



## DESIGNATION OF EDUCATION DECISION-MAKER CHILD PROTECTIVE SERVICES (CPS) - PERMANENCY

**Purpose:** DFPS must ensure that this form is provided to the court and the child's school under Texas Family Code [§263.004](#) within five days of the Adversary Hearing. DFPS must inform the court of any changes in the Education Decision-Maker or Surrogate Parent, if applicable, in the next permanency hearing report. DFPS must provide the updated information to the school no later than five days after any changes in the Education Decision-Maker or Surrogate Parent, if applicable.

**Directions:** To complete this form, fill in all applicable fields. For additional questions, contact your Regional Education Specialist. DFPS staff may not appoint a surrogate parent. DFPS staff may only list the name of the surrogate parent appointed by the court or the school.

### SECTION 1: AUTHORITY TO MAKE EDUCATION DECISIONS

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

Child's Full Name:	Child's DFPS IMPACT Person ID:	Child's Medicaid Number:
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Date of Birth:	County:	Court Number:	Cause Number:
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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 and/or backup Education Decision-Maker.**

Designated primary Education Decision-Maker (and spouse, if applicable):	Date of designation:
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Email:	Telephone Number(s):
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Backup Education Decision-Maker:	Date of designation:
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Surrogate Education Decision-Maker for special education decisions:	Date of designation:	Designated by: <input type="checkbox"/> Court <input type="checkbox"/> ISD
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Email:	Telephone Number(s):
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### 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. The 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 parent 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 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.

### SECTION 3: EDUCATION DECISION-MAKER RIGHTS AND RESPONSIBILITIES

Unless otherwise indicated by provisions in this form, the Education Decision-Maker has the right and responsibility to:

- 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 programs, bilingual education, Gifted and Talented, after-school tutoring, etc.
- Attend routine 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, museum or field trips, etc.
- Be notified of injury or illness at a school activity on or off school grounds.
- Sign the Student Code of Conduct, and, if 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 the 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 Education 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 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 Alternative Education Program (JJAEP). Inform the caseworker of notices for all education-related activities which involve Section 504 of the Rehabilitation Act or notices of special education Admission, Review, and Dismissal (ARD) committee meetings received.
- Ensure a copy of this Form 2085E 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 caregiver is also the child's designated Education Decision-Maker.

If school personnel have concerns about the decisions the Education Decision-Maker is making for the child, they 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 of a child in DFPS Managing Conservatorship retains only the educational 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 Alternative Education Program (JJAEP).
- Receive notifications for all education-related activities which involve Section 504 of the Rehabilitation Act or 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 Alternative 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.
- Informing the school of any changes in naming the Education Decision-Maker or Surrogate Parent, if applicable, within five days of the change.
- 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 and the child's school under Texas Family Code, Section 263.004 within five days of the Adversary Hearing. The caseworker must inform the court of changes in naming the Education Decision-Maker (or Surrogate Parent, if applicable) in the next permanent progress report.**

#### SECTION 6: SCHOOL RESPONSIBILITIES

- Keep this 2085 E form confidential with the student's other privacy-protected education records.
- Ensure records are transferred within ten days if 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: PRIVACY STATEMENT

DFPS values your privacy. For more information, read our [privacy policy](#).

**NOTE: THIS DOCUMENT CONTAINS SENSITIVE DATA.**

**SECTION 8: ACKNOWLEDGMENT, AGREEMENT, AND SIGNATURES**

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

- I have no 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 the basis for revoking this designation.

Education Decision-Maker signature:  X	Date Signed:	
Backup Signature:  X	Date Signed:	
DFPS Caseworker (print name):  X  Email Address:	Phone Number:	Alternate Phone Number:
DFPS Supervisor (print name):  X  Email Address:	Phone Number:	Alternate Phone Number:
Child's daily caregiver or facility staff (if different from Education Decision-Maker) (print name):  X  Email Address:	Phone Number:	Alternate Phone Number: