



Procedures for Determining “Parent” for Special Education Purposes

If student is living with biological parent, the biological is the “parent”.

If student is living with foster parent, immediately request court document from foster parent or DCS.

1. If no court document is provided and there is no information about biological parent, then:
 - foster parent can be “parent”;
 - An individual (relative or not) with whom the child is living and who accepts full legal responsibility of parenting can be a “parent”;
 - An individual with legal guardianship can be a “parent”;
 - If none of the above apply, then assign Educational Surrogate Parent.
2. if court document is provided, read carefully for the following information:
 - If biological parent’s rights are terminated or educationally restricted, then use foster parent. If no foster parent, assign ESP.
 - If biological parent’s rights are NOT terminated or educationally restricted, then biological parent is the “parent”; if the biological parent is attempting to act as the parent. If biological parents’ whereabouts are unknown or biological parent is **not** attempting to act as the parent, then use foster parent.
 - If a guardian has been appointed to have educational rights per court order, then use the guardian. *Note that DCS never meets Article 7 criteria as parent/guardian.*
 - If a specific person has been assigned by court to have educational rights, use the named person.

Always consider biological parent as the “parent” if the biological parent is involved or attempting to be involved, and there is no court document indicating that the biological parent’s rights are terminated or restricted (even if the child is a ward). A court document must be requested to



DEPARTMENT OF SPECIAL EDUCATION

Procedures for Determining “Parent” for Special Education Purposes

confirm wardship; if wardship is established per court documentation, student records may in some situations be shared with DCS. However, in no case will DCS **(as opposed to a foster parent)** act as “parent”.

If student is living with relative/friend, request court document. If no court document is provided, ask relative/friend about status of biological parent. If biological parent’s whereabouts are known and the biological parent is involved, use biological parent. If no biological parent is known/involved, the relative/friend will go to Student and Family Support Services to obtain 3rd party custodial agreement. The relative/friend would then act as “parent”.

If student is homeless or unaccompanied youth, and biological parent’s whereabouts are not known, then assign Educational Surrogate Parent.

If student is 18 years of age, assume that rights belong to the student unless a guardianship exists. When in question, ask if guardianship has been established by the court, and obtain the court document for student file.

If student is 18 years of age without guardianship but wants to assign educational rights to someone else, an educational representative will be requested by student and assigned by the Department of Special Education. The student’s parent will be the educational representative unless another person is requested by student.