

**SANTA CLARA COUNTY
NORTH WEST SPECIAL EDUCATION LOCAL PLAN AREA**

SURROGATE PARENT PROCEDURES

11.1 DETERMINING ELIGIBILITY OF STUDENTS

Prior to assigning a surrogate parent to represent a student, the placing agency representative must complete an Appointment of Surrogate Parent Form and the appointed parent must complete an Acceptance of Appointment Form (Appendix F), which shall be reviewed, and the eligibility of the student shall be determined.

If a student is adjudicated a dependent or ward of the court pursuant to Section 300,601 or 602 of the Welfare and Institutions Code, the documentation provided by the court shall be deemed as documentation that the rights of the student's parent(s) to make educational decisions have been removed or limited by the court.

If the rights of the student's parent(s) and/or legal guardian to represent the child for educational purposes have been specifically removed or limited by the court, the student shall be assigned a surrogate parent.

If one parent or legal guardian retains the right to make educational decisions on the pupil's behalf, and that parent or legal guardian is willing to represent the student, no surrogate parent will be assigned.

The reasonable search for the student's parent(s)/legal guardian must be documented. The search shall consist of a minimum of three search attempts, conducted over a three-week period, utilizing two or more types of contact attempts (certified letter, telephone call, home visit, etc.)

If no parent has been located, the student shall be assigned a surrogate parent. If a parent is located but refuses to exercise his or her rights to represent the student, that fact shall be documented, and a referral shall be made to the court. Additionally, the SELPA Executive Director may suggest that the social worker or probation officer request that the court remove the rights of the parents at a subsequent hearing or provide legal representation for the pupil.

If a student has reached the age of majority and has been conserved by the court, that fact shall be documented.

The student shall be assigned a surrogate parent. In some instances, the conservator will be assigned as the surrogate parent, if he or she has no conflict of interest.

If it is suspected that the parents are minors, the age of the parent(s) shall be documented.

If a student is an emancipated minor, that fact shall be documented. Emancipated minors shall not be assigned a surrogate parent.

If a student is a married minor, that fact shall be documented. Married minors shall not be assigned a surrogate parent.

11.2 RECRUITMENT OF VOLUNTEERS

The SELPA Executive Director and Local Education Agency (LEA) directors will work with community agencies and organizations, both public and private, to secure applicants for the position of surrogate parent volunteer.

The SELPA Executive Director/designee will coordinate activities of the SELPA and LEAs in seeking volunteers.

Each volunteer interested in the surrogate parent position should notify the SELPA Executive Director and LEA as soon as possible.

11.3 SCREENING OF APPLICANTS

The following areas must be addressed by the SELPA Executive Director/designee in the screening process for the appointment of surrogate parents.

1. The volunteer must have an active interest in the students to be served.
2. The volunteer must have a willingness to learn the requirements of special education.
3. The volunteer must have no criminal background (arrest/conviction) that includes a misdemeanor involving abuse or neglect or others, or contributing to the delinquency of minors, or any felony conviction. Misdemeanor convictions within the past five years will be considered on a case-by-case basis.
4. The volunteer must have a valid *California Drivers License* and provide proof of insurance or demonstrate the ability to fulfill all duties of a surrogate parent without needing to drive.
5. The volunteer must be willing to be fingerprinted, if deemed necessary by the SELPA Executive Director or LEA director.
6. The volunteer must not have a conflict of interest, including financial, with the specific student represented, or other interests, including institutional or other biases that might restrict or interfere with his or her ability to advocate for all the services required to ensure a free appropriate public education for the assigned individual with exceptional needs.
7. The volunteer must not be an employee of an agency that has a direct relationship to the student, e.g., school employees, probation officers, social workers, group home providers, or others who may have a conflict of interest.
8. The volunteer should display sensitivity to the cultural, socio-economic and individual needs of the student served.

11.4 APPOINTMENT OF SURROGATE PARENT

1. Upon satisfactory completion of the surrogate parent training session and upon passing the SELPA screening process, the surrogate parent volunteer shall be assigned to one or more students, using the following criteria:
 - Cultural and socio-economic sensitivity.
 - Location, based on reasonable travel time for the surrogate parent.
 - Ability to understand and relate to the disability and needs of the student.
 - The interest of the surrogate parent volunteer.

2. Upon appointment, the following will be provided to the surrogate parent:
 - An identification card.
 - The SELPA Executive Director or designee will ensure that an initial meeting with the LEA Special Education Director, surrogate parent and student is arranged.
 - The LEA Special Education Director will ensure that the surrogate parent meets with the teacher(s) and personnel providing related services for the assigned student.
 - The LEA Special Education Director will ensure that the surrogate parent meets with the foster home parent, group home provider, or the person with whom the student resides.
 - The LEA Special Education Director will ensure that the surrogate parent will receive training, from the LEA case manager or other designated staff, in the disability and educational needs of the student assigned to the surrogate parent.

11.5 TRAINING

Prior to assigning a surrogate parent to represent a student, the SELPA Executive Director/district director/designee will arrange for training for the surrogate parent. Training shall include, but not be limited to, the following topics:

1. Special Education and Related services.
2. Special Education programs available within Santa Clara County as well as other educational placement options.
3. Policies of the Santa Clara County SELPA Executive Councils.
4. Federal and State laws and regulations regarding Special Education.
5. Parent and student rights under federal and State Special Education laws and regulations.
6. Surrogate parent responsibilities, including participating in Individualized Education Program (IEP) meetings and suspension/expulsion proceedings for the assigned student.
7. Conflicts of Interest.
8. Visiting with the student outside the educational environment.
9. Consulting with the student's foster parent(s), group home provider/staff members, or the person(s) with whom the student resides.
10. Ethical concerns, including the responsibility to hold all information regarding the assigned student in confidence.
11. The Community Advisory Committee and parent support groups.
12. Child and adult abuse reporting laws.

Training sessions shall be provided at convenient locations and shall be scheduled on days and at times that are suited to meet the needs of the surrogate parent volunteers.

The SELPA Executive Director will develop a post-test interview to be administered to all prospective surrogate parent volunteers following the training session.

The LEA Director shall arrange for records to be kept of the dates and types of training received by each prospective surrogate parent.

The SELPA Executive Director shall maintain records of the dates surrogate parents received training so that update/review training may be provided biannually for the surrogate parents.

11.6 SURROGATE PARENT CASELOAD

The SELPA Executive Director will determine the student caseload for the surrogate parent. The criteria utilized will include, but not be limited to, demonstrated ability of the surrogate parent, location of students requiring surrogate parents, and the surrogate parent's interest in the student to be assigned.

11.7 SURROGATE PARENT COMPENSATION

Upon prior approval of the LEA Director, the LEA will reimburse the surrogate parent for reasonable costs incurred in their duties as follows:

- Mileage shall be reimbursed at a rate established by the district in which the surrogate parent is volunteering.
- Phone calls required in the performance of surrogate parent duties, not to exceed \$10.00 per month.
- The surrogate parent must complete an appropriate reimbursement claim form for reimbursement.

11.8 ACCESS TO THE STUDENT

The surrogate parent must meet with the student under the supervision of the student's group home provider, foster parent, person with whom the student resides, placing agency representative, or designated school staff. Exceptions to this procedure are made by the SELPA Executive Director/district director/designee.

School personnel shall make every reasonable effort to ensure that the surrogate parent has access to the student as it relates to the student's educational needs.

11.9 ACCESS TO STUDENT RECORDS

The surrogate parent retains the same rights as a parent/legal guardian to access student records. He or she must request copies of school records and other records in the same manner that is required by the parent/legal guardian.

Due to the continual need for confidentiality, when a surrogate parent discontinues representing a specific student, he or she must return to the district all copies of the student's records in his or her possession.

11.10 USE OF INTERIM SURROGATE PARENTS

When any of the following conditions prevail, the Special Education Director of the LEA in which the student is educated shall notify the SELPA Executive Director within two (2) working days of the need for the assignment of an interim surrogate parent:

1. If no parent is immediately available, and the student has been referred for an assessment for possible placement in a Special Education Program; or
2. The student transfers into a Santa Clara County SELPA and is provided an interim placement in a Special Education Program.

The LEA Director shall assign a surrogate parent, within five (5) working days, depending upon the availability of surrogate parents.

The LEA Director shall terminate the services of the interim surrogate parent when/if any of the following exist:

- The student, after assessment, is found to be ineligible for Special Education and/or related services. The Director of Special Education of the LEA in which the student is educated shall notify the SELPA Executive Director, within five working days that the student was determined to be ineligible for special education.
- The student is determined to be ineligible for the services of a surrogate parent.
- The surrogate parent from the previous SELPA qualified to be a surrogate parent in the Santa Clara County SELPAs and is willing and available to provide the service for the student.
- A permanent surrogate parent is appointed for the student.

11.11 EVALUATION OF SURROGATE PARENTS

The Santa Clara North West SELPA shall establish surrogate parent evaluation procedures.

Evaluations of the surrogate parent shall be performed by the Special Education Director of the LEA in which the student is educated, in conjunction with the SELPA Executive Director. Each surrogate parent should be evaluated at a minimum of annually. Evaluations can be conducted at more frequent intervals, at the discretion of the Director of Special Education of the LEA in which the student is educated, or at the discretion of the SELPA Executive Director, if it is suspected that the surrogate parent is not adequately performing his or her duties.

The LEA Director of Special Education shall document whether the surrogate parent has met the surrogate parent evaluation criteria.

- If the surrogate parent's evaluation indicates the need for the surrogate parent to improve his or her performance, the LEA Director of Special Education shall arrange for support services to assist the surrogate parent in improving his or her performance.
- If the surrogate parent receives an unsatisfactory evaluation, the decision whether to terminate the surrogate parent's appointment shall be made by the SELPA Executive Director as outlined in section 11.12 below.

Evaluations shall be held confidentially by both the LEA Special Education Director and the SELPA Executive Director.

11.12 TERMINATION OF SURROGATE PARENT APPOINTMENT

Only the SELPA Executive Director/LEA Director may terminate a surrogate parent's appointment. The SELPA Executive Director shall terminate the appointment of a surrogate parent, when the Director of Special Education of the LEA in which the student is educated notifies the SELPA Executive Director of any of the following conditions:

1. Notice is received from the court that the student is no longer a dependent or ward of the court, under Section 300.601 or 602 of the Welfare and Institutions Code. A copy of said notice should be forwarded to the SELPA Executive Director within two working days of receipt.

2. Notice is received from the court that the right of the parent or legal guardian to make educational decisions for the student, who is a ward, has been reinstated. A copy of said notice should be forwarded to the SELPA Executive Director within two working days of receipt.
3. The student reaches the age of majority, as documented by the school district or County Office of Education records.
4. The student exits from the Special Education program, as documented by an IEP team.
5. The parent or guardian appears and assumes the responsibility for making educational decisions for the student.
6. The surrogate parent receives an unsatisfactory evaluation, utilizing the SELPA evaluation process, and displays no apparent improvement following the evaluation. Termination, based upon the unsatisfactory evaluation, shall be at the discretion of the SELPA Executive Director.
7. The surrogate parent is alleged to have committed a misdemeanor involving the abuse or neglect of others or contributing to the delinquency of minors, or any felony.
8. A surrogate parent is found to have a conflict of interest. If the SELPA Executive Director determines that a conflict of interest exists, it shall be documented and the LEA Director of Special Education shall be notified of same within two working days.
9. The surrogate parent takes action which threatens the safety or well being of the assigned student.

The LEA Director of Special Education shall investigate the allegations of such action and report the results of said investigation to the SELPA Executive Director as soon as possible, but no later than 30 days following the original report of the allegations.

The SELPA Executive Director shall determine whether the surrogate parent's appointment should be terminated, based on the results of the investigation.

When the SELPA Executive Director receives information indicating the possible need to terminate a surrogate parent, the SELPA Executive Director shall consider the validity of the information and make a decision to terminate or not terminate within five (5) working days.

If the SELPA Executive Director determines that the surrogate parent should be terminated, the SELPA Executive Director shall notify the surrogate parent within five (5) working days of such decision.

Notice of termination shall be by documented phone call or certified mail, with return receipt requested.

At the discretion of the SELPA Executive Director, the terminated surrogate parent may be granted the right to discuss the termination with the SELPA Executive Director with the possibility of eventual reinstatement.

A terminated surrogate parent may protest the termination in writing to the SELPA Executive Director, whose decision regarding the appeal shall be final.

A student, whose surrogate parent has been terminated, shall be so notified by the LEA Director of Special Education in which the student is educated.

A student, who remains eligible for the services of a surrogate parent, shall be assigned an interim or new surrogate parent within two working days or as soon as possible.

11.13 CONFLICT RESOLUTIONS AND APPEALS

Conflicts must be brought to the attention of the SELPA Executive Director, who will work with all parties involved, to bring resolution to the conflict. The SELPA Executive Director, or his or her designee, will have the final authority in all appeals and conflicts.

11.14 HOLD HARMLESS

The SELPA and the surrogate parent shall enter into a signed agreement of that with a hold harmless clause.