

SECTION: PROGRAMS

TITLE: SURROGATE PARENTS

ADOPTED: 12/03/2009

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TURKEYFOOT VALLEY AREA SCHOOL DISTRICT

<p>1. Purpose</p> <p>20 U.S.C. Sec. 1415 42 U.S.C. Sec. 11434a 34 CFR Sec. 300.519</p> <p>2. Guidelines</p> <p>34 CFR Sec. 300.519</p>	<p style="text-align: center;">113.6. SURROGATE PARENTS</p> <p><u>Introduction</u></p> <p>Federal legislation has established procedures to ensure the rights of children with disabilities. Among these procedures is one designed to ensure that the rights of children who are wards of the state, or whose parents/guardians are unknown, unavailable, or have had their rights legally terminated, have appropriate representation when education programming decisions are made. This includes any child identified as an unaccompanied homeless youth as defined in the McKinney-Vento Homeless Assistance Act. Surrogate support is provided through the recruitment, training, selection, and assignment of volunteer surrogate parents who represent the child in education matters such as identification and developing Individualized Education Programs.</p> <p><u>Identifying Eligible Children In Need Of Surrogate Parents</u></p> <p>To be identified as in need of a surrogate parent, a preschool or a school-aged child must meet two (2) criteria:</p> <ol style="list-style-type: none"> 1. The child must be disabled or suspected of being disabled and in need of special education. 2. The child must be a ward of the state or the parents/guardians must be unknown or unavailable. <p>Children who are thought to be disabled are children referred for evaluation. Children whose parents/guardians are uncooperative or unresponsive would not be eligible. Additionally, children who are eighteen (18) years old or older would not need a surrogate parent unless legally declared unable to act on their own behalf.</p> <p>In the case of a child who is a ward of the state, the surrogate parent may be appointed by the judge overseeing the child's case.</p>
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34 CFR
Sec. 300.519

If the child is a homeless youth, appropriate staff of emergency shelters, transitional shelters, independent living programs, and street outreach programs may be appointed as temporary surrogate parents with regard to 34 CFR 300.519(d)(2)(i) and (a) (that a surrogate parent may not be an employee of the SEA, the District, or any other agency involved in the education or care of the child), until a surrogate parent can be appointed that meets all of the requirements of 34 CFR 300.519 (d) and (f).

Role Of The Surrogate Parent

A surrogate parent represents a child with a disability in those circumstances where a parent or legal guardian would normally be responsible for representing the child's education needs. A surrogate parent is an adult volunteer who takes on certain quasi-legal responsibilities in order to serve the best interests of the child.

The surrogate parent's primary function is one of representing the child in those circumstances where decisions need to be made regarding the child's special educational placement and program. This is accomplished by responding to the requests and notices from the educational agency to carry out activities that will affect the student. A list of the major duties includes:

1. Being familiar with the special education process.
2. Approval/Disapproval of requests for evaluation.
3. Initiation of requests for evaluation/reevaluation.
4. Participation in the Multidisciplinary Evaluation (MDE) Team process.
5. Receipt of notice or reevaluation.
6. Review of student records and evaluation findings.
7. Participation in Individualized Education Program (IEP) Team planning meeting.
8. Approval/Disapproval of IEP and/or the Notice of Recommended Educational Placement (NOREP).
9. Attending report card conferences and other relevant educational meetings.
10. Being familiar with the appropriate procedures for due process and the confidentiality of education records.

<p>SC 111 23 Pa. C.S.A. Sec. 6301 et seq</p> <p>20 U.S.C. Sec. 1415 34 CFR Sec. 300.519</p>	<p>The surrogate parent has the same rights as natural parents/guardians to read records, files, documents, and other materials which contain information directly related to the child and which are maintained by the educational agency. The surrogate parent is afforded the same rights as any other parent/guardian under the procedural safeguards and in due process hearings.</p> <p><u>Qualifications For Service As A Surrogate Parent</u></p> <p>Volunteers who wish to serve as surrogate parents must demonstrate certain basic qualifications. The surrogate parent must:</p> <ol style="list-style-type: none">1. Be at least eighteen (18) years of age.2. Be a person of good character.3. Possess reasonable abilities to make a decision on a child's educational needs.4. Be committed to acquainting themselves with the child's educational needs and with Pennsylvania's education system.5. Not be an employee of a public agency that is involved in the education or care of the child, have no interest that conflicts with the interest of the child s/he represents, and have knowledge and skills that ensure adequate representation of the child. An individual is not disqualified, as an agency employee, from appointment as a surrogate parent solely because s/he is paid by the agency to serve as a surrogate parent.6. Foster parents may be considered if they meet all other qualifications.7. Have Act 34 and Act 151 Clearances from the Commonwealth of Pennsylvania. Additionally, an FBI Clearance is required as of April of 2007.8. Be willing to complete a training program conducted by the Turkeyfoot Valley Area School District and the Appalachia Intermediate Unit 8. <p><u>Assigning Surrogate Parents</u></p> <p>Once the District has identified the need for a surrogate parent, a referral will be forwarded to the Supervisor of Special Education. The Supervisor of Special Education will assign a surrogate parent within thirty (30) days.</p>
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The Supervisor of Special Education will assign a surrogate parent from the Surrogate Parent List. Notice of the assignment, including the child's name and the agency responsible for the child, will be forwarded to the surrogate parent. The Supervisor of Special Education will also inform the Pennsylvania Department of Education, the child, and the agency named as responsible, of the assignment.

Surrogate parent assignments will be made on an annual basis, with checks throughout the year that the surrogate is fulfilling his/her duties as set forth in training. Should the assigned surrogate parent not fully represent the child, the assignment will be terminated. A new surrogate parent will then be assigned before the annual review date.

The Supervisor of Special Education will maintain a system recording all children in need of surrogate parents, of surrogate parent volunteers, and assignments. Files will be maintained and updated in accordance with guidelines for confidentiality.

The assignment of a surrogate parent to a child referred for evaluation and suspected of being disabled depends upon the evaluation team's findings and the surrogate parent's actions. If the child is identified as disabled, the surrogate parent's assignment would continue. If the child is found not to be disabled, the surrogate parent's assignment would terminate. However, if the surrogate parent requests a hearing to question the evaluation team's findings, the assignment would continue. Since the surrogate parent's request for a hearing would indicate that the disabled status of the child was still in question, the assignment of the surrogate parent should continue until a conclusion is reached regarding the child's status. If the hearing officer finds the child to be disabled, the surrogate parent's assignment would continue. If the hearing officer does not find the child to be disabled, and the decision is not appealed, the assignment would terminate.

Training The Surrogate Parent

A program of training and consultation will be implemented to develop and maintain the commitment and competence of all surrogate parent volunteers. The program will cover three (3) major areas:

1. Familiarization of the surrogate parent with the child represented.
2. Familiarization of the surrogate parent with the range of special education programs and services available to the child.

3. Familiarization of the surrogate parent with the protections and procedural safeguards designed to assure that the needs of the child are met by the special education programs and services provided, as well as the strength of the legal implications involved with acceptance of the role of surrogate parent.

Training will occur both in group and one-to-one settings, with the general information being presented in group settings and introduction to the children and most follow-up consultation in a one-to-one setting.

Surrogate parents may be reimbursed for travel to a training meeting, but not for regular visits to the child or for expenses incurred while performing the duties of a surrogate parent.

References:

School Code – 24 P.S. Sec. 111

Child Protective Services Law – 23 Pa. C.S.A. Sec. 6301 et seq.

Individuals With Disabilities Education Act – 20 U.S.C. Sec. 1400 et seq.

Education for Homeless Children and Youths – 42 U.S.C. Sec. 11434a

Individuals With Disabilities Education, Title 34, Code of Federal Regulations –
34 CFR Part 300