

Appointment Of Surrogate Parent For Special Education Students

The Superintendent or designee shall appoint a surrogate parent to represent a child with exceptional needs under one or more of the following circumstances: (Government Code 7579.5; 34 CFR 300.519)

1. No parent or legal guardian 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 all of the following conditions are satisfied:
 - a. The court has referred the student for special education and related services or the student has a valid individualized education program (IEP);
 - b. The court has specifically limited the right of the parent/guardian to make educational decisions for his/her child; and,
 - c. The student has no responsible adult to represent him or her pursuant to Welfare and Institutions Code 361 or 726 or Education Code 56055.

(cf. 6159 - Individualized Education Program)

4. The student is an unaccompanied homeless youth not in the custody of a parent/guardian, as defined in section 725(6) of the McKinney-Vento Homeless Assistance Act (42 USC 11434a).

(cf. 6173 - Education for Homeless Children)

5. The student has reached the age of majority but has been declared incompetent by a court of law

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)

Appointment of Surrogate Parents

Upon a determination that a student needs a surrogate parent, the Superintendent or designee shall make reasonable efforts to ensure that the surrogate is appointed within 30 days. (20 USC 1412(b)(2)(B))

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 if a new appointment is necessary to ensure adequate representation of the student. (Government Code 7579.5)

(cf. 6173.1 - Education for Foster Youth)

The Superintendent or designee shall ensure that individuals to be appointed as surrogate parents have passed a criminal background check and have demonstrated interest and skill in working with students with disabilities.

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 interests 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. (34 CFR 300.519, Government Code 7579.5)

Duties of Surrogate Parent

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 1400-1482; 34 CFR 300.1- 300.818). 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)

(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)

In addition, the representation 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)

(cf. 5141 - Health Care and Emergencies)

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 their 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 Board policy and administrative regulation.

(cf. 5125 - Student Records)

Termination of Appointment

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.

Fresno Unified School District does not harass, intimidate, or discriminate on the basis of race, color, ethnicity, national origin, ancestry, age, creed, religion, political affiliation, gender, gender identity or expression or genetic information, mental or physical disability, sex, sexual orientation, parental or marital status, military veteran status, or any other basis protected by law or regulation, in its educational program(s) or employment.

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