



Title: **Parental Status and Appointment of Surrogate Parents for Students With Disabilities**

Code: 113.5

Book: Policy Manual

Section: 100 Programs

Authority

The Board adopts this policy on the use of training of surrogate parents in order to comply with the Individuals with Disabilities Education Act (IDEA) and other applicable federal and state laws and regulations. The board recognizes that in the process of a child's education, parents play an important role in safeguarding the rights of a student with a disability. In order to ensure those rights where children are wards of the state or where parents are unknown or unavailable, the Board may identify those children and appoint an individual to represent the child in matters of education. [1] [2] [3]

Guidelines

Parental Status Not Determined by Residency

A person who satisfies the criteria established in the definition of parent shall have all the rights, protections, and obligations of a parent under the IDEA and Chapter 14 of the State Board of

Education regulations regardless of whether s/he resides with the child for whom s/her is a parent. [1]

Legal Notices and Other Papers

District staff may presume that legal notices and other papers required by law to be given to the parent of a student with a disability have been effectively delivered to all persons qualified to act as a parent of that child when such notices or papers are mailed or sent by other reliable means of conveyance to the address identified through the registration process as the residence of the child for school attendance purposes. If district staff have actual knowledge that a person qualified to act as a parent of the child is not receiving such notices when mailed or delivered in accordance with this subsection, copies of notices or papers shall be sent or delivered separately to the residence of that parent. [4]

Surrogate Parents

Criteria for Appointment;

The district shall appoint a qualified surrogate parent to perform the functions and exercise the rights of a natural parent/guardian in accordance with applicable law and regulations if a staff member responsible for contacting or providing notice to the parent of a child with a disability, or a child thought to have a disability, determines after reasonable investigation of the circumstances that: [3]

1. No parent, as defined in Board policy can be identified.

2. Neither the district nor **any other** social services or law enforcement agency involved with the child or the family of the child can discover the whereabouts of a parent or as defined in Board policy.

3. The child is a ward of the state as determined by the Secretary of Education.

4. **The child is an unaccompanied homeless youth as defined in applicable law. [7] [8]**

Reasonable Investigation-

As used in this policy, **reasonable investigation** shall mean attempted telephone and mail contact with the parent/guardian of the child at the last known address and telephone number available, if such information is available; consultation with all social services or law enforcement agencies known to be involved with the child or the family of the child; and interview of the child, when appropriate.

Qualification of Surrogate Parents-

The district shall recruit and maintain a list of names and contact information for persons who are willing to serve as surrogate parents and who **meet the following criteria for selection:** [3]

1. Is not an employee of the Pennsylvania Department of Education or the Intermediate Unit #1, the district, or any other agency that is involved in the education of care of the child; provided, however, that the reimbursement of expenses by the

district shall not designate such person as an "employee" of the district solely because of such reimbursement of expenses.

2. Has no **personal or professional** interest that conflicts with the interest of the child s/he represents.

3. Has obtained all criminal and child abuse background clearances required by law. [5] [6]

4. Has knowledge and skills that ensure adequate representation of the child, including training provided by the district, by the Intermediate Unit #1, or by another source recognized as credible by the district concerning parent and child rights responsibilities under the IDEA and Chapter 14 of the State Board of Education regulations **regarding** available programs and serviced for **students** with disabilities.

Appointment-

As soon as practicable after establishing that any one (1) of the criteria for appointment in this policy has been satisfied, the responsible staff member shall notify the **responsible program administrator**, who shall contact and appoint a surrogate parent who meets the qualification enumerated in this policy. As soon as practicable after the surrogate parent has accepted the assignment, the **responsible administrator** shall forward to the surrogate **parent** copies of all current educational records concerning the child and shall arrange a meeting or other appropriate interaction between the surrogate **parent** and the **student**. [1]

Unaccompanied Homeless Youth -

In the case of a child who is an unaccompanied homeless youth, appropriate staff of emergency shelters, transitional shelters, independent living programs, and street outreach programs may be appointed as temporary surrogate parents until a surrogate parent can be appointed that meets all of the requirements of law and this policy. [3]

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Cross References:

- 113.4
 - 113.3
 - 113.2
 - Pol. 251
 - 42 U.S.C. 11434a
 - 24 P.S. 111
 - 23 PA. C.S.A. 6344
 - Pol. 200
 - 34 CFR 300.519
 - 20 U.S.C. 1400 et seq
 - Pol. 113
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