N.Y. 11101	Jennifer Lozano- Luna	(718) 391-8338	<a href="mailto:jlozano@schools.nyc.gov">jlozano@schools.nyc.gov</a>
		82-01 Rockaway Blvd. 2 <sup>nd</sup> fl Ozone Park, N.Y. 11416			
<b>5</b>	Yolene Ambroise	1655 St. Marks Avenue Brooklyn, N.Y. 11233	Ross Goldstein	(718) 240-3538	<a href="mailto:RGolst3@schools.nyc.gov">RGolst3@schools.nyc.gov</a>
<b>6</b>	Arlene Rosenstock	5619 Flatlands Avenue Brooklyn, N.Y. 11234	Sue Bassett	(718) 968-6219	<a href="mailto:SBasset@schools.nyc.gov">SBasset@schools.nyc.gov</a>
<b>7</b>	Claire Donnellan	415 89th Street Brooklyn, N.Y. 11209	Paul Parsowith	718 390-1530	<a href="mailto:PParsow@schools.nyc.gov">PParsow@schools.nyc.gov</a>
		715 Ocean Terrace, Bldg A Staten Island, N.Y. 10301			
<b>8</b>	Deborah Cuffey-Jackson	131 Livingston Street, 4th fl Brooklyn, N.Y. 11201	Evette Anderson	(718) 935-4255	<a href="mailto:EAnderson4@schools.nyc.gov">EAnderson4@schools.nyc.gov</a>
<b>9</b>	Gerard Donegan	333 7th Avenue, 4th fl New York, N.Y. 10001	Carmen Garcia Torres	(917) 339-1576	<a href="mailto:cgarcia3@schools.nyc.gov">cgarcia3@schools.nyc.gov</a>
<b>10</b>	Mark Jacoby	388 West 125th Street New York, N.Y. 10027	Marta Moya Goldenberg	(212) 342-8449	<a href="mailto:MMoya-goldenberg@schools.nyc.gov">MMoya-goldenberg@schools.nyc.gov</a>



## **APPENDIX 2**

### **Common Foster Care Terms & Abbreviations**

## Common Foster Care Terms & Abbreviations

**Administration for Children’s Services (ACS)** – NYC’s child welfare/ protective agency designated to protect all of NYC’s children from abuse and neglect. ACS receives and investigates reports of abuse and neglect and provides intervention, support and treatment services to families. It contracts with provider agencies to serve children in foster care. ACS also oversees Head Start and child care services. (ACS was formerly named BCW, CWA, SSC.)

**Adoption and Safe Families Act (ASFA)** – Federal law designed to improve child safety, support families, and promote adoption and other permanent homes for children. Created strict timelines for child protective agencies to achieve permanency for children, including mandates that child in foster care for 15 or more of the past 22 months be returned home or moved towards adoption.

**Bronx Defenders** – Organization that provides free legal representation, social work services, advocacy and community services to individuals in Bronx criminal, civil and family courts.

**Brooklyn Family Defense Project (BFDP)** – Organization that provides free legal representation to individuals/parents in Brooklyn family court.

**Center for Family Representation (CFR)** – Organization that provides free legal representation and social work services to individuals/parents in Manhattan family court.

**Court Appointed Special Advocates (CASA)** – Volunteer advocates that are appointed by a judge to ensure that the needs and interests of a child involved in family court proceedings are fully protected.

**Children of Incarcerated Parents Program (CHIPP)** – ACS office that provides services, support and technical assistance to incarcerated parents so they can maintain contact with their children in foster care; arranges regular visits to Rikers Island and other correctional facilities.

**Child Protective Specialist (CPS)** – Employee within ACS responsible for investigating allegations of parental abuse and neglect.

**Case Worker/ Case Planner** – Employee of ACS or a provider/foster care/preventative agency who handles broad case management services for the child and family (i.e. initiates engagement and assessment of a parent, creates and coordinates service plans for a family, facilitates visitation with a child and parent, conducts school and home visits, represents the foster care agency in family court, etc.).

**Delinquency** – Denotes behavior of a minor, which, if committed by an adult, would be criminal conduct.

**Diagnostic Reception Center** – Short-term residential program for youth with severe behavioral or emotional difficulties, where youth receive psychiatric, social, medical, and educational assessments to determine appropriate programs and services following discharge.

**Education Coordinator or Specialist** – Typically an employee of a foster care agency who handles issues related to schools, education, and/or literacy for children in care. Duties may include conducting school visits with caseworkers, attending IEP/CSE meetings, and reviewing school reports and reports cards.

**Family Assessment and Service Plan (FASP)** – A detailed description of a family’s needs and those social services that they are recommended to receive.

**Foster Care Agency** – Agency authorized by NYS to provide foster care services (out-of-home placement).

**Family Court** – Combines the functions of domestic relations and juvenile courts. It is a civil court and lacks jurisdiction over criminal matters. The preliminary hearing is the first in the family court process for abuse and neglect cases.

**Family Court Legal Services (FCLS)** – Division within ACS that represents the Commissioner of ACS in family court; files petitions and litigates cases when there are suspicions of abuse and neglect.

**Family Preservation Program (FPP)** – Division of ACS that provides home-based, intensive preventive services, for up to eight weeks, to families whose children are at imminent risk of placement into foster care.

**Family Team Conference (FTC)** – A family meeting model used by ACS to optimize family strengths in the planning process, it brings the family, extended family, friends and community members together to make decisions regarding how best to ensure the safety of family members.

**Foster Boarding Home (FBH)** – Term used to describe the private home/residence of a child that is placed into foster care.

**Freed** – Term used to indicate that a child is eligible for adoption (biological or adoptive parental rights are no longer intact).

**Group Home** – Facility operated by an authorized foster care agency for 7-12 children ages 5 and older.

**Interstate Compact on the Placement of Children (ICPC)** – Uniform law enacted in all 50 states, it is a binding and enforceable contract between two states when a child has the approval to be placed with a family or facility in another state.

**Independent Living (IL)** – Services provided to youth in foster care aged 14 and over to prepare them for adulthood. This can include classes in life skills, vocational training, and job training, and funds for college scholarships, skills training, and rental assistance.

**Juvenile Rights Practice (JRP)** – Division at the Legal Aid Society in NYC that represents the child in abuse, neglect and delinquency proceedings in family court.

**Kinship care** – Indicates that a child was placed into foster care with a familial resource (up to 3<sup>rd</sup> degree relative including grandparent, sibling, aunt, uncle, god-parent, etc.)

**Lawyers for Children (LFC)** – Organization that provides free legal representation and social work services to children in Manhattan family court; generally represents children who have been voluntarily placed in foster care.

**Law Guardian** – Outdated term for the attorney for the child (represents the child’s interests in family court).

**Office of Children and Family Services (OCFS)** – NYS agency that oversees juvenile justice, child care and child welfare services, including foster care, adoption, child protective services, and preventive services for children and families.

**Order of Protection** – Order of the court requiring a parent, guardian, or spouse to provide proper care for, or refrain from abusing, the child, spouse, or other family member.

**Parole** – Term used when a child is returned to his/her parent and is no longer in foster care. May occur with or without ACS supervision.

**Permanency Hearing** – Family court hearing to review the status of the family, child and disposition (every 6 months) and determine the need to maintain foster care placement or court jurisdiction of a child.

**Person-in-Need-of-Supervision (PINS)** – A child (18 years old or under) who is beyond the lawful control of the parent or other lawful authority and requires supervision or treatment. A judge may order the youth to return home, attend school, undergo drug treatment, or receive counseling.

**Remand** – Term used when a child is placed into foster care by a family court order and placed into the custody/care of the Commissioner of ACS while the parent awaits a hearing.

**Residential Treatment Center (RTC)** – Residential facility for youth that monitors psychotropic medication and provides counseling services but does not have psychiatrists on-site.

**Residential Treatment Facility (RTF)** – Residential psychiatric facility for youth that monitors psychotropic medication, provides counseling services, and has psychiatric/mental health services on a 24-hours basis.

**Service Plan Review (SPR)** – Conference for children in foster care; ensures that parent and children actively participate in permanency planning and decision making.

**State Central Register (SCR)** – Statewide registration system (child abuse and maltreatment hotline) for allegations of child abuse/neglect reported via telephone.

**Supervised Independent Living Program (SILP)** – Provides supportive services including counseling, vocational training, and life skills development to adolescents preparing to transition from foster care to independent living in the community; generally supervises youngsters in their own apartment.

**Surrender** – Indicates when a biological or adoptive parent voluntarily relinquishes his/her rights to a child.

**Therapeutic Foster Boarding Home (TFBH)** – A foster parent that has additional certification to work with troubled children ages 7 to 17.

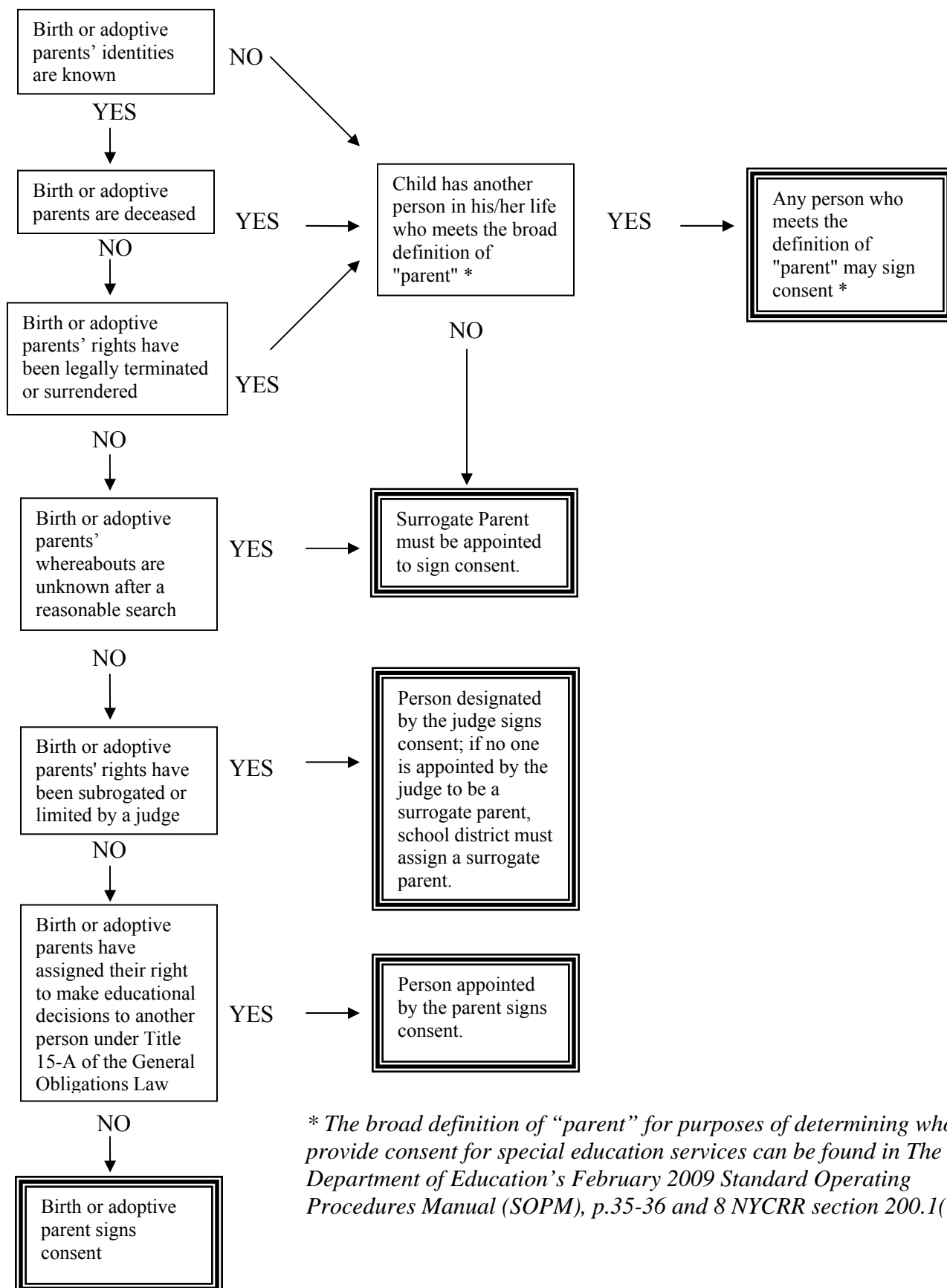
**Termination of Parental Rights (TPR)** – If family reunification is not an option, the agency may file a petition seeking termination of the biological or adoptive parents' rights to the child when allegations of abuse or neglect have been litigated and proven. Once completed, the biological or adoptive parent no longer retains any rights to make decisions about his/her biological or adoptive child.

**“18B” Panel Court Appointed Attorney** – Attorney appointed to represent a parent in an abuse or neglect proceeding when a parent cannot afford to hire his/her own legal representation; also represent parties in other proceedings.

## **APPENDIX 3**

### **Flowchart for Determining Who is Authorized to Sign Consent for Special Education Evaluations & Services**

## Flowchart for Determining Who is Authorized to Sign Consent for Special Education Evaluations and Services



## **APPENDIX 4**

### **A Guide for School Social Workers: Questions for Caregivers and Foster Care Agency Staff**



## **A Guide for School Social Workers: Questions for Caregivers and Foster Care Agency Staff**

*It is not uncommon for someone other than a student's birth parent to request a special education evaluation or services, or to present him or herself for a social history when a special education referral has been initiated. The following is meant to serve as a guide of sample questions that NYC Department of Education staff may ask caregivers and professionals in order to help determine who the legal decision-maker is for special education purposes.*

### **Questions for Caregivers**

- What is your relationship to the student?
- Are you a relative of the student (e.g., grand-parent, step-parent, aunt, brother, cousin, god-parent)?
- Does the student currently live with you?
- If so, how long has the student been living with you?
  - How long do you anticipate the student will live with you?
- If not, with whom does the student live?
  - What is their relationship to the student?
  - How can I contact him/her?
- *Note: if the parents are incarcerated, please refer to Appendix 5, Tips for Working with Children of Incarcerated Parents.*

**When students are not living with their birth or adoptive parents, you should inquire if the student is currently in foster care. For students in foster care, you will want to know:**

- Are you the student's foster parent or kinship guardian? (Or, is the student currently in foster care with you?)
- If so, how long have you been this student's foster parent or kinship guardian?
- What is the name of the foster care agency?
- What is the foster care agency caseworker's name and phone number? Their supervisor's name and phone number?
- Do you have any contact with the student's birth or adoptive parents? What is the best way to reach them?

## Questions for Foster Care Agency Staff

*In New York City, when the Administration for Children's Services (ACS) removes a child from his home, the child is placed under the care of a particular foster care agency, which has primary case management responsibility for the child and the most direct, regular contact with the birth and foster families. The following are questions you may want to ask the child's foster care agency caseworker or other agency staff for children in foster care.*

- How long has the child been in foster care?
- Have the student's birth or adoptive parents' rights been terminated or surrendered?
  - If so, are you aware of any reason why the student's current foster parent cannot assume the role of parent for special education purposes?
  - If no foster parent is available (i.e., student lives in a group home or other congregate care setting, or the current foster parent is an emergency placement only), are you aware of someone else in the student's life who may be willing to serve as a surrogate parent?
  - How can I contact this person?
- Has the judge made any orders that a specific person make educational decisions?

*Note: If the birth or adoptive parents no longer retain parental rights, or their right to make educational decisions has been limited, request documentation from the foster care agency caseworker for the student's file.*

- If the birth or adoptive parents retain their rights, what is the best way to contact them?
- Do the birth or adoptive parents have regular contact with the student?
- Do the birth or adoptive parents have regular contact with the foster care agency?
- What is the permanency plan for the student (reunification with the parent, adoption, etc.)?
- Is there a court order or other reason to limit the birth or adoptive parents' access to the school, school records or personnel?

If either of the birth parents is incarcerated, please refer to Appendix 5, *Tips for Working with Children of Incarcerated Parents*.

## **Additional Information**

If appropriate, you may ask the foster care agency caseworker if someone from the agency could participate in the social history or provide other information, since the agency may have the most complete developmental history if a student has been in foster care for a lengthy period of time. You also should request further assistance from the foster care agency caseworker if initial efforts to locate the birth or adoptive parent are not successful. Please keep in mind that some information relating to a student's child welfare case is confidential.

Finally, you may want to obtain additional information from other professionals involved in the student's child welfare case, particularly if you have questions about the legal status or need help locating the parent. Children with abuse and neglect cases in family court are represented by attorneys, as are birth parents, and there are sometimes additional social workers or Court Appointed Special Advocates (CASAs) involved in a child's abuse or neglect case. You should be able to obtain contact information for these attorneys and other professionals from the student's foster care agency caseworker or foster parent.

## **APPENDIX 5**

### **Tips for Working with Children of Incarcerated Parents**

## **Tips for Working with Children of Incarcerated Parents**

Many education laws and policies can help support children with incarcerated parents. This handout summarizes several that may be relevant to your work. It also includes information on how you can locate and communicate with parents in correctional facilities to involve them in their child's education. Please refer to Steps 2 and 3 below for details.

If you have further questions about locating or working with incarcerated parents, contact the Surrogate Parent Liaison for your network or Committee on Special Education (CSE).

### **Students in Temporary Housing**

The McKinney-Vento Homeless Assistance Act is a federal law that grants important educational rights to students in temporary housing. Students are considered "homeless" under the Act when they lack a nighttime residence that is "fixed, regular and adequate." If a child is temporarily living with others because of parental incarceration, he or she may be eligible for protections under McKinney-Vento. These protections include:

- The right to enroll in the local school or remain in the student's school of origin
- The right to immediate enrollment and full participation in school, even without the documents normally required of permanently housed students
- The right to transportation back to the school of origin
- Automatic eligibility for free breakfast and lunch
- Access to Title 1 services
- Assistance from the school district's students in temporary housing liaison

If you have questions about a student's eligibility under McKinney-Vento or need help accessing services for a student, contact the Student in Temporary Housing Content Expert for your borough.<sup>1</sup> You can also call the New York State Technical and Education Assistance Center for Homeless Students at 1-800-388-2014.

### **Students with Special Education Needs**

Whenever a child is referred for an evaluation or receives an initial recommendation for special education services, and prior to the annual review of a student's IEP, the school, CSE or CPSE must determine who the "parent" is so they can begin outreach efforts to contact the parent. This handout will help you determine when you are legally required to reach out to an incarcerated parent on special education matters and how to get in touch with a parent who is incarcerated.

Please note that the law makes a distinction between a parent who is *incarcerated but has not yet been sentenced*, and a parent who has been *sentenced and imprisoned*. These differences will be discussed more fully below.

### **STEP 1: Determine who has the right to make special education decisions for the child**

For the purposes of special education decision making, the term "parent" means:

- A birth or adoptive parent;
- A legal guardian;

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<sup>1</sup> A list of Content Experts is available on the Department of Education's (DOE's) website at <http://schools.nyc.gov/StudentSupport/NonAcademicSupport/StudentsinTemporaryHousing/default.htm>.

- A person in parental relation to the child;
- An individual designated as a person in parental relation;
- A surrogate parent; or
- A foster parent (only if the child’s birth parents are deceased, or parental rights have been terminated or surrendered).

The term parent does **not** include an employee of an agency involved in the education or care of the student when the student is a ward of the state. This means that employees of the Administration for Children’s Services (ACS), a foster care agency, or other social service agency may not consent to special education evaluations or services for a child in their care.<sup>2</sup>

Section 3212 of state Education Law addresses situations where a parent is imprisoned. According to the legal definition of “person in parental relation,” the term includes:

- A father or mother, by birth or adoption;
- A step-father or step-mother;
- A legal guardian; or
- **A custodian:** a person who has assumed the care of a child because the child’s parents
  - Have died, are **imprisoned (sentenced)**, or are mentally ill;
  - Have been committed to an institution;
  - Have abandoned the child, are living outside the state, or their whereabouts are unknown; or
  - Have designated the person as a person in parental relation to the child.

When a **child is in foster care** and the birth or adoptive parent is imprisoned but parental rights are still intact, the parent retains the authority to make education decisions about his or her child. Under the law, the foster parent is not considered to be a custodian or person in parental relation to the child. Outreach efforts to the incarcerated parent are required unless the parent’s rights have been terminated or surrendered.

When a **child is not in foster care** and is living with someone else because the birth or adoptive parent is **imprisoned**, you are not required to contact the parent, although you may want to in some cases. The child’s caregiver may be considered the custodian and can sign necessary consents. Legally, a parent is “imprisoned” when he or she has pled guilty to or been convicted of a crime and been sentenced to serve time in a correctional facility. If the parent is incarcerated but has not yet been sentenced – that is, he or she is awaiting trial, or the trial is in progress - you **must** contact the parent. Step 2 below contains information on how to determine if a parent has been sentenced.

**NOTE:** Even if the child’s caregiver has authority to sign consent as a custodian, it may be in the child’s best interest for you to contact the incarcerated parent to involve him or her in educational planning for the child. You may want to speak to the caregiver to gain a sense of the parent’s involvement.

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<sup>2</sup> For unaccompanied homeless youth, appropriate staff of emergency shelters, transitional shelters, independent living programs, and street outreach programs may be appointed as **temporary** surrogate parents until a surrogate parent with appropriate qualifications can be appointed.

## **STEP 2: Locate the incarcerated parent and determine if he or she is “imprisoned”**

To locate an incarcerated parent, you will need the parent’s name, particularly the last name, and his or her date of birth or year of birth, if known. If a parent has been incarcerated under an alias, it is helpful to know the alias; you may still be able to locate the parent with a date of birth.

Once you have the parent’s name and date of birth, you can go online to determine the facility where the parent is incarcerated and the contact information for the facility. The website <http://www.theinmatelocator.com> has links to all online locators within the federal, state, and local systems. You may need to check all three systems in order to find the parent. Once you locate the parent, you will be able to access the address and phone number for the facility.

### **Local Correctional Facilities (including New York City & Rikers Island)**

Parents incarcerated in New York City correctional facilities are given a New York State Identification (NYSID) number. Include this number on any correspondence sent to the parent. The New York City website will also indicate whether the parent has been sentenced, and is therefore imprisoned. If the county doesn’t have an online locator, call the facility directly.

### **New York State Correctional Facilities**

Parents incarcerated in a NY state correctional facility are given a Department Identification Number (DIN#). Include this number on any correspondence sent to the parent. **If you locate a parent in the NY state system, then the parent has already been sentenced and is considered imprisoned.**

### **Federal Correctional Facilities**

Parents incarcerated in a federal correctional facility are given a Register Number. Include this number on any correspondence sent to the parent. In order to find out if a parent has been sentenced, call the correctional facility where the parent is located and ask to speak with the parent’s correctional counselor.

**NOTE:** If you are unable to locate the parent in any of the correctional facilities, you may need to appoint a surrogate parent for the child. Contact the Surrogate Parent Liaison for your network or CSE for more information.

## **STEP 3: Contact the incarcerated parent**

When incarcerated parents have not been sentenced, and for many incarcerated parents whose children are in foster care, you are required to contact the parent to involve them in special education decision-making. Attempts should be made to contact the parent by mail and by phone. You may want to contact incarcerated parents in other situations as well.

### **Within Local or NY State Correctional Facilities**

Once you have located the parent, call the facility and ask to speak with the parent’s correctional counselor. A list of counselors at each of the jails on Rikers Island is attached. Explain who you are and why you are trying to reach the parent. The correctional counselor should be able to set up a conference call, receive faxes, and/ or arrange for a notary for the parent. If you are having trouble reaching or working with the correctional counselor, ask to speak with the senior guidance counselor or the Deputy Superintendent of Programs (DSP). To reach the DSP at a state facility, dial the facility’s main number, followed by extension 4000.

### **Within Federal Correctional Facilities**

Call the facility and ask to speak with the parent's correctional counselor. Correctional counselors are assigned alphabetically based on the last name of the parent. Explain who you are and why you are trying to reach the parent. The counselor should be able to help facilitate communication with the parent.

There are federal detention centers throughout the state, but parents in the federal system may be placed in an out-of-state facility as well. Once you locate a parent, have his or her name, commitment number (if you have it), and date of birth handy when you call.

**NOTE:** Communication with a parent in a federal correctional facility can be very difficult, especially outside of New York City. If you are having trouble finding someone to help you work with the parent, contact your Surrogate Parent Liaison immediately.

### **Designating a person in parental relation**

In some cases, an incarcerated parent may want to designate someone else to make educational decisions on his or her behalf.<sup>3</sup> The parent can revoke the designation at any time. This designation must be in writing, signed by the parent, and dated, and must include the name of the parent, child, and the designee. Designations for a period of more than 30 days must also:

- Include an address and phone number for the parent and the designee;
- Include the child's date of birth;
- State the date or event upon which the designation begins;
- Contain the written consent of the designee and a statement that no court order currently in effect prohibits the parent from making the designation; and
- Be notarized.

A designation that meets all of these requirements will be effective for 180 days, unless a shorter period is specified. A period longer than 180 days (six months) may not be specified, so it may be necessary for an incarcerated parent to complete a designation more than once. Once the designation period expires, the right to make educational decisions will return to the parent. A sample designation form is included in the Appendix to the manual *Guidelines and Procedures for the Assignment of Surrogate Parents*.

### **Access to Records**

The Family Educational Rights and Privacy Act (FERPA) grants all parents access to their child's school records unless a court order or other legal document specifically revokes these rights. The term "parent" means a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or guardian. In New York City, all non-custodial parents, including incarcerated parents, have the right to review their child's records unless a judge has ruled otherwise. Records can be mailed to the parent (make sure to include the appropriate identification number), or in some circumstances may be faxed to the parent's correctional counselor. Please refer to Chancellor's Regulation A-820, which is available on the DOE website, for further information.

*Prepared for NYC Department of Education staff by Advocates for Children of New York, Inc.*

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<sup>3</sup> A parent's right to designate someone as a "person in parental relation" comes from Article 5, Title 15-A of the General Obligations Law. That person (the "designee") would then fit the definition of parent included in Part 200 of the regulations of the State Education Department, which are summarized above in Step 1.



**Roster of DOC Correctional Counselors (Rikers)**

<b>NAME</b>	<b>PHONE</b>	<b>TOUR</b>	<b>FACILITY</b>
Efrain Quintana	(718) 546-3486	8:00x 4:00 M-F	AMKC
Lawrence Welsh	(718) 546-5804	8:00x 4:00 M-F	EMTC
Warren Berry	(718) 546-4749	8:00x 4:00 M-F	GMDC
Mindy Williams	(718) 546-2245	8:00x 4:00 M-F	GRVC
Julia Diatloff	(718) 546-1233/1214	8:00x 4:00 M-F	NIC/Annex
James Lyles	(718) 546-6441	8:00x 4:00 M-F	OBCC
Kimfaye Hairston	(718) 546-7757	8:00x 4:00 S-T	RMSC
Carol Hakim	(718) 546-7098	8:00x4:00 M-F	RNDC
Salathia Nixon	(718) 546-7087	8:00x4:00 M-F	RNDC

*Last updated January, 2010*

## **APPENDIX 6**

### **Designation of Person in Parental Relation for Purposes of Educational Decisions**

## Designation of Person in Parental Relation for Purposes of Educational Decisions

Child's Name: \_\_\_\_\_ Child's DOB: \_\_\_\_/\_\_\_\_/\_\_\_\_

I, \_\_\_\_\_, am the parent of the above-named child.  
Print Full Name

I understand that under the provisions of the Individuals with Disabilities Education Act, the New York State Education Law and the regulations of the New York State Education Department, I have the right to make educational decisions for my child. I also understand that I may voluntarily designate another person to act for me as a person in parental relation to make decisions regarding my child's education. I further understand that I may revoke this designation at any time, either orally or in writing, by notifying the designee or an educational provider at my child's school, or by executing a subsequent designation. There is no prior order of any court in any jurisdiction currently in effect that would prohibit me from making this designation.

In accordance with Section 5-1551 of the General Obligations Law, I am designating

\_\_\_\_\_ as a person in parental relation to my minor child.  
Designee's Full Name

**Designee's Address:** \_\_\_\_\_ Apt. No.: \_\_\_\_\_

\_\_\_\_\_ Zip Code \_\_\_\_\_  
City or Town State

**Designee's Telephone Number:** Home \_\_\_\_\_ Cell \_\_\_\_\_  
Work \_\_\_\_\_

**Parent's Address:** \_\_\_\_\_ Apt. No.: \_\_\_\_\_

\_\_\_\_\_ Zip Code \_\_\_\_\_  
City or Town State

**Parent's Telephone Number:** Home \_\_\_\_\_ Cell \_\_\_\_\_  
Work \_\_\_\_\_

**Date** designation begins: \_\_\_\_\_

If not a specific date, event that will start the designation: \_\_\_\_\_

Length of Designation (no more than six months): \_\_\_\_\_

\_\_\_\_\_  
Parent Signature Date

Executed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Notary Public

**Consent of Designee to Act as a Person in Parental Relation for Purposes of Educational Decisions**

Child's Name: \_\_\_\_\_ Child's DOB: \_\_\_\_/\_\_\_\_/\_\_\_\_

I, \_\_\_\_\_, consent to the designation by \_\_\_\_\_ to  
Name of Designee Name of Parent  
act as a person in parental relation to the child listed above for purposes of educational decisions.

\_\_\_\_\_  
Signature of Designee

\_\_\_\_\_  
Date

Executed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

## **APPENDIX 7**

### **Form Letter – Notice of Potential Need for a Surrogate Parent**

Date:

[Birth or Adoptive Parent]

[Birth or Adoptive Parent's Home Address]

Student Name:

DOB:

NYC ID #:

District:

School:

Current Class/ Program:

Dear Parent:

This letter is being sent to your last known address to notify you that the NYC Department of Education plans to appoint a surrogate parent to make special education decisions for your child, \_\_\_\_\_.

We have tried to locate you but have been unsuccessful. Under federal and state law, when we are unable to locate the parent of a child who needs or may need special education evaluations or services, a surrogate parent may be appointed.

The surrogate parent will have authority to sign consent for special education evaluations and services for your child. The surrogate parent will be invited to annual Individualized Education Program (IEP) meetings and can request additional IEP meetings should the need arise. The surrogate parent must act in your child's best interest and will have the same due process rights that a birth or adoptive parent would have.

**If you feel your child does not need a surrogate parent, please contact the NYC Department of Education immediately by calling \_\_\_\_\_ at \_\_\_\_\_.** Otherwise, we will proceed with appointing a surrogate parent for your child. If you contact the NYC Department of Education at any time after a surrogate parent has already been appointed, we will end the services of the surrogate parent if they are no longer required, and will involve you once again in decisions regarding the education of your child.

Sincerely,

\_\_\_\_\_

cc: [Representative(s) of the foster care or other agency involved in the care of the child]

Form: Notice of Potential Need for a Surrogate Parent

## **APPENDIX 8**

### **Surrogate Parent History**

**Surrogate Parent History**

Name \_\_\_\_\_

Address \_\_\_\_\_

Home Phone \_\_\_\_\_ Cell Phone \_\_\_\_\_

Email Address \_\_\_\_\_

Languages Spoken \_\_\_\_\_

Please describe any experiences you have had with children or adults with disabilities, including developmental disabilities, learning disabilities or mental illness.

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

Please describe any experiences you have had with the New York City school system.

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

Please share any other information (i.e., professional background, hobbies, skills or life experiences) that you think might make you a good match for a particular student.

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

Why do you want to be a surrogate parent?

\_\_\_\_\_



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Would you be willing to serve as a surrogate parent for any child in the city who may need one, or are their geographic or other limitations you would like us to know about?

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## **APPENDIX 9**

### **Checklist for Surrogate Parent Assignments**

## Checklist for Surrogate Parent Assignments

Date: \_\_\_\_\_

Name of Student: \_\_\_\_\_

Student's Date of Birth: \_\_\_\_\_

Name of Surrogate Parent: \_\_\_\_\_

Relationship to the student (if applicable): \_\_\_\_\_

Agencies with whom student is involved (if applicable): \_\_\_\_\_

**Reason for Surrogate Assignment (check only one box):**

- Student's birth or adoptive parents are deceased AND there is no other person in the child's life who meets the definition of "parent."<sup>1</sup>
- Student's birth or adoptive parents' whereabouts are unknown, and reasonable efforts to locate them have been attempted and documented in the file
- Student's birth or adoptive parents' rights have been terminated or surrendered AND there is no other person in the child's life who meets the definition of "parent"
- Student's birth or adoptive parents' right to make education decisions has been subrogated or limited by a judge and the judge has ordered that a surrogate parent be appointed
- Student is an unaccompanied homeless youth

**Eligibility to Serve as Surrogate Parent (all boxes must be checked):**

- Surrogate parent is not an officer, employee or agent of the Department of Education, the State Education Department, or any other agency involved in the education or care of the student (unless he/she is the child's foster parent)
- Surrogate parent does not have any personal or professional interest that conflicts with the interest of the child
- Surrogate parent has knowledge and skills to ensure adequate representation of the child (see below)
- Surrogate parent has met all security clearances and finger-printing requirements (not required of foster parents)

**Steps to ensure that the Surrogate Parent has knowledge and skills for adequate representation (all boxes must be checked):**

- Review the rights and responsibilities of surrogate parents. Responsibilities include:

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<sup>1</sup> See pages 35-36 of the February 2009 Standard Operating Procedures Manual for a list of individuals who meet the definition of parent.

- Providing social history, if requested
  - Meeting with the student, reviewing relevant records
  - Attending IEP meetings and other school meetings
  - Considering and consenting to proposed evaluations and placements, as appropriate
  - Exercising due process rights on behalf of the student
  - Serving as surrogate parent for as long as required, but at least through the first year
- Inform the surrogate parent that he/she will have access to confidential information, and it is essential that this information remain confidential
  - Provide the surrogate parent with a copy of the Procedural Safeguards Notice
  - Inform the surrogate parent where he/she may find the Continuum of Services
  - Explain reimbursement policies and procedures (stranger surrogates only)

**Completing the Surrogate Parent Assignment Process (check appropriate boxes):**

- Complete the *Surrogate Parent History* (if including on the list)
- Add the Surrogate Parent's name and contact information to the Surrogate Parent List, including any special considerations such as limitations to particular students, agency affiliation, language skills, etc. (not required for foster parents)
- Complete the *Surrogate Parent Agreement* form. Provide a copy to the surrogate parent and maintain a copy in the student's file
- Complete the *Surrogate Parent Letter of Certification*. Provide a copy to the surrogate parent and maintain a copy in the student's file
- Provide the surrogate parent with a copy of the *Surrogate Parent Toolkit*
- Provide the surrogate parent with the student's records and school and agency contact information, as appropriate
- Notify the team in charge of the student's case that the surrogate parent assignment process is complete. Surrogate parents must be contacted to schedule a social history within applicable timelines.

## **APPENDIX 10**

### **Surrogate Parent Agreement**

## **Surrogate Parent Agreement**

I, \_\_\_\_\_, agree to fulfill the role of Surrogate Parent on behalf of \_\_\_\_\_ (“the Student”) who may be in need of special education services.

Upon assignment as a surrogate parent for the Student, I hereby agree:

- To represent the Student’s best interest
- To maintain the strictest confidence regarding all issues pertaining to the Student
- To be familiar with the educational options available to the Student
- To acquaint myself with the Student and his or her educational program
- To fulfill this role on behalf of the Student at least until the first annual review that occurs after the date of this Agreement

I will immediately notify the Student’s school and the Committee on Special Education, Committee on Preschool Special Education, or Children First Network if I become unable to fulfill this role.

I understand that I may not be employed by the Department of Education, State Education Department, the NYC Administration for Children’s Services, or any other agency involved in the education and care of the Student.

Date: \_\_\_\_\_

\_\_\_\_\_  
Surrogate Parent’s Signature

\_\_\_\_\_  
CSE/CPSE/CFN Employee’s Name & Title

\_\_\_\_\_  
CSE/CPSE/CFN Employee’s Signature

## **APPENDIX 11**

### **Form Letter – Surrogate Parent Letter of Certification**

Date:

[Surrogate Parent's Name]  
[Surrogate Parent's Address]

Re: Surrogate Parent Appointment  
Student Name:  
DOB:  
NYC ID#:

Dear \_\_\_\_\_:

The New York City Department of Education verifies that you, \_\_\_\_\_, meet the criteria in State and Federal law for appointment as a surrogate parent. The student to whom you have been matched is \_\_\_\_\_.

Accordingly, as a surrogate parent, you will have all the rights and responsibilities of a parent in matters relating to the special education process. This includes all matters related to the educational identification, evaluation, recommendation, and placement of the student in the delivery of a free appropriate public education.

If you have any questions about your appointment as a surrogate parent, please contact \_\_\_\_\_ at \_\_\_\_\_.

We thank you for volunteering for this important responsibility.

Sincerely,

\_\_\_\_\_

Student's School:  
School Address:  
School Phone Number:

Form: Surrogate Parent Letter of Certification



# **Surrogate Parent Toolkit**

## **APPENDIX 12**

### **Frequently Asked Questions and Answers for Surrogate Parents**

## **Frequently Asked Questions and Answers for Surrogate Parents**

### ***What is a surrogate parent?***

A surrogate parent represents the educational interests of a child when his or her parents are not available to participate in special education decision-making. A surrogate parent makes decisions about special education evaluations, services and placement to ensure that the child is receiving an appropriate education.

### ***When does a child need a surrogate parent?***

Federal law requires schools to receive consent and input from a child's parents before providing special education evaluations or services. A surrogate parent may be appointed when: 1) a child's birth or adoptive parents are deceased; 2) the birth or adoptive parents cannot be located; or 3) parental rights have been terminated or surrendered. Certain homeless youth living on their own may also require a surrogate parent.

### ***Who appoints a surrogate parent?***

A surrogate parent can be appointed by the Department of Education or by a judge overseeing the child's family court case.

### ***Who can be a surrogate parent?***

Anyone can serve as a surrogate parent as long as he or she is not an employee of the child's foster care agency or school district, has no other conflict of interest with the child, and has the knowledge and skills needed to be a surrogate parent. For example, a relative, family friend, mentor or foster parent may volunteer to act as a surrogate parent.

### ***What are my responsibilities as a surrogate parent?***

A surrogate parent represents a child's best interests with the strictest confidentiality. Surrogate parents may request needed evaluations, attend Individualized Education Program ("IEP") meetings, and, if appropriate, consent to special education placements and services. Surrogate parents may also attend parent-teacher conferences, suspension hearings, and other school meetings. In order to make informed decisions, surrogate parents should review the child's educational records, speak to the child's teachers and school staff, and visit any proposed educational placements.

### ***Should I consider the child's opinion when making decisions?***

Surrogate parents should meet and become familiar with the child they represent. Depending on the child's age, the surrogate parent may ask the child to discuss his or her educational experiences and should consider the child's opinions when making special education decisions. Students age 15 or older must be invited to participate in their IEP meeting, and younger children should be encouraged to attend when appropriate.

### ***What should I do if I disagree with the school's recommendation?***

If you do not agree with the school's recommended program, or if the child is not receiving the services included in his or her IEP, federal and state law give parents the right to challenge the school district's actions. These same rights apply to surrogate parents. A surrogate parent can request new evaluations, a new IEP meeting, mediation, or a due process hearing.

***Is training available to surrogate parents?***

The Department of Education offers periodic trainings for parents throughout the school year. Check their website, <http://schools.nyc.gov>, or contact the child's school, for more information. Surrogate parents interested in receiving additional training may contact one of the advocacy organizations listed below.

***How can I get help if I have questions about what to do for the child I represent?***

Each Committee on Special Education (CSE) and Children's First Network (CFN) in New York City has a designated surrogate parent liaison that is available to identify, train, and support surrogate parents. Surrogate parents should also speak to the child's foster care agency caseworker, lawyer, or teacher if they have specific questions about their child.

Surrogate parents can call one of the following organizations if they have questions about special education, discipline, enrollment or their due process rights.

**AHRC**

83 Maiden Lane  
New York, NY 10038  
Tel. (212) 780-2534  
[www.ahrcnyc.org/](http://www.ahrcnyc.org/)

**Legal Services of New York**

Tel. (212) 431-7200  
[www.lsnyc.org](http://www.lsnyc.org)  
Languages spoken: Spanish

**Advocates for Children**

151 West 30th Street 5th Floor  
New York, NY 10001  
Tel. (866) 427-6033  
(Mondays - Thursdays from 10 to 4)  
[www.advocatesforchildren.org](http://www.advocatesforchildren.org)  
Languages spoken: Spanish; simultaneous interpretation available in 160 languages

**Legal Services of New York - Bronx**

579 Courtlandt Ave  
Bronx, NY 10451  
Tel: (718) 928-3700  
Fax: (718) 401-7097  
Languages spoken: Spanish

**Bronx Parent Resource Center**

400 East Fordam Road, 6th Floor  
Bronx, NY 10458  
Tel: (718) 220-0456  
Fax: (718) 364-3357  
Languages spoken: Spanish

**Legal Services of New York – Brooklyn**

180 Livingston Street, Room 302  
Tel. (718) 852-8888  
Languages spoken: Spanish, German, Ukrainian, Yiddish

**The Legal Aid Society's Kathryn A. McDonald Education Advocacy Project**

199 Water Street, 3rd Floor  
New York, NY 10038  
Tel: (212) 577-3342  
[www.legal-aid.org](http://www.legal-aid.org)  
Languages Spoken: Spanish

**New York Lawyers for the Public Interest, Inc.**

151 West 30th Street 11th Floor  
New York, NY 10001  
Tel. (212) 244-4664  
[www.nylpi.org/](http://www.nylpi.org/)  
Languages spoken: Spanish

**New York Legal Assistance Group**  
450 West 33rd Street  
New York, NY 10022-1302  
Tel. (212) 613-5000  
[www.nylag.org](http://www.nylag.org)  
Languages spoken: Spanish, Russian

**Partnership for Children's Rights**  
271 Madison Avenue  
New York, NY 10016  
Tel. (212) 683-7999  
[www.kidslaw.org](http://www.kidslaw.org)  
Languages spoken: Spanish

**Queens Legal Services Corp.**  
42-15 Crescent Street  
Long Island City, NY 11101  
Tel. (718) 392-5646  
Languages spoken: Spanish

**Resources for Children with Special Needs**  
116 East 16th Street, 5th Floor  
New York, NY 10003  
Tel. (212) 677-4650  
[www.resourcesnyc.org](http://www.resourcesnyc.org)  
Languages spoken: Spanish

**Sinergia, Inc./Metropolitan Parent Center**  
134 West 29th Street, 4th floor  
New York, NY 10001  
Tel: (212) 643-2840  
Toll free: (866) 867-9665  
[www.sinergiany.org](http://www.sinergiany.org)  
Languages spoken: Spanish

## **APPENDIX 13**

### **Helpful Websites for Surrogate Parents**

## Helpful Websites for Surrogate Parents

### **Foster Care and Education Resources**

**Casey Family:** <http://www.casey.org/>

Includes research, reports and tools for those working in foster care

**Inside Schools:** <http://www.insideschools.org>

Independent reviews of all NYC public schools; information for parents, including frequently asked questions and school open house dates; bulletin boards and parent/student comments

**K12 Academics:** <http://www.k12academics.com/>

Provides a wide range of information on educational issues for school-age students

**Legal Center for Foster Care and Education:**  
<http://www.abanet.org/child/education/home.shtml>

American Bar Association's website that contains research, tip sheets and legal references on education for children in foster care

**National Foster Care:** <http://www.nationalfostercare.org/>

National coalition dedicated to researching and advocating for improved policy in foster care. Site provides facts, research and resources about foster care

**NYC Children's Services Education Resource website:** <http://www.nyc.gov/html/acs/education/>

ACS's education unit website with helpful resources for caseworkers and parents

**NYC Department of Education (DOE):** <http://schools.nyc.gov>

Updates and announcements; information on school choice, No Child Left Behind, academic programs; download the Chancellor's Regulations and other school forms

**NYCityMap:** <http://gis.nyc.gov/doitt/nycitymap/>

Geographic Information System technology that allows the user to search for nearby after-school programs, preschool programs, libraries and other resources

**Office of Pupil Transportation:** <http://www.opt-osfns.org/opt/>

NYC DOE's transportation website. Look up students' bus routes using student ID numbers

**Partnership for Afterschool Education:** <http://www.pasesetter.org>

Locate Afterschool Programs in your area

**Youth Success NYC:** <http://www.youthsuccessnyc.org/>

Information on education, housing, jobs, health, and mental health for youth in care and after care, as well as parents and professionals

### **Disability Resources**

**Children and Adults with Attention Deficit/Hyperactivity Disorder:** <http://www.chadd.org/>

Listings of articles, workshops and other resources for addressing ADHD in children and adults

**International Dyslexia Association:** <http://www.interdys.org/>

Information and resources for working with children who have dyslexia

**LD Online:** <http://www.ldonline.org/>

Leading website with information and resources for working with children who are learning disabled or have ADHD

**VESID:** <http://www.vesid.nysed.gov/specialed>

Listing of State Approved special education schools and preschools; links to parent special education guides, forms, and State and Federal education laws

**Wright's Law:** <http://www.wrightslaw.com/>

Resource for looking up education laws, with special education information and general advocacy tips

## **APPENDIX 14**

### **Reimbursement Forms**



[Insert reimbursement forms]