



# || Surrogate Parent Procedures and Forms

## SECTION 1. LOCATING, SELECTING, AND TRAINING OF SURROGATE PARENTS

### A. Locating the Parent

The district should keep records of its attempts to locate a parent and should maintain these records in the student's special education file. The district will use a combination of methods including:

1. A certified letter that includes:
  - a. a request for participation in the special education process;
  - b. the *Procedural Safeguards Notice*; and
  - c. a method for allowing the parent to respond to the request.
2. A contact to the appropriate agency (usually the Department of Health and Welfare) if a student is in the state's custody, to determine the student's status and potential need for a surrogate parent.
3. Phone calls.
4. A visit to the parent's last known address.

Any employee of the district who is aware that a student may need a surrogate shall notify an appropriate district administrator. Any member of the community who is aware that a student may need a surrogate parent should notify the district. A *Determination of Need for a Surrogate Parent* form needs to be completed, submitted to the administrator, and placed in the student's special education file. This form is included in the form section of this manual.

### B. Selection of Surrogate Parents

The district is responsible for selecting and training qualified surrogate parents. Best practice recommendations are to select surrogate parents by:

1. recruiting volunteers via newspaper ads, posters, announcements at parent meetings, asking potential candidates, and developing a list of potential volunteers;
2. interviewing potential volunteers for surrogate parents;
3. arranging and providing training for surrogate parents; and
4. maintaining a list of people who are qualified, trained, and willing to serve as surrogate parents.

A *Surrogate Parent Information Sheet* is included in the form section to assist the district in keeping information about trained, qualified surrogates available and about appointments that have been made.

## C. Training

The district shall ensure that a surrogate parent has appropriate training or comparable experience to effectively represent the student. Training methods may include:

1. in-service training for a group of prospective surrogate parents.
2. one-to-one training with a surrogate parent covering needed information;
3. videotapes or other media to provide information about special education;
4. recent college courses in special education;
5. previous participation in the special education process; or
6. participation in training sessions designed to provide other parents with information about their special education rights.

Training should be provided in the following topics:

1. federal, state, and local laws and processes related to special education; and
2. rights and responsibilities of surrogate parents.

## D. Administrative Issues

The district should develop guidelines in these areas:

1. reimbursing the surrogate parent for travel and other expenses incurred while serving as a surrogate parent, consistent with district policy;
2. assigning no more than 5 students to any 1 surrogate parent;
3. reviewing the assignment of each surrogate parent, at least annually, to ensure that he or she has:
  - a. become acquainted with the student's educational needs;
  - b. reviewed the student's education records;
  - c. provided input into decisions to evaluate or reevaluate a student, as appropriate;
  - d. participated in the development, review, and revision of the student's IEP; and
  - e. represented the student effectively in all matters relating to FAPE.

## E. Surrogate Parent Rights and Responsibilities

A surrogate parent has the same rights as a biological parent throughout the educational decision-making process. The surrogate parent shall:

1. Become acquainted with the student, including the student's disability, education records, educational needs, culture, and language background. This is done through visits to the student's school, and where possible, place of residence.
2. Represent the student at all IEP team meetings to develop, review, and revise the student's IEP. The surrogate parent shall represent the student at all other meetings related to the identification, evaluation, and educational placement of the student, and the provision of FAPE in the least restrictive environment.

3. Ensure the confidentiality of information and records concerning the student.
4. Make sufficient time available to effectively carry out the duties of a surrogate parent.
5. Have sufficient knowledge and skills to execute these responsibilities and to seek additional consultation and training as needed.
6. Maintain a file containing the student's records and a record of the surrogate parent's activity. The surrogate parent will forward the file to the district upon the termination of his or her appointment.
7. Notify the district whenever he or she has reason to believe that a conflict of personal or professional interest exists with respect to his or her appointment.

A sample letter of appointment for surrogate parents that outlines the role and responsibilities of a surrogate parent is included in this appendix.

## F. Terminating Appointments

The appointment of a surrogate parent shall be terminated when any of the following conditions occur:

1. The biological or adoptive parent with legal custody is identified and located.
2. A guardian is appointed by a court of competent jurisdiction.
3. The student no longer requires special education and/or related services.
4. The surrogate parent informs the district that he or she is no longer willing to serve as a surrogate parent.
5. The district learns that a surrogate parent does not meet the criteria to serve as a surrogate because he or she has become an employee of the district or other agency directly involved with the student, or a conflict of interest is identified.
6. The surrogate parent has not effectively represented the student, i.e., has not attended meetings or has not become acquainted with the student's needs.

Disagreement with district recommendations or procedures is not cause for termination of a surrogate parent appointment.

### For Questions Contact

Special Education

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