

**General McLane School District**  
***Surrogate Parents and Special Education***

**Overview of the Surrogate Parent Mandate**

The following provides an overview of federal requirements and describes surrogate parents and other persons who have a legal authority to act on an IDEA-eligible or thought to be eligible child's behalf in the special education process. A surrogate parent is an individual who meets specific qualifications and volunteers to perform the duties of a parent or guardian in the special education process. Surrogate parents can be appointed by a judge or the General McLane School District to make decisions related to the provision of special education services for IDEA-eligible children or thought to be eligible children.

**Definition of "Parent" in Pennsylvania**

- A natural or adoptive parent of a child
- A foster parent
- A guardian generally authorized to act as the child's parent, or authorized to make educational decisions for the child
- An individual acting in the place of a biological or adoptive parent (including grandparent, stepparent, or other relative) with whom the child lives or an individual who is legally responsible for the child's welfare; or
- A surrogate parent who has been appointed in accordance with 300.519 or section 639 (a) (5) of the IDEA
- A specific person or persons identified and authorized through a judicial degree or order to act as a parent

**Procedures for Identifying and Ensuring Surrogate Parent Representation**

1. To ensure special education services and the rights for IDEA-eligible children or thought to be eligible children *are* protected, GMSD administrators, or educational staff will contact the Director of Special Education immediately when:
  - No parent can be identified;
  - General McLane School District, after reasonable efforts, cannot locate a parent;
  - The child is a ward of the State
  - The child is unaccompanied homeless youth as defined in section 6725(6) of the McKinney-Vento Homeless Assistance Act (42 U.S. C. 11434a(6))
2. The Director of Special Education will contact the IU to obtain the name(s) of the surrogate parents in the tri-county area.

## **The Surrogate Appointment Process**

### **Step 1: Contacting Parents**

- Efforts to locate the parent should begin immediately upon referral. Referrals may come through the registration process, school staff, and or persons in the General McLane School District community
- Specific timelines begin upon the referral related to identification, assessment, educational placement, and provision of FAPE. A parent must participate in those decisions; the determination of the need for a surrogate parent should be done within **30 calendar days** of referral.
- Reasonable efforts to contact parent include but not limited to the following:
  1. Documented telephone calls
  2. Letters
  3. Certified letters with return receipts
  4. Documented visits to the parents' last known address
  5. Documented visits to the parents' last known place of employment
  6. Request, if applicable, a copy of the court order that terminated parental rights

### **Step 2: Selecting Surrogate Parents**

When selecting a surrogate parent, GMSD will give first preference to a relative, friend, or court appointed advocate. If none of these individuals is willing or able to act as surrogate parent, Director of Special Education will prepare to appoint another qualified responsible adult to act in that capacity.

### **Step 3: Surrogate Parent Application**

The General McLane School District and IU will be contact local community groups for purpose of recruiting surrogate parents. Such groups will be given a clear explanation of the roles and responsibilities of educational guardian, as well as an overview of the time commitments involved in representing children who have special and sometimes unique needs. They must be willing to be trained to act as educational representatives for students requiring a surrogate.

Examples of community groups could include the following:

- Big Brothers/Big Sisters
- Fresh air groups
- Local Parent-Teacher Organizations
- Local Task Force
- Mental Health Organizations
- Retired business men's organizations
- Women's organizations
- Retired educators' groups

- Service Clubs

#### **Step 4: Screening for Conflict of Interest**

GMSD will ensure that a person selected as a surrogate parent:

- Is not an employee of GMSD, or any other agency that is involved in the education or care of the child;
- Has no personal or professional interest that conflicts with the interest of the child the surrogate parent represents;
- Has knowledge and skills that ensure adequate representation of the child

#### **Step 5: Training of Potential Surrogate Parents**

GMSD along with the Intermediate Unit is responsible for the recruitment, selection, training, and assignment of surrogate parents. The surrogate parent training will provide each individual with the knowledge and skills to adequately represent the child in all aspects of the special education process. The training sessions must be comprehensive and, and at least, include the following:

1. Legal rights and responsibilities
  - Introduction to the IDEA and State Special Education laws
  - Introduction to the surrogate parent provisions of State and Federal Laws
  - Responsibilities of educational agencies to students and surrogate parents
2. The special role of the surrogate parent
  - Rights and responsibilities of surrogate parent
  - Building relationships with the child and school staff
  - Monitoring and recording student progress
  - Obtaining and reviewing student records (confidentiality)
  - Discussion of resources available to support surrogate parents, including reimbursement, technical assistance, and legal assistance
3. Developing an Effective Special Education Program
  - Identification: Understanding the student's disability/disabilities
  - Evaluations: Preparing for the evaluation process and development of the IEP
  - IEP: Developing goals and objectives and other sections of the IEP
  - Special program concerns: behavior support, assistive technology, transition services, and related services
4. Understanding Procedural Safeguards, Mediation, and Due Process
  - Overview of IDEA and state procedural safeguards
  - Mediation and other dispute resolution alternatives
  - Administrative complaint procedures and due process
5. Questions and Responses
  - Review and receipt of Surrogate Parent Manual
  - Questions and responses
  - Final Remarks

## **Step 6: Additional Procedures**

- GMSD Director of Special Education will provide Professional Development for the administrative staff, school counselors, and office secretaries to review the process annually the steps to determine whether a student requires a surrogate parent
- GMSD Director of Special Education will open lines of communication through Parent Resource Center as well as Parent Involvement Coordinator to recruit surrogate parents
- GMSD Director of Special Education will work with the IU to ensure that is an adequate number of surrogate parents to represent students where necessary
- GMSD Director of Special Education will ensure that surrogate parents are afforded the same educational rights as other parents of students with disabilities
- GMSD Director of Special Education will review the training provided to surrogate parents to ensure that surrogate parents have an adequate knowledge to serve in this capacity; and
- GMSD Director of Special Education will ensure that surrogate parents are appointed within 30 calendar days of the determination that a surrogate parent is necessary to represent the student.
- GMSD Director of Special Education will match the student's needs to the strengths of the potential surrogate parent;
- GMSD Director of Special Education will introduce the student and the potential surrogate parent;
- GMSD Director of Special Education will obtain a written agreement from the surrogate parent to serve the specific student in his/her IEP process and to maintain the student's and the family rights to confidentiality; and
- GMSD Director of Special Education will inform all involved persons and agencies responsible for the residential care and education of the student of the surrogate parent's appointment.

The IU and the GMSD will maintain a current list of qualified surrogate parents for the tri-county area.