

Independence Charter School

Surrogate Parents (Effective March 9, 2023)

Purpose

The purpose of this Policy is to establish the guidelines that Independence Charter School (the School) follows with respect to fulfilling its obligation to appoint surrogate parents, when required by law (20 U.S.C. §1415) to do so.

Authority

Under the Individuals with Disabilities Education Act (IDEA), every child who is thought-to-be or has been determined to be eligible for special education services must have a parent or other legally authorized adult to make educational decisions relating to the provision of special education services.

Whenever a child's parents are unknown, the IDEA mandates that an LEA promptly assign an individual to act as a surrogate for the parents and authorize this individual to make educational decisions relating to the provision of special education services for a child in order to protect the rights of the child.

Definitions

For purposes of this Policy, **surrogate parent** shall be defined as a person who acts in the place of the parent to make educational decisions on behalf of a child with a disability in all matters relating to the identification, evaluation, educational placement, and provision of a free appropriate public education (FAPE).

Guidelines

Circumstances Requiring Assignment of a Surrogate Parent

A surrogate parent is required to be assigned, within 30 calendar days of the School determining that a surrogate parent is required, in the following situations:

1. A birth or adoptive parent is unknown or cannot be located after reasonable efforts;
2. Parental rights to make educational decisions have been limited or terminated, and there is no foster parent, guardian, or other individual acting in the place of a parent with whom the child lives; or
3. The child is an unaccompanied homeless youth.

The School may **not** appoint a surrogate parent when there is another person in the child's life who qualifies as a parent under IDEA, such as a foster parent, guardian, or other individual acting in the place of a parent with whom the child lives. Similarly, the School may **not** appoint a surrogate parent because School staff disagrees with a decision of the child's parent.

Selection of a Surrogate Parent

A surrogate parent may be a relative of the child, a prior foster parent, a person who knows the child, a Court-appointed special advocate, or a guardian ad litem/child advocate. If no such individual is willing or able to serve in this role, another individual must be appointed for special education matters.

Surrogate parents must have the knowledge and skills necessary to serve the best interests of the child. The School shall provide training/information to surrogate parents which shall include the surrogate parent's rights and responsibilities, the child's rights under IDEA, and how to enforce the child's rights.

A surrogate parent may not be an employee of a child welfare agency (including a case manager, an employee of a private child welfare agency with whom a public agency contracts, a group home parent, or staff in a residential facility), or an employee of an educational agency that is involved with the child (such as the child's teacher, a board member, or a School employee).

A surrogate parent may not have a personal or professional interest that conflicts with the interest of the child.

Authority of a Surrogate Parent

A surrogate parent may make all special education decisions that are usually made by the child's biological or adoptive parent. This includes, but is not limited to, reviewing a child's educational records, requesting and/or consenting to evaluations and re-evaluations, approving or disapproving IEPs and changes in educational placement, and disagreeing with or disputing the recommendations of the School and asking for mediation or requesting a due process hearing.

A surrogate parent does not have any rights outside of the special education system, unless awarded by a court.