

**APPOINTMENT OF SURROGATE PARENT FOR
SPECIAL EDUCATION STUDENTS**

In order to protect the rights of students with disabilities, the Superintendent or designee shall appoint a surrogate parent to represent a child with disabilities as necessary in accordance with law. He/she shall develop procedures for recruiting, training and assigning adults to serve as surrogate parents.

Before individuals are appointed as surrogate parents, the Superintendent or designee shall ensure that they have passed a criminal background screening and have demonstrated interest and skill in working with children with disabilities, sensitivity to ethnic and cultural factors, and ability to work cooperatively with others.

- (cf. 0430 - Comprehensive Local Plan for Special Education)
- (cf. 1312.3 - Uniform Complaint Procedures)
- (cf. 3515.6 - Criminal Background Checks for Contractors)
- (cf. 3541.2 - Transportation for Students with Disabilities)
- (cf. 4112.23 - Special Education Staff)
- (cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))
- (cf. 6146.4 - Differential Graduation and Competency Standards for Individuals with Exceptional Needs)
- (cf. 6159 - Individualized Education Program)
- (cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)
- (cf. 6159.2 - Nonpublic, Nonsectarian School and Agency Services for Special Education)
- (cf. 6164.4 - Identification of Individuals for Special Education)

Legal Reference:

- EDUCATION CODE
- 56028 Parent
- 56050 Surrogate parents
- GOVERNMENT CODE
- 7570-7588 Interagency responsibilities for providing services to disabled children, especially:
- 7579.5 Surrogate parent; appointment; qualifications; liability
- WELFARE AND INSTITUTIONS CODE
- 300 Children subject to jurisdiction
- 601 Minors habitually disobedient or truant
- 602 Minors violating laws
- UNITED STATES CODE, TITLE 20
- 1414-1487 Individuals with Disabilities Education Act
- CODE OF FEDERAL REGULATIONS, TITLE 34
- 300.20 Definition "parent"
- 300.515 Surrogate parent

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The Superintendent or designee shall appoint a surrogate parent to represent a child with disabilities under one or more of the following circumstances:

1. No parent for the child can be identified.
2. The district, after reasonable efforts, cannot discover the location of a parent or legal guardian of the child.
3. The child is adjudicated a dependent or ward of the court pursuant to Welfare and Institutions Code 300, 601 or 602, and either the court has referred the child for special education and related services or the child has a valid individualized education program (IEP).

(cf. 6159 - Individualized Education Program)

A surrogate parent shall not be appointed for a child who is a dependent or ward of the court unless the court specifically limits the rights of the parent/guardian to make educational decisions for the child. In addition, a surrogate parent shall not be appointed for a child who has reached the age of majority unless he/she has been declared incompetent by a court of law. (Government Code 7579.5)

When appointing a surrogate parent, the Superintendent or designee shall give first preference to a relative caretaker, foster parent or court-appointed special advocate, provided any of these individuals exists and is willing to serve. If none of these individuals is willing or able to act as a surrogate parent, the Superintendent or designee shall select the surrogate parent of his/her choice. If the child is moved from the home of the relative caretaker or foster parent who was appointed as a surrogate parent, the Superintendent or designee shall appoint another surrogate parent. (Government Code 7579.5)

As far as practical, a surrogate parent should be culturally sensitive to his/her assigned child. (Government Code 7579.5)

Surrogate parents shall have no vested interests that conflict with the child's educational interest and shall have knowledge and skills that ensure adequate representation of the child. If a conflict of interest arises after the appointment of a surrogate parent, the Superintendent or designee shall terminate the appointment and appoint another surrogate parent. (Government Code 7579.5)

The surrogate parent shall have all the rights relative to the child's education that a parent has under the Individuals with Disabilities Education Act (20 USC 1414.1487; 34 CFR 300.1-300.756). The surrogate parent may represent the child in all matters relating to identification, assessment, instructional planning and development, educational placement, review and revision of the IEP, and in other matters relating to the provision of a free and appropriate public education. (Education Code 56050; Government Code 7579.5)

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In addition, the representative of the surrogate parent shall include the provision of written consent to the IEP including nonemergency medical services, mental health treatment services and occupational or physical therapy services pursuant to Government Code 7570-7588. The surrogate parent may sign any consent relating to IEP purposes. (Education Code 56050)

The Superintendent or designee shall terminate the appointment of a surrogate parent whenever he/she no longer satisfies the eligibility requirements for surrogate parents as specified above.

Surrogate parents shall volunteer their services to the district and serve without compensation. The district may reimburse them for mileage and other incidental expenses directly associated with the duties as surrogate parents.

(cf. 3350 - Travel Expenses)

Surrogate parents shall have access to the student's school records as necessary to fulfill their responsibilities as surrogate parents and in accordance with Governing policy and administrative regulation.

(cf. 5125 - Student Records)