

APPOINTMENT OF SURROGATE PARENTS

P4321.15

Regulations of the Commissioner of Education require that boards of education have a policy statement on the assignment when necessary of surrogate parents for children with disabilities. Assignment of a surrogate parent to a particular pupil with disabilities shall be made in accordance with the procedures below.

Procedures for assigning surrogates:

- Any person whose work involves education or treatment of children who knows of a pupil who may need special education services, and who knows that the parents or guardians are not known or are unavailable, or that the pupil is a ward of the state, may file a request for assignment of a surrogate parent to the pupil with the Board of Education.
- The Committee on Special Education shall send notices of the possible need for a surrogate parent to the adult in charge of the pupil's place of residence and to the parents or guardians as their last known address.
- The Committee on Special Education shall verify that the parents or guardians are unknown or unavailable, or whether the pupil is a ward of the state. This determination shall be completed within a reasonable time following the receipt of the original request for a surrogate parent. If the Committee on Special Education finds that there is a need for a surrogate parent, such assignment shall be made by the Board of Education within ten days of the date of the determination by the Committee.
- Once assigned, the surrogate parent shall represent the pupil at least through the time of the first periodic review of the pupil's educational placement.

Qualifications of surrogate parents:

Persons selected as surrogate parents shall not be officers, employees, or agents of the local school district or State Education Department or other agency involved in the education or care of the child, and shall to the extent possible:

- Have no other interest which could conflict with their primary allegiance to the pupil they would represent.
- Be committed to acquaint themselves personally and thoroughly with the pupil and the pupil's educational needs.
- Be generally familiar with the educational options available to children with disabilities.

Selection of surrogate parents:

The Chair of the Committee on Special Education will recommend a minimum of three qualified surrogate parents to be placed on a standing list of persons eligible for appointment as surrogate parents.

Where the pupil's parents or guardians are unknown or unavailable or where the pupil is a ward of the state, the Board of Education shall select a surrogate parent from a list of individuals who are eligible and willing to serve as surrogate parents.

Replacement candidates for appointment as surrogate parents will be recommended by the Chair of the

Committee on Special Education as needed for addition to the list. The Board of Education will have a standing list of at least three eligible persons from whom to appoint a surrogate parent.

Reviewed January 2011

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