

Instruction

Appointment of Surrogate Parent for Special Education Students

The Superintendent or designee shall appoint a surrogate parent to represent a child with exceptional needs under one or more of the following circumstances:

1. The child is adjudicated a dependent or ward of the court pursuant to Welfare and Institutions Code 300, 601, or 602, and either the court has referred the child for special education and related services or the child has an existing IEP.
2. No parent or legal guardian for the child can be identified.
3. The District, after reasonable efforts, cannot discover the location of a parent or legal guardian of the child.

A surrogate parent shall not be appointed for an individual who has reached the age of majority unless he/she has been declared incompetent by a court of law. (Government Code 7579.5)

The surrogate parent shall have all the rights relative to the child's education that a parent has under federal law and shall represent the child in all matters relating to the provision of a free appropriate public education to the child, including:

1. The identification, assessment, instructional planning and development, educational placement, review, and revision of the child's individualized education program.
2. The provision of written consent related to the IEP, including nonemergency medical services, mental health treatment services, and occupational or physical therapy services pursuant to law.

First preference shall be given to a relative caretaker, foster parent, or court-appointed special advocate, provided any of these individuals exists and is willing to serve. If none of these individuals is willing or able to

act as a surrogate parent, another choice shall be made. If the child is moved from the home of the relative caretaker or foster parent who was appointed as a surrogate parent, another surrogate parent shall be appointed.

Surrogate parents shall have no vested interests that conflict with the child's educational interests. If a conflict of interest arises after the appointment of a surrogate parent, the Superintendent or designee shall terminate the appointment and appoint another surrogate parent.

Surrogate appointments shall be terminated whenever any of the following occurs:

1. The child's legal parent or legal guardian is located, and the reason for the appointment was the District's inability to discover the location of the parent or guardian.
2. The court reinstates the parent's rights to represent the child in educational matters.
3. The student becomes 18 years of age.
4. The surrogate parent:
 - a. Fails or is unable to fulfill the responsibilities of a surrogate parent.
 - b. Becomes an employee of an agency involved in the child's education or care, or develops any conflict of interest in representing the student.

Surrogate parents shall volunteer their services to the District and serve without compensation. The District may reimburse them for mileage and other incidental expenses directly associated with their duties as surrogate parents.

Surrogate parents shall have access to the student's school records and shall maintain their confidentiality to the same extent as is required of school employees.

