



San Mateo
County
SELPA

Special Education Local Plan Area

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POLICY

SURROGATE PARENTS

To ensure that the rights of a special education student are protected, a surrogate parent shall be appointed when:

1. No parent can be identified.
2. The parent cannot be located, after reasonable search efforts;
3. The student is a dependent of the state or a ward of the court and the court has removed or limited parental rights to participate in the development of the educational program for the child.

When one of the above criteria exists and is documented by the local school district, the district will request SELPA staff to appoint an individual to act as an educational surrogate parent.

The San Mateo County SELPA shall ensure that a person selected as a surrogate parent:

1. Have knowledge and skills that will provide for adequate representation of the student.
2. Not be an employee of a public or private agency which is involved in the education or care of the student.
3. Have no interest that conflicts with the interests of the student he/she represents.

A surrogate parent's role is to safeguard the student's rights in educational matters. The parent surrogate may represent the student in all special education matters, including identification, evaluation and placement, reviewing and revising the individualized education program, and in all other matters relating to the provision of a free and appropriate public education. This shall include the provision of written consent for non-emergency medical services, mental health services, and occupational and/or physical therapy services as determined appropriate by the IEP Team. The surrogate parent's role is limited to individualized education program purposes; non-educational matters pertinent to the welfare of the individual are beyond the scope of a surrogate parent's responsibility. The surrogate parent shall be held harmless by the State of California when

acting in his/her official capacity except for acts or omissions which are found to have been wanton, reckless, or malicious.

The San Mateo County SELPA shall work in a cooperative effort with other public agencies in an effort to assure that the educational rights of students requiring a surrogate parent are fully protected. Methods for the recruitment, appointment, training, and evaluation of parent surrogates shall comply with state and federal law. To the extent practical, the surrogate appointed will be culturally sensitive to the student's ethnicity.

Reasonable search for a parent shall include documentation of at least three (3) phone calls, one certified, return receipt letter, letter with one week response allowed, and a home visit when determined appropriate by the district administrator.

References: CFK 330.514 and 300.10
Education Code 56050 and 56028
Government Code Section 7579.5

Approved: Administrators Council 2120/92
SELPA Policy Board 2/24/92