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Bureau of Special Education FY'08 Memo #43

Date: May 23, 2008

To: Superintendents
Special Education Directors

From: Office of the Commissioner of Education

Division of Instruction
Bureau of Special Education

Re: Educational Surrogate Parent Program

The New Hampshire Department of Education's Educational Surrogate Parent Program would like to clarify the application, request, and appointment process for an appointment of an educational surrogate parent. Applications must come from the district of liability. Applications must be accompanied by a signed and notarized affidavit, as well as documentation supporting the need for an educational surrogate parent. Situations that require an educational surrogate parent are those in which the parent(s) or guardian of a child are unable to be located, are unknown, have had their rights terminated or have relinquished their rights, as well as situations in which a child is in custody or guardianship of the state.

An educational surrogate parent acts as the educational decision-maker for a child and is responsible for attending special education meetings and signing paperwork associated with the special education process. Educational surrogate parents are not responsible for direct care or financial cost of a child.

An educational surrogate parent remains the educational decision-maker for a child until the child reaches the age of 18 unless the child (1) graduates from high school, (2) exits special education, (3) requests in writing an extension of the educational surrogate appointment until the child is awarded a regular high school diploma or reaches the age of 21, whichever occurs first, or (4) is adopted, appointed a legal guardian, or parental rights are returned. It is the district of liability's responsibility to notify and provide supporting documentation to the NH DOE if and when the above listed circumstances arise and the appointment of an educational surrogate parent is no longer needed. If the appointed educational surrogate parent resigns, dies, or is removed, it is the responsibility of the New Hampshire Department of Education to notify districts of the change and to appoint a successive educational surrogate parent to the child.

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Attached you will find:

- (1) instructions for requesting an educational surrogate parent,
- (2) an application for requesting an educational surrogate parent for children age 2 and 1/2 to 21,
- (3) an affidavit for under age of majority students (age 0 to 18), and
- (4) an affidavit for age of majority students (age 18-21). These forms can also be found on the NH DOE website.

If you need to request an educational surrogate parent or have questions or concerns regarding the Educational Surrogate Parent Program, please contact McKenzie Harrington at (603) 271-3739 or mharrington@ed.state.nh.us.

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Enclosures (4)