

## **Pine Grove Area School District Procedure for Surrogate Parent**

### **Purpose:**

In accordance with IDEA 2004 Section 615 (a)(2) and 34 CFR 300.519, any child enrolled in the district who is or may be eligible for special education services must have a parent or other legally authorized adult who will make educational decisions on behalf of the child in regards to special education services.

### **Definitions:**

*Parent* (as defined under IDEA)

- A biological or adoptive parent of a child
- A foster parent
- A guardian generally authorized to act as the child's parent, or authorized to make educational decisions for the child (Child Welfare caseworkers are not permitted by law to make these decisions)
- An individual acting in place of the biological or adoptive parent (including grandparent, stepparent, or other relative) with whom the child lives, or is legally responsible for the child's welfare (such as a person with an order granting custody)
- A surrogate parent appointed by an education agency or an educational decision maker appointed by a court in accordance with IDEA

*Surrogate Parent*

- An individual appointed in the absence of a parent to make decisions related to the special education process for a student who is or may be eligible for special education services under IDEA
- May represent the student in all matters relating to the identification, evaluation, educational placement, and the provision of FAPE
- Does not have any rights outside of the special education system unless awarded by a court
- Can be a relative of the child, a previous foster parent, a person who knows the child, a Court Appointed Special Advocate or a Guardian ad Litem (child advocate)
- Can be appointed by a judge or a public agency (school district or intermediate unit)
- At least 18 years of age
- Must not be an employee of a public or private agency involved in the education or care of the child (includes public and private child welfare caseworkers, group home parents, staff of residential placements, employee or board member of the educational agency )
- Must not have a personal or professional interest that conflicts with the interest of the child whom he/she represents
- Must have the knowledge and skills to ensure adequate representation of the child

## Procedure:

- A surrogate parent will be deemed necessary when:
  - No parent as defined by IDEA can be identified
  - The school district cannot locate a parent after reasonable efforts
    - Documented telephone calls
    - Letters
    - Certified letters with return receipts
    - Documented visits to the parents' last known address
    - Request the court order that terminated parental educational rights and/or appointed the educational decision maker
  - The child is an unaccompanied homeless youth as defined in 725(6) of the McKinney-Vento Homeless Assistance Act (i.e. youth who lack a fixed nighttime residence and are not in the care of a parent or guardian)
- Any staff member of the Pine Grove Area School District who believes a student may be in need of a surrogate parent shall contact the school social worker and/or the director of special education.
- If the school district questions the necessity to appoint a surrogate parent, the district's solicitor shall be consulted.
- Once appointment of a surrogate parent is deemed necessary, the school social worker or the director of special education shall make efforts, in conjunction with Schuylkill IU 29, to assign a surrogate parent within 30 calendar days.
- If applicable, the school district and/or Schuylkill IU 29 may work with the agency caseworker of the local child welfare agency to identify a possible surrogate parent.
- While maintaining confidentiality, the school district or Schuylkill IU 29 may reach out to community groups (i.e. Big Brothers/Big Sisters, Parent-Teacher Organizations, Service clubs, etc.) to help identify possible surrogate parents.
- Schuylkill IU 29 or the school district shall provide required training to surrogate parents
- To ensure provision of special education services and related services are not delayed due to the absence of a parent as defined by IDEA:
  - If a child is not living with a parent or foster parent, the LEA can conduct an initial evaluation without parent consent if:
    - Despite reasonable attempts the LEA is unable to locate parents
    - The parent's rights have been terminated under State law
    - The parent's rights have been suspended by a judge and an individual has been appointed by the judge to consent to the initial evaluation (person can be employed by an agency involved in the care of the child, once determined eligible for special education services the school cannot provide any services without written permission of IDEA parent or surrogate parent)
  - "Unaccompanied homeless youth" may be appointed a "temporary surrogate parent" which can be staff of an emergency or transitional shelter, independent living program, or street outreach program even if employed by an agency involved in the care or education of the child until a surrogate parent can be appointed