

Designation of Education Decision-Maker Child Protective Services

DFPS must ensure that this form is provided to the court, the child's school, and persons entitled to notice of periodic hearings under Texas Family Code, Section 263.301 within five days of the Adversary Hearing and any subsequent changes to the decision-maker.

SECTION 1: Authority to make education decisions

The Texas Department of Family and Protective Services (DFPS) is authorized by court order as provided in Texas Family Code Sec.153.371 to make education decisions on behalf of the following child currently in the conservatorship of DFPS:

Child's Name		Child's DFPS IMPACT Person ID	Medicaid No.
Date of Birth	County	Court No.	Cause No.

DFPS delegates to the following individual(s) (hereinafter referred to as the Education Decision-Maker) the education decision-making responsibilities on behalf of the child as described in this form: **Note: A representative of DFPS may be named as a primary and/or backup education decision-maker.**

Designated primary decision-maker (and spouse, if applicable)	Date of designation
Email	Telephone Number(s)

Backup decision-maker	Date of designation
Email	Telephone Number(s)

The following individual has been appointed by the court or the school district to be the surrogate decision-maker for purposes of special education decisions, if applicable, if known by DFPS at the time of court filing:

Surrogate decision-maker for special education decisions	Date of designation	Designated by <input type="checkbox"/> Court <input type="checkbox"/> ISD
Email	Telephone Number(s)	

SECTION 2: Special Education Rights and Responsibilities – if applicable

Federal and state law authorize the individual who is acting in the role of the child's parent or who is appointed by the school or the court to be the "surrogate parent" for the child to exercise the rights and responsibilities as outlined by the Individuals with Disabilities Education Act and state law and rule. This individual is usually the foster parent or daily caregiver, but may be a Court Appointed Special Advocate or other individual with knowledge of the child. In some cases, the biological family may retain the right to make certain special education decisions.

The law does not allow a DFPS staff person, school district staff, or anyone employed to provide care or treatment for the child to act as the parent or surrogate parent for special education decision-making. A foster parent is not considered a person employed to provide care for the child.

At age 18, the rights of the parent to make education decisions are transferred to the child, except for the child with a disability who has been determined to be incapacitated under state law.

_____ has been named as the surrogate parent for this child by the court or an independent school district for purposes of special education decisions.

SECTION 3: Education Decision-Maker Rights and Responsibilities

Unless otherwise indicated by provisions in this Form, the Education Decision-Maker has the following rights and responsibilities:

- Enroll a child in the school chosen by DFPS, including providing identity or immunization information needed for enrollment.
- Determine, in conjunction with the child, if appropriate, course selection and participation in academic electives and activities.
- Determine whether the child should participate in special programs such as compensatory education, bilingual education, Gifted and Talented, after-school tutoring, etc.
- Attend routine school activities such as "Parent's Night," parent-teacher conferences, PTA meetings, and similar activities that involve parents.
- Approve child's participation in routine or non-routine school activities such as track and field day, museum or field trips, etc.
- Be notified of injury or illness at a school activity on or off school grounds.
- Sign agreement with the Student Code of Conduct, and, as applicable, assist youth with understanding the Code of Conduct.
- **Sign the annual directive to the school prohibiting the use of corporal punishment for the child and provide a copy to the caseworker for child's case file.**
- Receive report cards, permission slips, and other routine school correspondence, including receiving homework assignments on behalf of the child if necessary.
- Have access to education records and the Education Portfolio.
- Be notified of and take action regarding disciplinary or attendance matters.
- Determine when a referral for a special education evaluation is necessary or make a referral for an evaluation.

The decision-maker has the following additional responsibilities:

- Meet with the child before making education decisions to ensure that the child's educational goals are appropriate and set in the least restrictive environment.
- Review the child's Education Portfolio and pertinent educational records.
- Provide regular updates about the child's education to the DFPS caseworker, including copies of significant forms, records, and communication from the school.
- Inform the DFPS caseworker of any notification from the school regarding the child's disciplinary hearings, manifestation determination reviews, use of physical restraints and/or seclusion, truancy, suspension, expulsion, or removal to a Disciplinary Alternative Education Program (DAEP) or Juvenile Justice Education Program (JJAEP).
- Inform the caseworker of notices for all education-related activities which involve Section 504 of the Rehabilitation Act and notices of Admission, Review, and Dismissal (ARD) committee meetings received.
- Ensure a copy of this Form 2085-E "Designation of Education Decision-Maker" has been provided to the child's school within five days of being named education decision-maker.

Notes:

The education decision-maker may be instructed by the caseworker to notify or consult with the caseworker or supervisor on any of these matters before communicating a decision to the school.

Unless otherwise indicated in Section 1 or Section 4, the daily caregiver with whom the child lives (foster parent, relative caregiver or facility staff) may be involved in and notified regarding activities and decisions listed above which have a clear impact on the child's home life. For example, the caregiver is generally responsible for decisions about participation in extracurricular activities, sporting activities and events, dances, clubs, etc, regardless of whether the daily caregiver is also the child's designated education decision-maker.

School officials or personnel with concerns regarding this child or concerns about the education-related decisions of the Designee should contact the DFPS caseworker or supervisor listed on page 4 of this form.

SECTION 4: Biological Family Rights and Responsibilities, if applicable

A biological parent(s) of a child in DFPS Managing Conservatorship retains only the education decision-making rights expressly ordered by the court. For the child named in this Form, the following rights have been retained by or granted to the biological parents.

SECTION 5: Caseworker Rights and Responsibilities

The DFPS caseworker has the right to:

- Access education records regarding the child.
- Select the appropriate school for the child.
- Receive notification regarding disciplinary hearings, manifestation determination reviews, use of physical restraints and/or seclusion, truancy, suspension, expulsion, Class C misdemeanor tickets, or removal to a Disciplinary Alternative Education Program (DAEP) or Juvenile Justice Education Program (JJAEP).
- Receive notifications for all education-related activities which involve Section 504 of the Rehabilitation Act, and special education Admission, Review, and Dismissal committee meetings.

The caseworker is responsible for:

- Informing the child's attorney ad litem, guardian ad litem, CASA volunteer, caregiver, and education decision-maker of any notification from the school regarding the child's disciplinary hearings, manifestation determination reviews, use of physical restraints and/or seclusion, truancy, suspension, expulsion, or removal to a Disciplinary Alternative Education Program (DAEP) or Juvenile Justice Education Program (JJAEP).
- Informing the education decision-maker designee, the caregiver, or the surrogate parent, as applicable, of any education-related activities which involve Section 504 of the Rehabilitation Act and or special education Admission, Review, and Dismissal committee meetings, if known.
- Ensuring that the annual directive to the school prohibiting the use of corporal punishment for the child is on file with the school and placed in the child's case file.
- Updating the education portfolio.

The DFPS caseworker must ensure that this form is provided to the court, the child's school, and persons entitled to notice of periodic hearings under Texas Family Code, Section 263.301 within five days of the Adversary Hearing and any subsequent changes to the decision-maker.

SECTION 6: School Responsibilities

- Keep the 2085 E form confidential with the student's other privacy-protected education records.
- Ensure records are transferred within ten days when a student changes schools.
- Notify the DFPS caseworker and/or the Education Decision-Maker of significant school events as required by law or this Form.

SECTION 7: Acknowledgement, Agreement and Signatures

As the Education Decision-Maker, I acknowledge and agree that:

- I have no personal or professional interests that conflict with the interest of the child I represent.
- I will comply with the Education Decision-Maker Rights and Responsibilities as described in SECTION 3.
- I understand that failure to cooperate with DFPS may be a basis for revoking this designation.

Decision-maker signature

Date

Backup signature

Date

DFPS Caseworker (print name)

Phone number

Email address

Alternate phone number

DFPS Supervisor (print name)

Phone number

Email address

Alternate phone number

Child's daily caregiver or facility staff
(if different from education decision-maker)

Phone number(s)

Alternate phone number: _____

Email address

Alternate phone number