

POLICY 6159.3

YOLO COUNTY SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)

SELPA SURROGATE APPOINTMENT

POLICY:

It is the responsibility of each member LEA of the Yolo County SELPA to appoint an educational surrogate when:

1. No parent has been identified or located after reasonable efforts at search. Reasonable effort is defined as 3 attempts over a three week period utilizing 2 or more different types of contact techniques e.g., phone calls, home visits, and written communication.
2. Reasonable effort also means documented history by social service or other placing agencies of having conducted reasonable search with verification that no parent, guardian, or adult with custody of the student can be identified or located.
3. The child is a ward/dependent of the court AND the court has removed or limited the parent's rights to make educational decisions for their child. When the court limits the parent's rights it will notify the LEA/SELPA of the need for a surrogate parent. If the court has not specifically removed or limited parental rights to make educational decisions, then the parent remains responsible and must be included in the IEP process, and no surrogate will be needed.

Reference:

EC 56050

34 CFR 300.519

20 USC 1415(b)(2)(A)

Superintendents' Council

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PROCEDURES:

If a parent is located but refuses to exercise his/her rights to represent the student, that fact shall be documented by the LEA or agency and a referral may be made to the court. The LEA may request/suggest that the social worker or probation officer petition the court to remove the educational rights of that parent, or to otherwise have the court provide legal representation for that student for educational purposes.

Interim surrogate parents will be used in order to assure no delay in the provision of special education or related services. Interim surrogate parents have the same authority, rights, responsibilities, and restrictions as a regularly appointed surrogate parent. Interim surrogate parents will be appointed when:

A special education student with an active IEP for whom no parent has been identified or located moves or transfers into the SELPA and requires an administrative special education placement.

1. A regularly appointed surrogate parent has to be replaced in the event of a resignation or termination of appointment.
2. A surrogate parent will be appointed as soon as possible after the need for one has been established, but no later than 5 school days after the receipt of an LEA request for Surrogate Parent.

RESPONSIBILITIES OF SURROGATE PARENTS

1. The surrogate parent's role on the IEP team is to represent the rights and needs of the student in all educational matters to ensure that the student receives a free, appropriate public education.
2. As far as practical, a surrogate parent should be culturally sensitive to the background of the child being represented.
3. A surrogate parent must have requisite knowledge and skills to represent the student with disabilities. A surrogate parent should be knowledgeable about the student's particular disabilities and special education needs, laws affecting special education, and the continuum of program placements and services available in the SELPA.

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SELPA SURROGATE APPOINTMENT (Continued)

RESPONSIBILITIES OF SURROGATE PARENTS (Continued)

4. A surrogate parent assumes the rights and duties to act as a parent for the student on educational matters. The surrogate parent will represent the student in matters relating to the identification, assessment, instructional planning and development, educational placement, review and revision of the IEP. Surrogate parents' educational rights and responsibilities include, but are not limited to, giving consent for assessment, IEP meeting attendance, acquiring access to student records, requesting and giving consent to program placements and related services, securing independent assessments when appropriate, initiating mediation or due process hearings when necessary, and otherwise ensuring the provision of a free and appropriate public education for the student.
5. The surrogate parent will observe laws relating to the confidentiality of student information and records.

LIABILITY

Surrogate parents and the appointing agency are held harmless when acting in their official capacity except in acts or omissions found to have been wanton, reckless, or malicious.

LIMITATIONS

1. Surrogate parents shall have access to records and students under supervision.
2. A surrogate parent cannot be an employee of the LEA, SELPA, or any public or private agency involved in the education of the child.
3. A surrogate parent cannot have an interest that conflicts with the interests of the child.
4. Social workers, probation officers, employees of public agencies involved in the care or education of students, employees or owners of LCIs and group homes may not act as surrogate parents.
5. Foster parents may act as surrogate parents only if there is not a conflict of interest.
6. Foster parents who are affiliated/contracted/employed by LCIs as Foster Family Agency foster homes may not act as surrogate parents.
7. A surrogate parent should not hold a position that might subject him/her to administrative influence or reprimand for acting as the child's educational representative.
8. A person serving on the board of any public or private agency involved in the care, education, or provision of services to special education students may not act as a surrogate parent.

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SELPA SURROGATE APPOINTMENT (Continued)

Training and Certification of Surrogate Parents:

The SELPA will develop materials and conduct training programs for applicant surrogate parents.

Special Education Content: federal and state laws and regulations, eligibility criteria, placement and service options within the SELPA, community resources.

Social Services Content: laws, regulations, policies, options.

Probation Content: laws, regulations, policies, options.

Surrogate Parent Content: policies, procedures, duties and responsibilities, working and communicating with schools and agency staff, confidentiality, record keeping, site and student visitations, child abuse reporting laws.

Student Needs Content: cultural and socio-economic sensitivity, strengths, learning styles, and disability-related needs.

Mental Health Content: laws, regulations, policies, options.

The SELPA will certify competency and issue a *Certificate of Completion* to candidates who successfully complete the training.

ADMINISTRATIVE GUIDELINES

Recruitment of Volunteers:

The Yolo County SELPA will coordinate the recruitment efforts of surrogate parents with member LEAs and community service organizations.

Screening of Surrogate Parents:

1. Surrogate parent applicants must pass a fingerprinting/background check.
2. The SELPA will underwrite the expenses and provide for the fingerprinting and background check of all applicants.
3. The applicant must have no criminal background (arrest/conviction) involving abuse or neglect of others, or contributing to the delinquency of minors, or any felony convictions. Misdemeanor convictions within the past 5 years will be considered on a case-by-case basis.
4. The applicant must have no criminal background involving the abuse or sale of illegal drugs or alcohol.
5. The surrogate parent must have the ability to provide for his/her own mobility and transportation.

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SELPA SURROGATE APPOINTMENT (Continued)

Screening of Surrogate Parents (Continued)

6. The applicant must display a willingness to learn about the role and responsibilities of the surrogate parent, special education laws and regulations, any pertinent cultural and individual needs of the students.
7. No person who meets the description of the Limitations category of 34CFR 300.515 may be considered for surrogate parent.

Term of Surrogate Parents:

1. Surrogate parents are appointed on an academic year basis.
2. Surrogate parents can withdraw their names and services from the pool of certified people at any time they choose.
3. A surrogate parent's involvement on any particular student ends when:
 4. Student moves out of Yolo County SELPA
 5. The student's natural parent is located
 6. The parent's educational rights are reinstated
 7. Another responsible adult is appointed to make educational decisions for the student
 8. The student is no longer eligible for special education
 9. The student reaches the age of 18 and no conservator has been appointed
 10. The student becomes emancipated, married, or meets other criteria which eliminate the need for a surrogate parent.
 11. The surrogate parent resigns. In this case a surrogate parent **MUST** give notice to the LEA before resigning.

** Upon termination of the surrogate parent appointment, the surrogate parent will return all student records to the LEA.

A surrogate parent will be removed from services when:

1. Surrogate parent violates confidentiality.
2. Surrogate parent's decisions indicate bias against the student based on race, religion, ethnicity, gender, handicapping condition, sexual orientation.
3. A conflict of interest situation arises.
4. Surrogate parent demonstrates continued ignorance of student needs and rights despite training and monitoring.

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SELPA SURROGATE APPOINTMENT (Continued)

A surrogate parent will be removed from services when (Continued)

5. Surrogate parent is accused or suspected in any incident involving child abuse, child molestation, abuse or sale of illegal drugs or alcohol, or other criminal acts. When an accused surrogate parent has been cleared of the charges, that person may be reinstated as a surrogate parent.
6. A surrogate parent will be terminated if s/he does not perform duties adequately as determined by an ongoing evaluation process.

REMOVAL OF SURROGATE PARENT

1. When an LEA/SELPA administrator or designee receives information/request indicating the possible need to remove a surrogate parent, the director shall make a decision to terminate or not terminate immediately, but not to exceed five school days, of the receipt of the information/request.
2. If the administrator determines that the surrogate parent should be removed, the surrogate parent will be notified by documented phone call or certified mail. The LEA, placing agency, group home operator or care provider, and the student will all be notified in writing within five school days of the decision to remove a surrogate parent.
3. At removal, the surrogate parent will return all student records and the SELPA photo identification card to the LEA/SELPA director within ten days of the notice of removal. If necessary to ensure adequate representation of the child, a new surrogate parent will be appointed by the LEA/SELPA.

ACCESS TO STUDENT RECORDS

The LEA will make student records available to the surrogate parent. Any copies of the record made must be signed out by the surrogate parent and returned at the end of their term. The LEA will list which records have been duplicated for the surrogate parent and ensure that all copies are returned at the end of the term of service.

ACCESS TO THE STUDENT

The surrogate parent who is not also the state licensed foster parent for the student may only meet with the student under the supervision of the student's group home provider, foster parent, person with whom the student resides, placing agency social worker/probation officer, or designated school staff.

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SELPA SURROGATE APPOINTMENT (Continued)

ACCESS TO THE STUDENT

The surrogate parent should meet the student on the grounds of the group home, care provider home, agency office, or school. The surrogate parent **MUST** meet with the student at least one time. School personnel should make every reasonable effort to ensure that the surrogate parent has access to the student as it relates to the performance of the duties and responsibilities of the surrogate parent role.

EVALUATION PROCESS

1. LEAs will monitor and evaluate the work of the surrogate parents.
2. LEAs and placing agency will make decisions as to when the services of a surrogate parent are no longer needed.
3. LEAs will notify the SELPA when a surrogate parent's services will be terminated due to incompetency or violation of the roles and duties of surrogate parents. The SELPA will then remove that person's name from the master list of surrogate parents.

CONFLICT RESOLUTION

1. Conflicts that arise, including those involving protest of appointment decisions, performance evaluation, termination/removal of surrogate parent appointments, will be decided by a subcommittee of the Steering Committee. This subcommittee shall be composed of 2 official members of the SELPA Joint Advisory Committee (but excluding the SELPA Director) and 1 official voting member of the SELPA Community Advisory Committee, CAC.
2. The decision from the SELPA Joint Advisory Committee can be appealed to the SELPA Director, whose decision will be final.
3. Disagreements which occur in regard to the pupil's individualized education plan are resolved through the usual due process procedures set forth in EC 56500 et seq. Complaints are handled pursuant to Title 5 CCR 4600-4671. Complaints arising under the interagency coordination statute can be addressed pursuant to Government Code 7585.

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SELPA SURROGATE APPOINTMENT (Continued)

FORMS

1. The SELPA will develop the following forms:
2. Notification of Surrogate Parent Authorization
3. Surrogate Parent Agreement
4. Evaluation and Monitor of Surrogate Parent
5. Certification of Surrogate Parent Training
6. Photo identification card for Surrogate Parent

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