

APPOINTMENT OF A SURROGATE PARENT

LOS ANGELES UNIFIED SCHOOL DISTRICT POLICY

Special education laws require parent participation in the IEP process. Usually the parent fills this role; however, the law allows an alternative if the parents of a student with a disability are unknown or completely unavailable or if the child is a ward of the state. In these situations, surrogate parents fill this parental role.

SCHOOL RESPONSIBILITIES

The site administrator or administrative designee is responsible to ensure that a surrogate parent is appointed within 30 days if one or more of the following circumstances applies to the student with a disability:

- A homeless youth not in physical custody of a parent or guardian.
- The student is determined a dependent or ward of the court.
- The court has specifically limited the right of the parent or guardian to make educational decisions.
- No parent of the student can be identified.
- The District, after reasonable efforts, cannot locate a parent.

The request for a Surrogate Parent must be made by the school administrator as soon as the need for one is known in order to maintain IEP timelines.

DOCUMENTING THE NEED FOR A SURROGATE PARENT

The site administrator or administrative designee must identify the need for a surrogate parent by:

1. Documenting efforts to identify or locate the parent or an individual who meets the qualifications of a parent and is willing to represent the interests of the student. Efforts may include telephone calls, mailings, home visits, and contact with placement workers.
2. Securing copies of court documents (i.e. minute order) that limit parent rights in educational decisions.
3. Completing and forwarding the *Request for a Surrogate Parent* form to the Local District Special Education Administrator who will then notify the school with the name and contact information of a surrogate parent.

SURROGATE PARENT RIGHTS

For educational purposes, an appointed surrogate parent shall serve as the student's parent and shall have all the rights that a parent has in regard to special education and related services decision making including:

- Identification;
- Assessment;
- Instructional planning;
- Developing, reviewing, and revising the individualized education program (IEP);
- Placement;
- Other matters related to the provision of a free appropriate public education.

ROLE OF A SURROGATE PARENT

- Meet with the student at least one time.
- Attend IEP meetings.
- Review educational records.
- Comply with Federal and State policies regarding confidentiality.
- Consult with individuals involved in the student's education.
- Sign consent forms.
- The surrogate parent is held harmless by the State of California when acting in their official capacity except for acts or omissions that are found to have been wanton, reckless, or malicious.

LAUSD ELIGIBILITY CRITERIA FOR SERVING AS A SURROGATE PARENT

- The individual is an adult. The individual has no conflict of interest. This means that he/she has no interests that may bias his or her ability to advocate for all of the services required to ensure that the student has a free appropriate public education.
- The individual is not an employee of the District, the California Department of Education or any other agency that is involved in the education or care of the student.
- As far as practical, the individual should be culturally sensitive to the assigned student.
- The individual is willing to complete training provided by the District.
- First preference, when selecting a surrogate, should be given to a relative caretaker, foster parent, or court appointed special advocate. Note: a relative caretaker and foster parent may also meet the definitional criteria of a parent.