

## **EAST ALLEGHENY SCHOOL DISTRICT SURROGATE PARENT PROCEDURE**

### **BACKGROUND**

Federal law establishes the right of a free and appropriate public education for all children with disabilities. To ensure that this right is realized, certain procedures are written into the laws to ensure that children with disabilities who are wards of the state, or whose parents are unknown, unavailable, or have had their parental rights legally terminated, have appropriate representation when educational programming decisions are made. This is provided through the recruitment, training and assignment of volunteer surrogate parents who represent the child during the educational process. This is provided, in Pennsylvania, by referring to the Intermediate Unit who is responsible for recruitment, training, and assignment of surrogate parent volunteers.

### **IDENTIFICATION OF ELIGIBLE CHILDREN**

Children with disabilities receiving a free and appropriate program of education in a public school, or an approved private school, who meet one of the following criteria are eligible for the assignment of a qualified surrogate parent:

- The child is a ward of the state, or
- The child's parent(s) or guardian(s) are unknown or unavailable (this includes preschool as well as school-aged children).

### **QUALIFICATION FOR SURROGATE PARENTS**

Surrogate parents must meet the following qualifications:

- Be of a person of good character
- Be at least 18 years of age
- Possess reasonable abilities to make decisions regarding a child's educational needs
- Be willing to acquaint themselves with the child's educational needs and with the special education system in the Commonwealth of Pennsylvania
- Have no vested interest that would conflict with the primary allegiance to the child they are representing. The surrogate parent should not be an employee of the agency responsible for the care of the child
- Foster parents may be considered if they meet all other qualifications
- Have Act 33 and Act 34 clearances from the Commonwealth of Pennsylvania
- Be willing to complete a training program conducted by the AIU

### **RESPONSIBILITIES OF THE SURROGATE PARENT**

The surrogate parent is expected to act in place of a parent concerning the educational program for the student. This involves:

- Attending a planning conference to develop an individualized educational program
- Being familiar with appropriate procedures for due process and confidentiality of school records
- Receiving and responding to requests and notices concerning the evaluation and/or educational placement of the assigned student
- Becoming familiar with the unique educational needs of the assigned student

The surrogate parent takes on certain quasi-legal responsibilities in order to serve the best interests of the child. The primary function is to represent the student during circumstances in which decisions are made concerning the student's educational program or placement.

It is necessary for the surrogate parent to receive considerable training to familiarize himself or herself with all aspects of the surrogate parent role. The demands of the role may be extensive and require the volunteer to make a significant commitment of time and learning in order to serve the best interest of the child.

#### **PROCEDURE**

1. Any professional staff member who determines that a student's parent(s) appear unavailable or unknown and does not have an appointed guardian will inform the Coordinator of Special Education.
2. The Coordinator of Special Education will conduct the appropriate investigations and make a determination as to whether the parent(s) is/are unknown or unavailable.
3. The Coordinator of Special Education will complete an application form for Obtaining a Surrogate Parent submitted to the Surrogate Parent Coordinator of the Allegheny Intermediate Unit. This form will identify the legal status of the child in need of a surrogate parent and other basic demographic and personal information.
4. The AIU Surrogate Parent Coordinator will assign a trained, qualified and available surrogate parent to the child. If no such qualified surrogate parent is available, the Surrogate Parent Coordinator will work with EASD to recruit qualified persons.