

SURROGATE PARENT PROCEDURES

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SURROGATE PARENT PROCEDURES

12.1 BASIC CRITERIA FOR APPOINTING A SURROGATE PARENT

The Surrogate Parent role on the IEP team is to represent the rights of a student with special needs in all educational matters related to the provision of a free appropriate public education (FAPE). It is the responsibility of each LEA to ensure that the rights of a child are protected in determining the need for, and assigning, a surrogate parent whenever the child is referred or eligible for special education and either:

- (1) No parent can be identified;
- (2) The LEA after reasonable efforts, cannot locate the parent;
- (3) The child is a ward of the court of the State under the laws of that State;
- (4) The child is an unaccompanied homeless youth as defined by the McKinney-Vento Homeless Assistance Act.

12.2 RECRUITMENT OF VOLUNTEERS

The Senior SELPA Administrator and LEA directors will work with community agencies and organizations, both public and private, to secure applicants for the position of surrogate parent volunteer.

The Senior SELPA Administrator will coordinate activities of the SELPA and LEAs in seeking volunteers.

Each volunteer interested in the surrogate parent position must complete a surrogate parent application form.

12.3 SCREENING OF APPLICANTS

The following areas must be addressed by the Senior SELPA Administrator in the screening process for the appointment of surrogate parents.

- (1) The volunteer must have an active interest in the students to be served.
- (2) The volunteer must have a willingness to learn the requirements of special education system and student.
- (3) The volunteer must have no criminal background (arrest/conviction) that includes a misdemeanor involving abuse or neglect or others, or contributing to the delinquency of minors, or any felony conviction. Misdemeanor convictions within the past five years will be considered on a case by case basis.

- (4) The volunteer must have a valid *California Drivers License* and provide proof of insurance or demonstrate the ability to fulfill all duties of a surrogate parent without needing to drive.
- (5) The volunteer must be willing to be fingerprinted, if deemed necessary by the Senior SELPA Administrator or LEA director.
- (6) The volunteer must not have a conflict of interest, including financial, with the specific student represented, or other interests, including institutional or other biases that might restrict or interfere with his or her ability to advocate for all the services required to ensure a free appropriate public education for the assigned individual with exceptional needs.
- (7) The volunteer must not be an employee of an agency that has a direct relationship to the student, e.g., school employees, probation officers, social workers, group home providers, or others who may have a conflict of interest.
- (8) The volunteer should display sensitivity to the cultural, socio-economic and individual needs of the student served.

12.4 APPOINTMENT OF SURROGATE PARENT

- (1) Upon satisfactory completion of the surrogate parent training session and upon passing the SELPA screening process, the surrogate parent volunteer shall be assigned to one or more students, using the following criteria:
 - Cultural and socio-economic sensitivity.
 - Location, based on reasonable travel time for the surrogate parent.
 - Ability to understand and relate to the disability and needs of the student.
 - The interest of the surrogate parent volunteer.

12.5 TRAINING

Prior to assigning a surrogate parent to represent a student, the Senior SELPA Administrator will arrange for training for the surrogate parent. Training shall include, but not be limited to, the following topics:

Special Education and Related Services

1. Special Education programs available within San Mateo County SELPA as well as other educational placement options.
2. San Mateo County SELPA Policies.

3. Federal and State laws and regulations regarding Special Education.
4. Parent and student rights under federal and State Special Education laws and regulations.
5. Surrogate parent responsibilities, including participating in Individualized Education Program (IEP) meetings and suspension/expulsion proceedings for the assigned student.
6. Conflicts of Interest.
7. Visiting with the student's classroom(s) and consulting with the student's teacher(s) and personnel providing related services.
8. Visiting with the student outside the educational environment.
9. Consulting with the student's foster parent(s), group home provider/staff members, or the person(s) with whom the student resides.
10. Ethical concerns, including the responsibility to hold all information regarding the assigned student in confidence.
11. The Community Advisory Committee (CAC) and parent support groups.
12. Child and adult abuse reporting laws.

Training Sessions

Training sessions shall be provided at convenient locations, and shall be scheduled on days and at times that are suited to meet the needs of the surrogate parent volunteers.

The Senior SELPA Administrator will develop a post-test interview to be administered to all prospective surrogate parent volunteers following the training session.

The Senior SELPA Administrator shall maintain records of the dates surrogate parents received training so that update/review training may be provided biannually for the surrogate parents.

12.6 ACCESS TO THE STUDENT

The surrogate parent must meet with the student under the supervision of the student's group home provider, foster parent, person with whom the student resides, placing

agency representative, or designated school staff. Exceptions to this procedure are made by the Senior SELPA Administrator or LEA director/designee.

School personnel shall make every reasonable effort to ensure that the surrogate parent has access to the student and student records as it relates to the student's educational needs.

12.7 ACCESS TO STUDENT RECORDS

The surrogate parent retains the same rights as a parent/legal guardian to access student records. He or she must request copies of school records and other records in the same manner that is required by the parent/legal guardian.

Due to the continual need for confidentiality, when a surrogate parent discontinues representing a specific student, he or she must return to the district all copies of the student's records in his or her possession.

12.8 USE OF INTERIM SURROGATE PARENTS

When any of the following conditions prevail, the Director of Special Education of the LEA in which the student is educated, shall notify the Senior SELPA Administrator, within two working days, of the need for the assignment of an interim surrogate parent:

- If no parent is immediately available, and the student has been referred for an assessment ; or
- The student transfers into a San Mateo County SELPA and is provided an interim placement for special education and related services.

The LEA Director shall assign a surrogate parent, within five working days, depending upon the availability of surrogate parents.

The LEA Director shall terminate the services of the interim surrogate parent when/if any of the following exist:

- The student, after assessment, is found to be ineligible for special education and/or related services. The Director of Special Education of the LEA in which the student is educated shall notify the Senior SELPA Administrator, within five working days, that the student was determined to be ineligible for special education.
- The student is determined to be ineligible for the services of a surrogate parent.
- A permanent surrogate parent is appointed for the student.

12.9 EVALUATION OF SURROGATE PARENTS

Evaluations of the surrogate parent shall be performed by the Director of Special Education of the LEA in which the student is educated, in conjunction with the Senior SELPA Administrator. Each surrogate parent should be evaluated at a minimum on an annual basis. Evaluations can be conducted at more frequent intervals, at the discretion of the Director of Special Education of the LEA in which the student is educated, or at the discretion of the Senior SELPA Administrator, if it is suspected that the surrogate parent is not adequately performing his or her duties.

12.10 TERMINATION OF SURROGATE PARENT APPOINTMENT

Only the Senior SELPA Administrator may terminate a surrogate parent's appointment. The Senior SELPA Administrator shall terminate the appointment of a surrogate parent, when the Director of Special Education of the LEA in which the student is educated notifies the Senior SELPA Administrator of any of the following conditions:

1. Notice is received from the court that the student is no longer a dependent or ward of the court, under Section 300.601 or 602 of the Welfare and Institutions Code. A copy of said notice should be forwarded to the Senior SELPA Administrator within two working days of receipt.
2. Notice is received from the court that the right of the parent or legal guardian to make educational decisions for the student, who is a ward, has been reinstated. A copy of said notice should be forwarded to the Senior SELPA Administrator within two working days of receipt.
3. The student reaches the age of majority, as documented by the LEA or SMCOE.
4. The student exits from the special education, as documented by an IEP team.
5. The parent or guardian appears and assumes the responsibility for making educational decisions for the student.
6. The surrogate parent receives an unsatisfactory evaluation, utilizing the Senior SELPA evaluation process, and displays no apparent improvement following the evaluation. Termination, based upon the unsatisfactory evaluation, shall be at the discretion of the Senior SELPA Administrator.
7. The surrogate parent is alleged to have committed a misdemeanor involving the abuse or neglect of others or contributing to the delinquency of minors, or any felony.

8. A surrogate parent is found to have a conflict of interest:
- If the Senior SELPA Administrator determines that a conflict of interest exists, it shall be documented and the LEA Director of Special Education shall be notified of same within two working days.
 - The surrogate parent takes action, which threatens the safety or well being of the assigned student.

The LEA Director of Special Education shall investigate the allegations of such action and report the results of said investigation to the Senior SELPA Administrator as soon as possible, but no later than 30 days following the original report of the allegations.

The Senior SELPA Administrator shall determine whether the surrogate parent's appointment should be terminated, based on the results of the investigation.

When the Senior SELPA Administrator receives information indicating the possible need to terminate a surrogate parent, the Senior SELPA Administrator shall consider the validity of the information and make a decision to terminate or not terminate within five working days.

If the Senior SELPA Administrator determines that the surrogate parent should be terminated, the Senior SELPA Administrator shall notify the surrogate parent within five working days of such decision.

Notice of termination shall be by documented phone call or certified mail, with return receipt requested.

At the discretion of the Senior SELPA Administrator, the terminated surrogate parent may be granted the right to discuss the termination with the Senior SELPA Administrator with the possibility of eventual reinstatement.

A surrogate parent who has been terminated may protest the termination in writing to the Senior SELPA Administrator, whose decision regarding the appeal shall be final.

A student, whose surrogate parent has been terminated, shall be so notified by the LEA Director of Special Education in which the student is educated.

A student, who remains eligible for the services of a surrogate parent, shall be assigned an interim or new surrogate parent within two working days or as soon as possible.

12.11 CONFLICT RESOLUTIONS AND APPEALS

Conflicts must be brought to the attention of the Senior SELPA Administrator, who will work with all parties involved, to bring resolution to the conflict. The Senior SELPA Administrator will have the final authority in all appeals and conflicts.

12.12 HOLD HARMLESS

The SELPA and the surrogate parent shall enter into a signed agreement with a hold harmless clause.

SAN MATEO COUNTY SELPA

LEA: _____

APPOINTMENT OF SURROGATE PARENT

I appoint _____ to act as surrogate parent in matters involving the education of _____. This representative shall have parental authority in matters relating to identification, assessment, instructional planning and development, educational placement, reviewing and revising the Individualized Family Service Plan (IFSP) or the Individualized Education Plan (IEP) including non-emergency medical services, mental health services and occupational or physical therapy services as relating to the IFSP/IEP, and in other matters relating to the provision of a free appropriate education for the individual.

This appointment shall remain in effect until any of the following occur.

- 1. The pupil's parent is located and/or appoints an educational representative.
- 2. The surrogate parent is unwilling or unable to carry out his/her responsibilities to the best interest of the child.
- 3. The surrogate parent is in a position with a conflict of interest in the above matter.

LEA Special Education Administrator Date

Telephone

ACCEPTANCE OF APPOINTMENT

I, _____, hereby accept the above appointment. At such time as I am unable or unwilling to continue this appointment, I will notify the LEA Special Education Administrator designated above. I understand that I shall be held harmless by the State of California when acting in my official capacity except for acts or omissions which are found to have been wanton, reckless, or malicious.

I acknowledge that _____ has provided information/training regarding the laws applicable to surrogate parent responsibilities and the continuum of education program placements and opportunities available for individuals with disabilities.

I agree to maintain all student records and information in a confidential manner. Upon the termination of this agreement, I will return all such records to _____

Surrogate Parent Date

Address

City ZIP Telephone