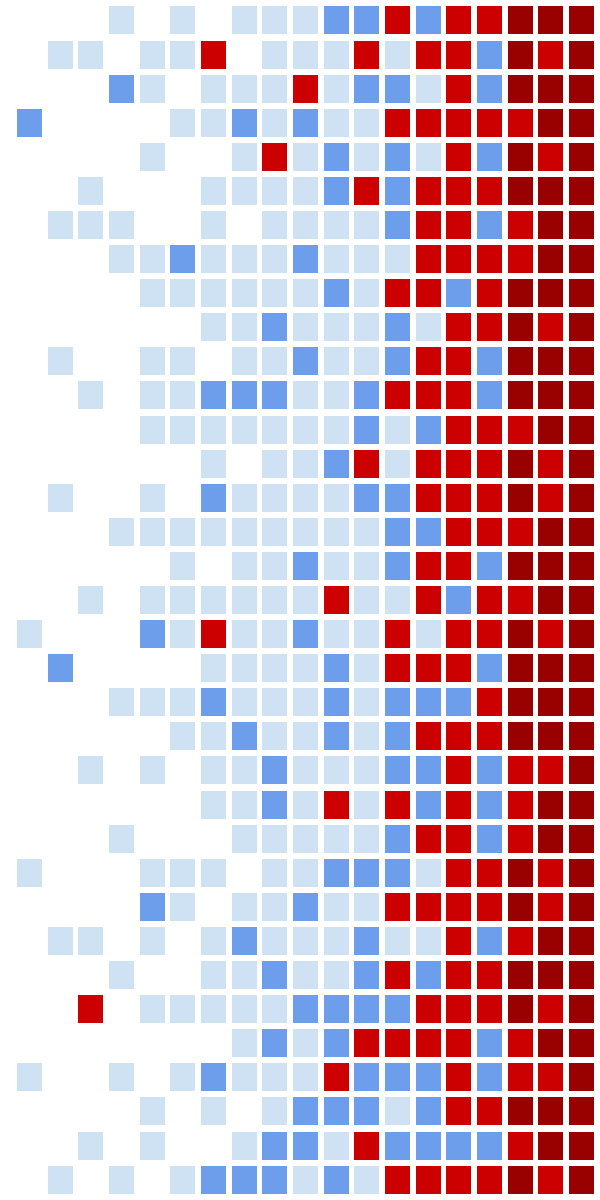
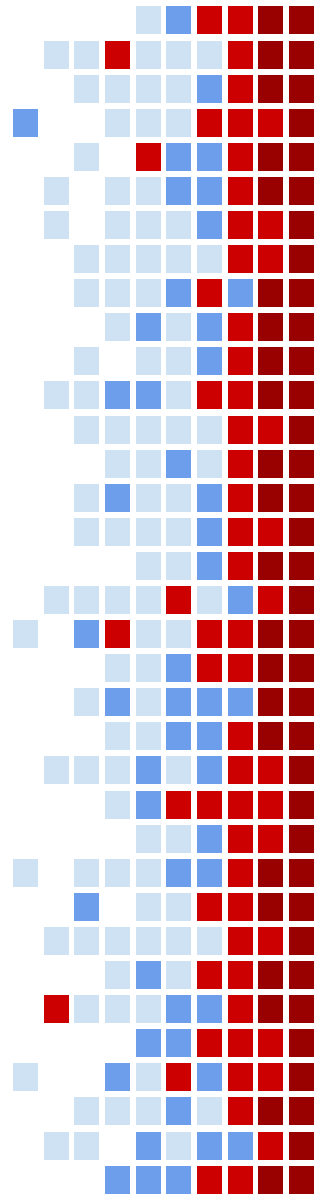


Surrogate Parents Training



Topics Covered

- Legal requirements for LEAs
- Definition of a parent
- When must a surrogate parent be appointed?
- Who can be a surrogate parent?
- Surrogate parents' rights and responsibilities
- Terminating appointments

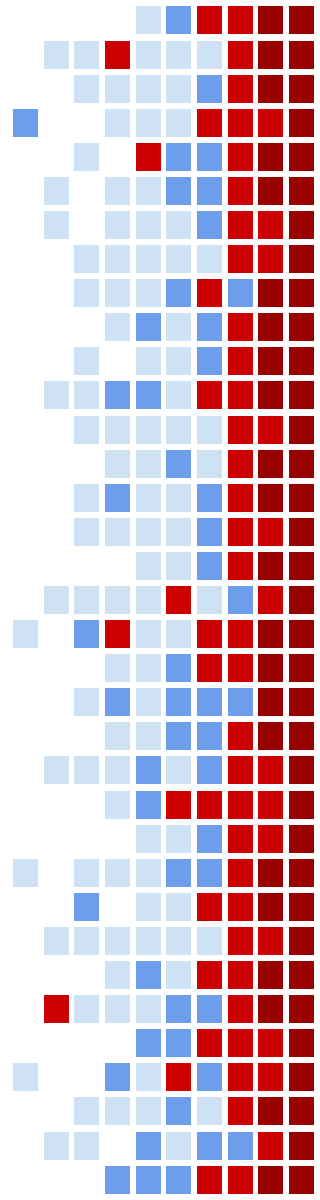


Legal Requirements for LEAs

Title 34, Code of Federal Regulations, §300.519

(b) Duties of public agency. The duties of a public agency under paragraph (a) of this section include the assignment of an individual to act as a surrogate for the parents. This must include a method-

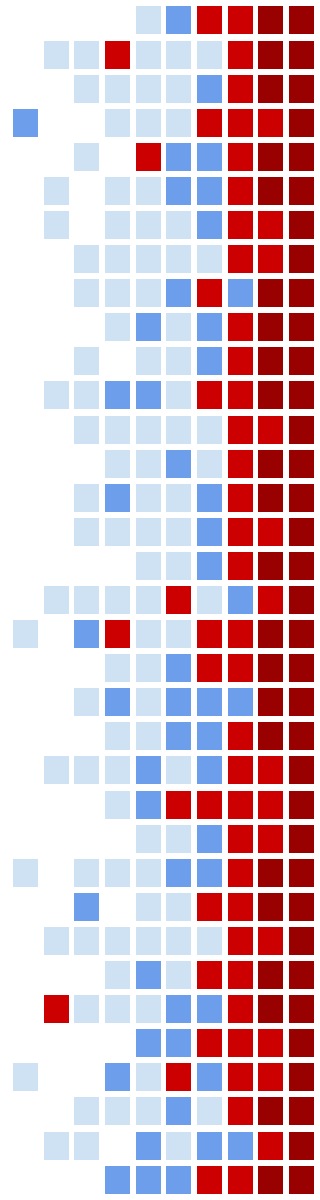
- a) For determining whether a child needs a surrogate parent; and
- b) For assigning a surrogate parent to the child.



Definition of a Parent

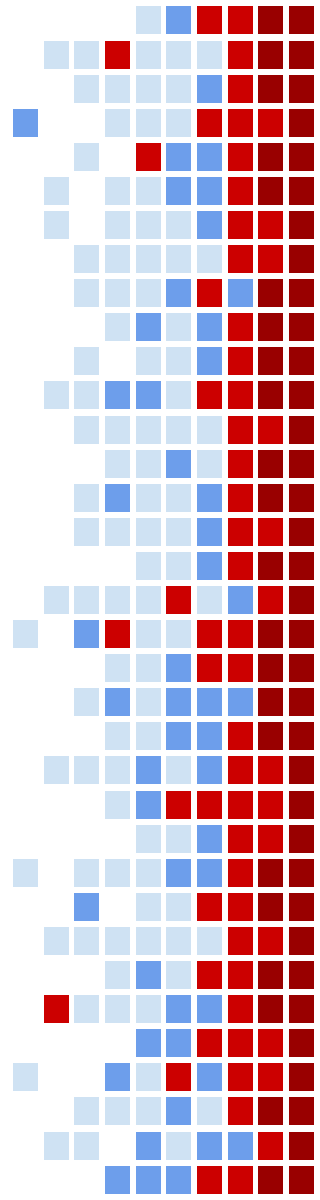
As defined by IDEA, a parent is:

- (1) a **biological** or **adoptive** parent of a child;
- (2) a **foster** parent who has lived with the child for six (6) or more months;
- (3) a **guardian** generally authorized to act as the child's parent, or authorized to make educational decisions for the child (but not the State if the child is a ward of the State);
- (4) An **individual acting in the place** of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the child lives, or an individual who is legally responsible for the child's welfare; or



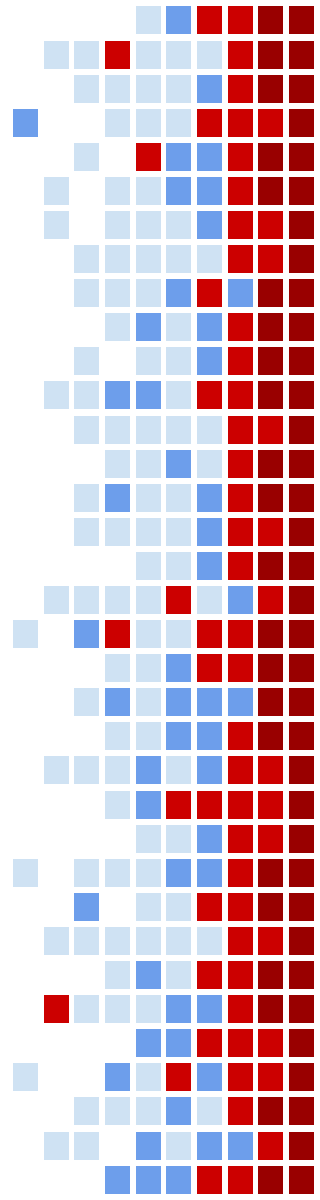
Definition of a Parent

(5) A **surrogate** parent who has been appointed by the school district. If the child is a ward of the state, the judge overseeing the child's case may appoint the surrogate. The surrogate may not be an employee of the state or local education agency or any other agency that is involved in the education or care of the child, has no personal or professional interest which conflicts with the interest of the child, has knowledge and skills that ensure adequate representation of the child.



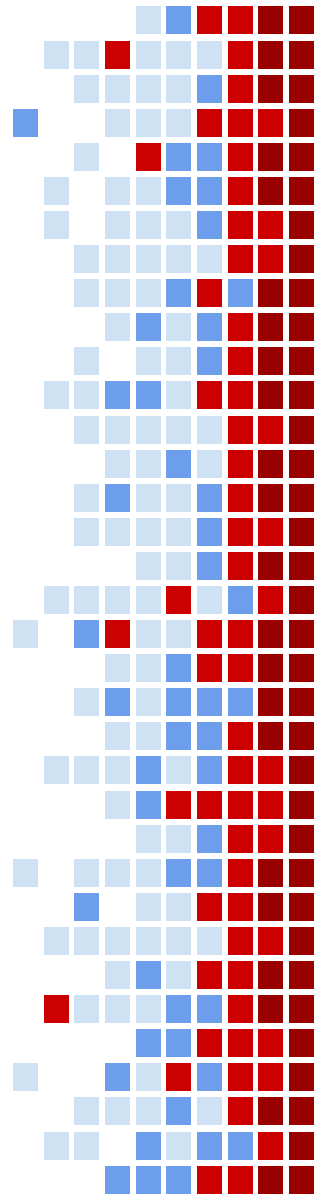
When Must a Surrogate Parent Be Appointed?

- When **no parent** can be identified; or
- When the school district or other public agency, after reasonable efforts, cannot **locate** the whereabouts of a parent; or
- The student is a **ward of the state**; or
- The student is an **unaccompanied homeless youth** as defined in section 725(6) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(6))



When Must a Surrogate Parent Be Appointed?

The district will make a good faith effort and maintain records of attempts to locate a parent. The district cannot appoint a surrogate parent when the biological parent is available but chooses not to participate. When a surrogate parent is needed for a student, the district will appoint a surrogate who meets the conditions set forth in item 3, below. The district will make reasonable efforts to assign a surrogate within thirty (30) calendar days after it determines that the student needs a surrogate.

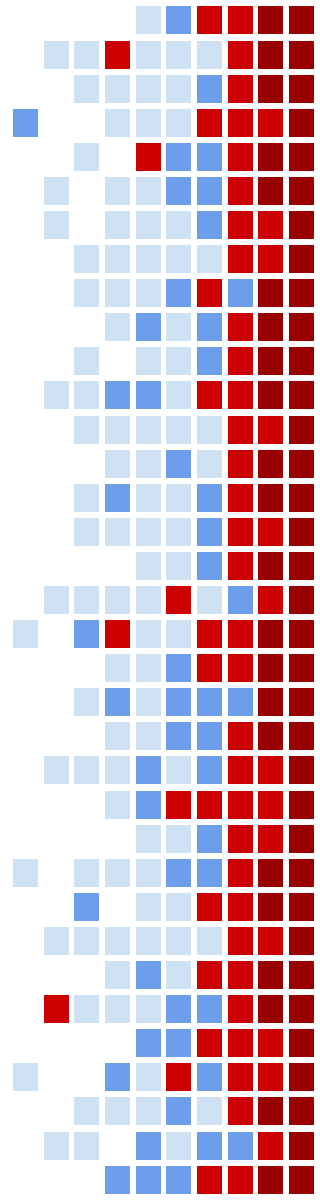


Wards of the State

Title 34, Code of Federal Regulations, §300.519

“(c)Wards of the State.

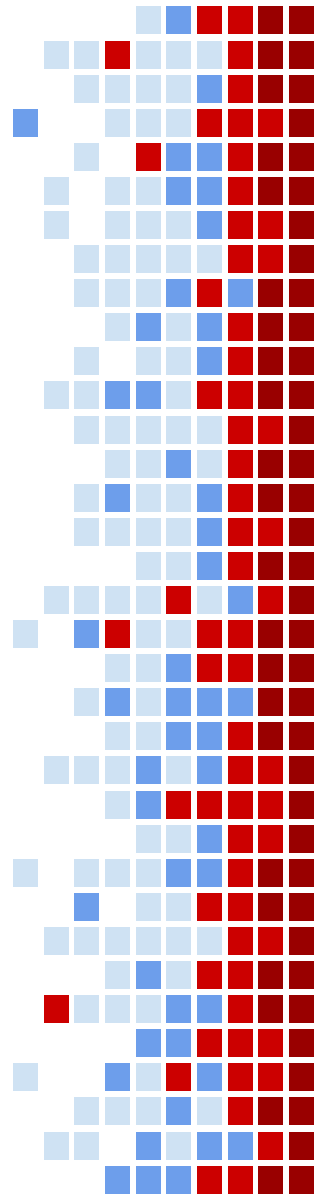
In the case of a child who is a ward of the State, the surrogate parent alternatively may be appointed by the judge overseeing the child’s case, provided that the surrogate meets the requirements in paragraphs (d)(2)(i)...of this section.”



Homeless Youths

Title 34, Code of Federal Regulations, §300.519

"(f) *Unaccompanied homeless youth.* 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** a surrogate can be appointed that meets all of the requirements"

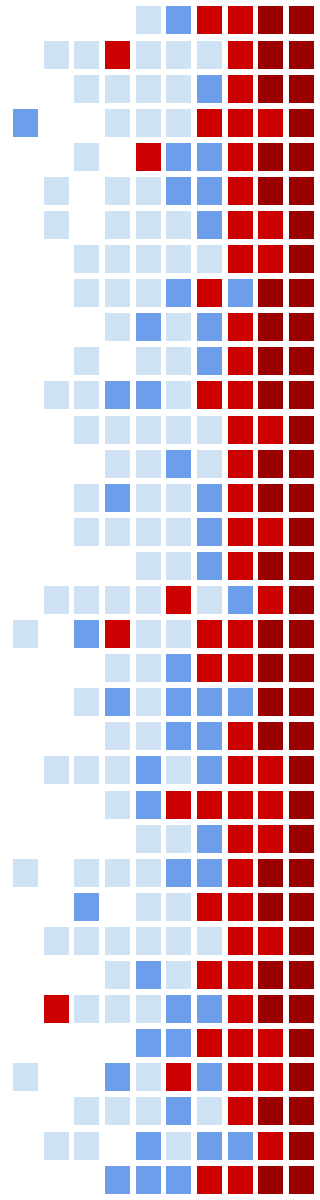


Who Can Be a Surrogate Parent?

Criteria for Serving as a Surrogate Parent

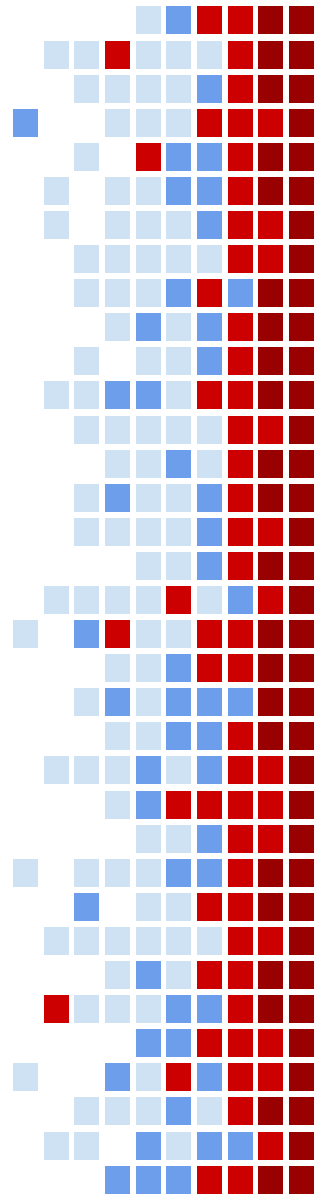
A surrogate parent may represent the student in all matters relating to identification, evaluation, placement, and the provision of FAPE. The surrogate parent shall:

- Have knowledge and skills that ensure effective representation.
- Have no personal or professional interest that conflicts with the interest of the student.



Who Can Be a Surrogate Parent?

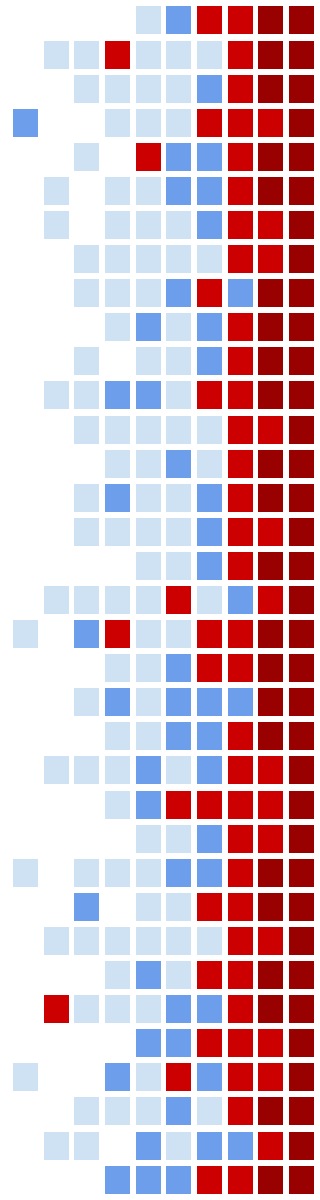
- Meet the following conditions:
 - Is not an employee of the SDE, the district, or any other agency that is involved in the education or care of the student; and
 - Is not an employee of a nonpublic agency that provides educational care for the student.



Surrogate Parent Rights and Responsibilities

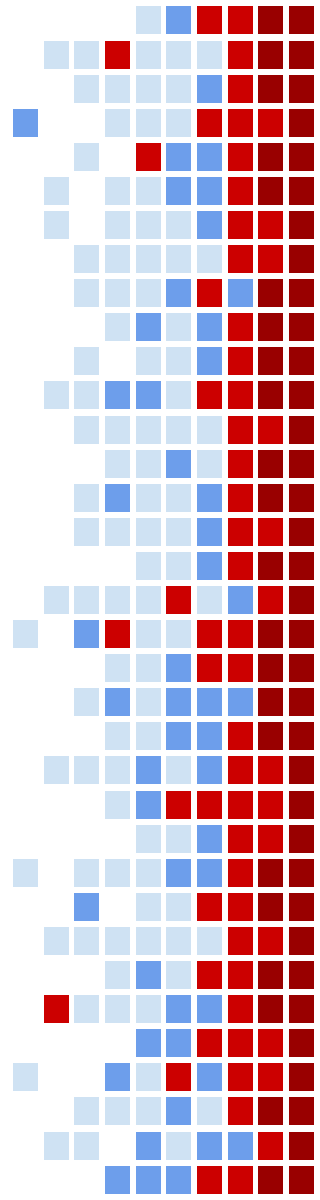
A surrogate parent has the same rights as a biological parent throughout the educational decision-making process. The surrogate parent shall:

- Become acquainted with the student, including the student's disability, education records, educational needs, culture, and language background. This is done through visits to the student's school, and where possible, place of residence.
- Represent the student at all IEP team meetings to develop, review, and revise the student's IEP. The surrogate parent shall represent the student at all other meetings related to the identification, evaluation, and educational placement of the student, and the provision of FAPE in the least restrictive environment.



Surrogate Parent Rights and Responsibilities

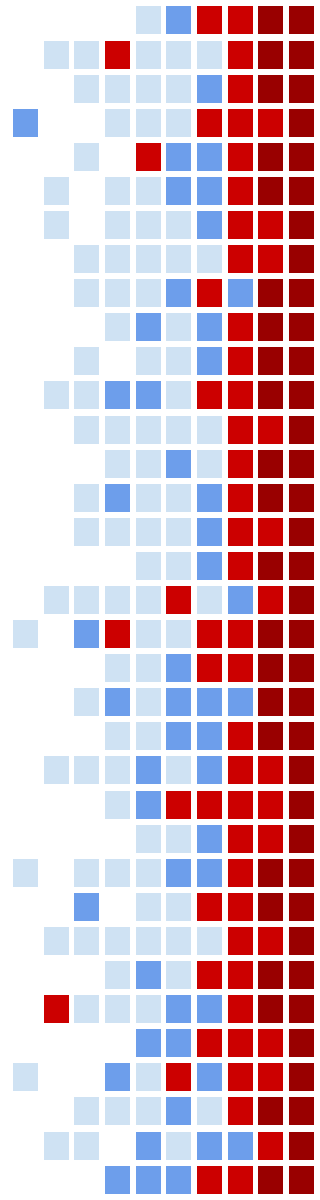
- Make sufficient time available to effectively carry out the duties of a surrogate parent.
- Have sufficient knowledge and skills to execute these responsibilities and to seek additional consultation and training as needed.
- Maintain a file containing the student's records and a record of the surrogate parent's activity. The surrogate parent will forward the file to the district upon the termination of his or her appointment.
- Notify the district whenever he or she has reason to believe that a conflict of personal or professional interest exists with respect to his or her appointment.



Terminating Appointments

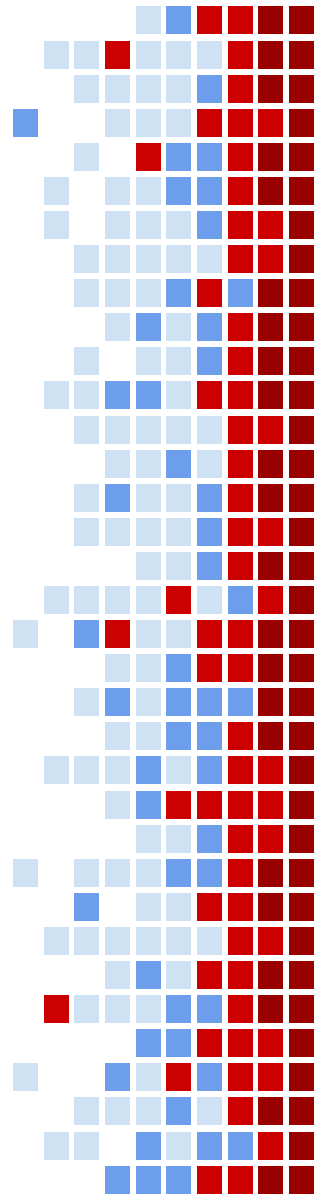
The appointment of a surrogate parent shall be terminated when any of the following conditions occur:

- The biological or adoptive parent with legal custody is identified and located.
- A guardian is appointed by a court of competent jurisdiction.
- The student no longer requires special education and/or related services.
- The surrogate parent informs the district that he or she is no longer willing to serve as a surrogate parent.



Terminating Appointments

- The district learns that a surrogate parent does not meet the criteria to serve as a surrogate because he or she has become an employee of the district or other agency directly involved with the student, or a conflict of interest is identified.
- The surrogate parent has not effectively represented the student, i.e., has not attended meetings or has not become acquainted with the student's needs. Disagreement with district recommendations or procedures is not cause for termination of a surrogate parent appointment.



QUESTIONS?

