CONSENT CALENDAR

March 6, 2023

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on Education to which was referred HB 517,

AN ACT relative to background checks for surrogate parents. Having considered the same, report the same with the recommendation that the bill OUGHT TO PASS.

Rep. Mel Myler

FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

COMMITTEE REPORT

Committee:	**Education**
Bill Number:	**HB 517**
Title:	**relative to background checks for surrogate parents.**
Date:	**March 6, 2023**
Consent Calendar:	**CONSENT**
Recommendation:	**OUGHT TO PASS**

STATEMENT OF INTENT

The educational surrogate parent program is coordinated through the NH Department of Education (DOE), Bureau of Special Education. Its focus is on children with disabilities. These educational surrogates are provided to those children who need special education services and their parent(s) or guardian is unknown or unavailable to make decisions for the disabled child. The surrogate parent acts as the child's educational decision-maker in the special education process. This bill places into statute the current DOE practice of and need for background checks on individuals seeking to become an educational surrogate parent.

Vote 19-0.

Rep. Mel Myler
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Education

HB 517, relative to background checks for surrogate parents. **OUGHT TO PASS.**

Rep. Mel Myler for Education. The educational surrogate parent program is coordinated through the NH Department of Education (DOE), Bureau of Special Education. Its focus is on children with disabilities. These educational surrogates are provided to those children who need special education services and their parent(s) or guardian is unknown or unavailable to make decisions for the disabled child. The surrogate parent acts as the child's educational decision-maker in the special education process. This bill places into statute the current DOE practice of and need for background checks on individuals seeking to become an educational surrogate parent. **Vote 19-0.**

Original: House Clerk
Cc: Committee Bill File

HOUSE COMMITTEE ON EDUCATION

EXECUTIVE SESSION on HB 517

BILL TITLE: relative to background checks for surrogate parents.

DATE: February 6, 2023

LOB ROOM: 207

MOTIONS: OUGHT TO PASS

Moved by Rep. Myler Seconded by Rep. Ladd Vote: 19-0

Respectfully submitted,

Rep Margaret Drye, Acting Clerk

HOUSE COMMITTEE ON EDUCATION

EXECUTIVE SESSION on Bill # 517

BILL TITLE: ...

DATE: 2/6/23

LOB ROOM: 205

MOTION: (Please check one box)

☑ OTP ☐ ITL ☐ Retain (1st year) ☐ Adoption of Amendment # _____ *(if offered)*

☐ Interim Study (2nd year)

Moved by Rep. Myler Seconded by Rep. Ladd Vote: 19-0

MOTION: (Please check one box)

☐ OTP ☐ OTP/A ☐ ITL ☐ Retain (1st year) ☐ Adoption of Amendment # _____ *(if offered)*

☐ Interim Study (2nd year)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

MOTION: (Please check one box)

☐ OTP ☐ OTP/A ☐ ITL ☐ Retain (1st year) ☐ Adoption of Amendment # _____ *(if offered)*

☐ Interim Study (2nd year)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

MOTION: (Please check one box)

☐ OTP ☐ OTP/A ☐ ITL ☐ Retain (1st year) ☐ Adoption of Amendment # _____ *(if offered)*

☐ Interim Study (2nd year)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

CONSENT CALENDAR: ____ **YES** ____ **NO**

Minority Report? _____ Yes _____ No If yes, author, Rep: _____ Motion _____

Respectfully submitted: _____

OFFICE OF THE HOUSE CLERK

1/6/2023 12:35:36 PM
Roll Call Committee Registers Report

2023 SESSION

Education

Bill #: ~~505~~ 517 MMD Motion: OTP AM #: _____ Exec Session Date: 2/7/23

Members	YEAS	Nays	NV
Ladd, Rick M. Chairman	19		
Cordelli, Glenn Vice Chairman	1		
Lekas, Alicia D.	2		
Ford, Oliver J. Clerk	3		
Belcher, Mike S.	4		
Drye, Margaret M.	5		
McDonnell, Valerie E.	6		
Noble, Kristin	7		
Peternel, Katy	8		
Quaratiello, Arlene			1
Myler, Mel	9		
Cornell, Patricia	10		
Tanner, Linda L.	11		
Luneau, David J.	12		
Ellison, Arthur S.	13		
Woodcock, Stephen L.	14		
Hall, Muriel C.	15		
Balboni, Peggy	16		
S Cascadden, Corinne E.	17		
Damon, Hope	18		
TOTAL VOTE: 19 Y - 0 N 1 NV			

Consent? Y

HOUSE COMMITTEE ON EDUCATION

PUBLIC HEARING ON HB 517

BILL TITLE: **relative to background checks for surrogate parents.**

DATE: **February 7, 2023**

LOB ROOM: **205-2077** **Time Public Hearing Called to Order:** **2:52 pm**

Time Adjourned: **3:00 pm**

Committee Members: Reps. Ladd, Cordelli, O. Ford, Belcher, Drye, McDonnell, Noble, Perernel, Myler, Cornell, Tanner, Luneau, Ellison, Woodcock, Hall, Balboni, Cascadden and Damon

Bill Sponsors:
Rep. Myler **Rep. Woodcock** **Rep. Cornell**
Rep. Tanner

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Rep. Myler - Sponsor of Bill

- On behalf of DOE, this is a need for DOE because the practice was in rules, but not in Statue, and needed to be in statute.

Diana Fenton & Rebecca Fredette - DOE

- Responded to technical questions and explained the need for this to be in Statue not rules.

Respectfully submitted,

Rep. Margaret Drye, Clerk

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill #: HB517 Date: 2/7/23

Committee: EDUCATION

**** Please Print All Information ****

Name	Address	Phone	Representing	Pro	Con
Maura Willing	Concord		self	✓	
Louise Spencer	Concord		Self	✓	

House Remote Testify

Education Committee Testify List for Bill HB517 on 2023-02-07

Support: 0 Oppose: 2 Neutral: 0 Total to Testify: 0

Export to Excel

Name	City, State Email Address	Title	Representing	Position	Testifying	Non-Germane	Signed Up
Smith, Julie	Nashua, NH cantdog@comcast.net	A Member of the Public	Myself	Oppose	No	No	2/2/2023 8:16 AM
Richardson, Daniel	Nashua, NH daniel6_22@comcast.net	A Member of the Public	Myself	Oppose	No	No	2/6/2023 10:28 AM

Daniel Richardson

This bill is half-baked. So once you have criminal records for prospective surrogate parents, what criteria will you apply? Does anything cancel them? Only somethings? WHAT?

PARENT SPECIAL EDUCATION

INFORMATION

PACER is the Minnesota Parent Training and Information Center, funded by the U.S. Department of Education's Office of Special Education Programs.

Special Education

Understanding the Special Education Process

Section 504

IEP - Individualized Education Program

New MN Law Supporting Students Post-Pandemic

Top 10 Parents Concerns

Improve Communications with School Staff

Parent Leadership

Videos on Special Education

Special Education Rights Publications

MN Statewide Assessment Testing

Surrogate Parents

Surrogate Parents Laws and

Surrogate Parents

The Individuals with Disabilities Act (IDEA) gives parents an active role in planning their children's educational programs, monitoring progress, and challenging inappropriate decisions. Though the role of advocate for a child is usually filled by parents, the laws allow for a surrogate parent to act in this role if the parents or other family members of a child with a disability are unknown or completely unavailable, if the child is a ward of the state, if the child is an unaccompanied homeless youth, or if the parent requests in writing that a surrogate parent be appointed for their child. In some cases, a foster parent may serve as the parent and no surrogate parent need be appointed.

Surrogate parents fulfill an important role in the life of a child with a disability. Like parents, surrogates of children with disabilities are granted a significant decision-making role and are involved at every step of the special education process. The absence of a parent can deny a child's access to appropriate identification, evaluation, placement, and provision of a free appropriate public education (FAPE).

The Role of Surrogate Parents in Special Education: Surrogate Parent Laws & Guidelines

Guidelines

How to Learn the Surrogate Parent Role

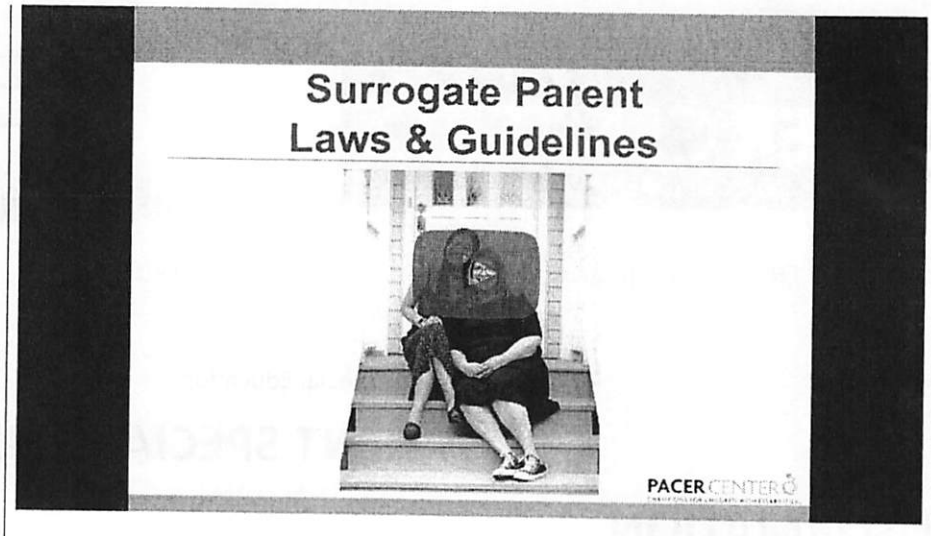
What Surrogate Parents Need to Know about the Special Education Process

Frequently Asked Questions

The Different Roles of Foster Parents & Surrogate Parents

Student Dropout Prevention

School Discipline - Suspension & Expulsion



Duration: 18 minutes

Surrogate Parent Laws and Guidelines

Children who need surrogate parents

Students who either already receive special education services or who are thought to need such services are entitled to a free appropriate public education and may be served by surrogate parents. In Minnesota, this includes students from birth to age 18.

Surrogate parents are appointed under three conditions: (**Minnesota Rule 3525.2440**)

- The parent is unknown or unavailable
- The pupil is a ward of the state
- The parent requests a surrogate parent in writing

Parents are not usually aware of their right to request a surrogate parent. When a potential situation arises, the parents should be notified of their right to request a surrogate parent. They should also be informed regarding the rights and responsibilities that the surrogate would assume in this role.

What is a surrogate parent?

A surrogate parent is a person appointed by a school district or court to represent a child with a disability who has or may need special education services. This person must not be receiving public funds to educate or care for the child. However, a foster parent may serve in the role of the parent

in the special education process in some cases when certain conditions are met.

In some cases, a grandmother or other family member of a student is "acting as parent" or serving in the parental role. Surrogate rules do not apply in these cases since the child is not in need of a surrogate parent. (IDEA §300.30)

Responsibilities of surrogate parents

A surrogate parent is only responsible for representing the child when decisions about his or her special education program are made concerning: (IDEA §300.519)

- Identification of the need for the child to receive special education services
- Evaluation to determine his or her individual needs
- Design of his or her Individualized Education Program (IEP), including placement
- Ongoing reviews of educational progress
- Agreement or disagreement with the school district's educational proposals

In order to fulfill these responsibilities, the surrogate parent should learn about state and federal requirements for special education and about school district structure and procedures. The surrogate parent should also have an understanding of the pupil's disability and needs and have an ability to effectively advocate for the child. (Minnesota Rule 3525.2455)

Although not a legal requirement, it may be best if the surrogate parent and child share a similar background, such as race or culture.

Some other qualities of an effective surrogate parent are:

1. A commitment to learning about the child's educational needs and special education
2. The ability to communicate constructively and effectively with school personnel

A surrogate parent appointment may only be removed by the school board. (**Minnesota Rule 3525.2450**)

Resources

Q&A: Identification of Parent for Participation in Special Education Planning for a Child with a Disability

This document from the Minnesota Department of Education provides helpful, general information to the public, to address questions raised by parents and school districts regarding identification of a parent to participate in special education planning for a child with a disability.

Training for Surrogate Parents

This 22-page guide from PACER Center provides an overview of surrogate parent regulations in IDEA and Minnesota law, strategies surrogate parents can use to support their effective representation of a child with a disability, and an introduction to the special education process and the educational rights of children and surrogate parents. Available for download at no cost.

Children in Need of Surrogate Parents: Program Rules and Procedures in Minnesota



This 29-page manual from PACER Center is designed to assist school district administrators in implementing their surrogate parent programs, including the work of identifying students who need surrogate parents as well as recruiting, assigning, training, and terminating surrogate parents. Templates for many of the communication materials school districts may develop in support of this work are also included. Call 952-838-9000 to purchase. Cost is $9 for a single copy or $6 per manual for an order of more than 10.

Continue to — **How to Learn the Surrogate Parent Role**

Services

Information regarding the Educational Surrogate Parent Program and Facilitation of Special Education Team Meetings.

Educational Surrogate Parent Program

The Educational Surrogate Parent Program, coordinated through the New Hampshire Department of Education, Bureau of Special Education, provides children with disabilities, throughout the State Educational Surrogate Parents. These Educational Surrogates are provided to those children who need special education and their parent(s) or guardian is unknown or unavailable, after reasonable efforts the parent/guardian cannot be located, or the child is in custody/guardianship of the state. Children are provided with an Educational Surrogate Parent to act as the child's educational decision-maker in the special education process.

The program certifies volunteers, who successfully complete the training and training requirements, to act as educational surrogate parents. Once certified, volunteers are appointed to a child and that appointment is effective until the child reaches 18 years of age and may be extended in certain cases until the child graduates high school or up to the age of 22, whichever occurs first.

To become a certified educational surrogate parent, you must be at least 21 years of age, complete an application that includes a background check and 3 references, successfully complete a training, and pass the educational surrogate parent test.

The Bureau also contracts with individuals as Master Educational Surrogates through the RFP and contract process. These Educational Surrogates complete the same work as volunteers however have more cases, usually more complex cases and have more experience in special education. For more information regarding Master Educational Surrogates, you can contact the Bureau.

Educational surrogate parents only represent a child in their education, and they are not responsible for any direct care or financial cost associated with the child (including Medicaid to Schools). Specifically, as an educational surrogate parent, you would fill the role of a parent at all of the child's Special Education Team meetings.

Enrich a Child's Future

The Educational Surrogate Parent Program is looking for caring individuals who are committed to children and understand the importance of education.

- 2022 Educational Surrogate Parent Program Training Flyer
- 2022 Educational Surrogate Parent Program Training Flyer August-December

Request an Educational Surrogate Parent for children ages 2½ - 21 (School District)

- Instructions for how to request an Educational Surrogate Parent (School District)
- Application for requesting an Educational Surrogate Parent
- Under Age of Majority Affidavit

- Under Age of Majority Affidavit PDF format

When a student with an Educational Surrogate Parent is turning 18 and wishes to continue to have an Educational Surrogate Parent represent their educational needs until either they graduate or turn 21 years of age.

- Explanation of Age 18+ Age of Majority
- Age of Majority 18+ Affidavit
- Age of Majority 18+ Affidavit PDF format

How to become a Volunteer Educational Surrogate Parent

- Directions for Completing Volunteer Educational Surrogate Application Process
- Application and Willingness Statement to become a Volunteer Educational Surrogate Parent
- Request Reference Form
- Request Reference Form PDF format
- ESP Background Check

Facilitation of Special Education Team Meetings

Upon request, the Office of Special Education (Bureau) may provide, at no cost, an IEP Team meeting Facilitator. Both the District and the parent(s) or guardian(s) must agree to have a Facilitator attend the meeting. Upon receipt of the IEP Team Meeting Facilitator application, a trained Facilitator will be selected by the Bureau to conduct a regular Special Education Team meeting, which has been scheduled and arranged by the District. The Facilitator will attend the meeting in person, and can be made available for out-of-district team meetings, given that the meeting is held within the state.

The Facilitator has no personal interest or bias in the content, or the outcome, of the meeting. The Facilitator will attend solely to conduct the meeting and to assist in keeping the meeting productive and guides the discussions and decision making process. Facilitators are available for any customary topic of a Team meeting, including, but not limited to, disposition of referral, evaluation planning, determination of eligibility, and the development or revision of the IEP, including transition planning, ESY services, and selection of placement.

The Facilitation program runs year-round (including summer) and can serve during any function of the Special Education process. The Bureau requires that the request for a Facilitator is submitted at least 10 days prior to the scheduled Team meeting date. The Bureau may require specific information regarding the scheduled meeting including, but not limited to, the parent notice information, date, time, place, topic, and participants.

Request Form

- IEP Team Meeting Facilitator

Contact

Danielle Pelletier
Education Consultant I
(603) 271-3737
Danielle.Pelletier@doe.nh.gov

HB 517 - AS INTRODUCED

2023 SESSION

23-0487
05/04

HOUSE BILL ***517***

AN ACT relative to background checks for surrogate parents.

SPONSORS: Rep. Myler, Merr. 9; Rep. Woodcock, Carr. 1; Rep. Cornell, Hills. 22; Rep. Tanner, Sull. 5

COMMITTEE: Education

ANALYSIS

This bill requires a surrogate parent for special education to undergo a criminal history records check.

- -

Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

HB 517 - AS INTRODUCED

23-0487
05/04

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to background checks for surrogate parents.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 New Paragraph; Special Education; Surrogate Parents; Criminal History Records Check. Amend RSA 186-C:14 by inserting after paragraph III the following new paragraph:

III-a. The department shall complete a criminal history records check of each surrogate parent as it would a credentialing applicant pursuant to RSA 189:13-c. The department shall adopt rules under RSA 541-A, relative to the procedures for conducting criminal history records checks of surrogate parents.

2 Effective Date. This act shall take effect 60 days after its passage.