Surrogate Parent Handbook

The Individuals with Disabilities Education Act (IDEA) was enacted to protect the rights of children with disabilities and ensure they have available to them a free appropriate public education. Parents play an integral role in the special education process. When, for any number of reasons, a parent is not available to participate in this process, the IDEA has procedures in place to ensure a child's rights are represented. These procedures involve the appointment of a surrogate parent.

What is a parent?

The federal regulations that implement the IDEA define "parent" as:

1) a biological or adoptive parent of the child;
2) a foster parent, unless State law, regulations, or contractual obligations with a State or local entity prohibit a foster parent from acting as a parent;
3) a guardian generally authorized to act as a child's parent, or authorized to make educational decisions for the child (but not the State if the child is a ward of the State);
4) an individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the child lives, or an individual who is legally responsible for the child's welfare; or
5) a surrogate parent who has been appointed.

What is a surrogate parent?

Although not specifically defined in federal or state law, a surrogate parent for special education is generally understood to be an adult, other than the parent, who has been appointed to make educational decisions for a child who may be or who has been determined eligible for special education and related services. A surrogate parent shall be appointed when one of the following conditions exists:

1) No parent, as defined in 34 C.F.R. § 300.30, can be identified;
2) The school cannot determine the parent's whereabouts after having made reasonable attempts;
3) The child is a ward of the state, as defined in 20 U.S.C. § 1402(36), and no parent can be identified or the parent's whereabouts are unknown;
4) The child is an unaccompanied youth as defined in the McKinney-Vento Homeless Assistance Act.

What does a surrogate parent do?

Surrogate parents are individuals appointed to act as the parent in making special education decisions for a child. The surrogate parent represents the child in every step

of the special education process, including all matters relating to the identification, evaluation, and the educational placement of the child. The surrogate parent actively participates in the Multidisciplinary Evaluation Team (MET) and Individualized Education Program (IEP) meetings and works with the child's school to ensure that he or she receives a free appropriate public education (FAPE).

The following list represents a sampling of the activities in which surrogate parents may be involved:

- giving or refusing consent for the initial evaluation, reevaluations, and initial placement of the child in special education
- reviewing all educational records and reports relating to the child
- participating in and contributing to the child's evaluation, eligibility determination, and special education placement
- participating in the IEP process (e.g., providing input to develop, review, or revise a child's special education program)
- initiating mediation, a written complaint, and/or a due process hearing when disputes arise concerning the identification, evaluation, placement, or provision of a free appropriate public education of a child that cannot be resolved at the local level.

What are the qualifications of a surrogate parent?

A surrogate parent must:

- possess knowledge and skills that will ensure adequate representation of the child, as determined by the Arizona Department of Education (ADE)
- have a valid fingerprint clearance card issued by the Arizona Department of Public Safety.

A surrogate parent may ***not***:

- be an employee of the State Educational Agency, the child's school, or any agency that is involved in the education or care of the child
- have any interests that would conflict with the best interest of the child.

How does a person become a surrogate parent?

Surrogates are appointed by the Arizona Department of Education from a list of qualified volunteers. In order to be placed on the list, the individual wishing to serve as a surrogate parent should:

- Obtain a fingerprint clearance card from the Arizona Department of Public Safety. For additional information go to http://www.azdps.gov/Services/Fingerprint/.

- Complete the Surrogate Parent Volunteer Application form found on the Surrogate application on ADE Connect. View the training video on the Surrogate Parent webpage to learn how to navigate through the ADE Connect Surrogate Parent Application.
- Attend an Arizona Department of Education surrogate parent training.

The role of the Arizona Department of Education

The IDEA requires state departments of education to make reasonable efforts to ensure that surrogate parents are assigned not more than 30 days after the school determines that a child needs a surrogate parent. Arizona Revised Statutes authorizes the ADE to appoint surrogate parents, or, in the case of a ward of the state, the judge who oversees the child's case may appoint the surrogate parent. The Exceptional Student Services (ESS) Division of ADE maintains a current list of approximately 300 qualified surrogate parents in a database, organized by the county in which they reside.

ADE/ESS tracks and maintains copies of each surrogate parent's valid fingerprint clearance card. Only those surrogate parents who have been trained and have provided evidence of fingerprint clearance to ADE/ESS are eligible to serve as a surrogate parent.

The role of the Local Education Agency (LEA)

It is the responsibility of the LEA to determine if a child requires a surrogate parent and obtain one if needed. Appointment of a surrogate parent is only necessary when there is no one in the child's life who fits the IDEA definition of "parent."

If it is determined that a surrogate parent is required, the LEA shall complete the following steps:

1) The LEA must have their entity administrator give them access to the surrogate application on ADE Connect before they will be able to log on.
2) The LEA can access the most current list of active Surrogate Parents through the ADE Connect Surrogate Application or by contacting the Surrogate Parent Program coordinator by phone or email.
3) Using the list provided, the LEA will contact potential surrogates and identify an individual who agrees to serve as the surrogate parent for a given child.
4) The LEA shall complete the Application for Surrogate Appointment on the Surrogate application on ADE Connect.
5) The ADE Surrogate Parent Program coordinator will verify the availability of the individual identified as the requested surrogate. A "Notice of Appointment" will be sent via email from the ADE Connect application to the LEA and the requested surrogate parent within 30 days of application approval by the Program Coordinator.

Termination of a Surrogate Appointment

Surrogate parent appointments will remain in effect until the LEA formally notifies the ADE Surrogate Parent Program coordinator of the need to terminate the appointment for one of the following reasons:

- The child's situation changes and an individual who meets the IDEA definition of parent is now available.
- The child graduates with a regular diploma.
- The child ages out of the special education program.
- The child is exited from special education through the evaluation process.
- The child turns 18 and rights have been transferred.
- The child withdraws from the LEA and leaves Arizona.
- The surrogate parent is no longer able to fulfill the duties of the appointment. (In this case, the LEA is responsible for completing the process to have a new surrogate appointed.)

Formal notification is done through the completion and submission of the Notice to Terminate Surrogate Appointment. This can be found on the Surrogate Parent application on ADE Connect.

NOTE: ADE cannot terminate surrogate parent appointments made by the court. These appointments shall remain in effect until terminated by a court order.