

Instruction

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.

Pursuant to 20 USC 1415(b)(2), districts and/or Special Education Local Plan Areas (SELPA's) are mandated to adopt procedures to protect the rights of a student whenever: (1) the parents of the child are not known, (2) the District cannot, after reasonable efforts, locate the parents, or (3) the child is a ward of the State. When the child is a ward of the State, the District's procedures must also include the assignment of an individual to act as a surrogate for the parents. This assigned individual cannot be an employee of the California Department of Education, the District, or any other agency that is involved in the education and care of the child. (20 USC 1415(b)(2))

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 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)

Instruction

APPOINTMENT OF SURROGATE PARENT FOR SPECIAL EDUCATION STUDENTS
(continued)

Legal Reference:

EDUCATION CODE

56028 Parent

56050 Surrogate parents

GOVERNMENT CODE

7570-7588 Interagency responsibilities for providing services to disabled children, especially:

7579.4 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 of "parent"

300.21 Surrogate parents

Management Resources:

FEDERAL REGISTER

34 CFR 300.a Appendix A to Part 300 - Questions and Answers

34 CFR 300.a1 Attachment 1: Analysis of Comments and Changes

WEB SITES

CDE: <http://www.cde.ca.gov>

US Department of Education, Office of Special Education and Rehabilitative Services

<http://www.ed.gov/offices/OSERS>