

LOS ANGELES UNIFIED SCHOOL DISTRICT

DIVISION OF SPECIAL EDUCATION



**Surrogate Parent - Supporting students who
may need Special Education Services**

2017 - 2018

Overview

- **Surrogate Parent (Volunteer)**
- **Parent(s) State Law**
- **Educational Rights Holder (ERH)**
- **LAUSD SELPA Surrogate Parent Designee**

The term “Surrogate Parent”

Was used in the original 1975 Education
for All Handicapped Children Act
(Public Law 94-142), which later became
Individuals with Disabilities Education
Act (IDEA)

Surrogate Parent

A surrogate parent is a volunteer who is recruited, vetted, trained, appointed, and assigned by an LAUSD SELPA Surrogate Parent Designee to act in the interests of an student who does not have a parent/Educational Rights Holder (ERH) who can make educational decisions.

The surrogate parent works with the school to plan the student's special education services.

Who needs a Surrogate Parent?

A general education student who is being
considered for a special education evaluation

or

Any student who is receiving special education
services

Parent - State Law

“Parent” includes:

- ▶ Any person having legal custody of a child
- ▶ Any adult pupil for whom no guardian or conservator has been appointed
- ▶ A person acting in the place of a natural or adoptive parent including a grandparent, step-parent, or other relative with whom the child lives, or
- ▶ A foster parent if the authority of a parent to make educational decisions on the child's behalf has been specifically limited by court order.

Parent - State Law *(continued)*

“Parent” also includes a surrogate parent.

“Parent” does not include the state or any political subdivision of government or a non-public, non-sectarian school or agency under contract with a local educational agency for the provision of special education or designated instruction and services for a child.

Educational Rights Holder (ERH)

- The default education rights holder (ERH) is a child's biological parent(s). However, a court can limit a parent's education rights and appoint a "Responsible Adult" or "Educational Representative" to make educational decisions.
- If the court is unable to appoint a responsible adult AND a child has been referred for a special education assessment or has an IEP or is subject to disciplinary proceedings, then the District must appoint a "Surrogate Parent" as ERH.
- Once a child turns 18 years old, he or she holds his^o or her own education rights

Who can serve as a Surrogate Parent?

A surrogate parent must be an adult appointed by

LAUSD-SELPA Surrogate Parent Designee to represent a student whenever the student does not have parental representation and has been referred for, or is currently being served in, special education.

34 Code of Federal Regulations §300.519(d)(2); California Education Code §56050; California Government Code §7579.5(c)

Surrogate Parents are Volunteers

Volunteers Welcome!

**Volunteers are recruited by each of the Local District SELPA
Surrogate Parent Designee**

- **Retired LAUSD staff**
- **Parent Center Volunteers**
- **School Volunteers**
- **Community Volunteers**

Surrogate Parent - Liability

Surrogate parents are held harmless when acting in their official capacity except in acts or omissions found to have been wanton, reckless, or malicious

California *Government Code* §7579.5(1)

Criteria for Appointing a Surrogate Parent

LAUSD SELPA Surrogate Parent Designee must ensure that the rights of a child are protected by determining the need for, and assigning, a surrogate parent whenever:

- **No parent can be identified**
- **The public agency, after reasonable efforts, cannot locate a parent**
- **The child is an unaccompanied homeless youth as defined in section 725(6) of the McKinney-Vento Homeless Assistance Act...and the child is referred or eligible for special education**

Surrogate Parent Roles and Responsibilities

- 1. Provide general information to LAUSD –Surrogate Parent Designee**
- 2. Attend Surrogate Parent training provided by LAUSD – Surrogate Parent Designee**
- 3. Represent the assigned student in the special education evaluation and IEP process**

What are Parent's Rights in California Special Education?

Parents and Students who have reached the age of majority have the right to the following:

- Participate
- Receive Prior Written Notice
- Consent
- Refuse to Consent
- Be given a Nondiscriminatory Assessment
- Receive Independent Educational Assessments
- Access Educational Records
- Stay in the Current Program if there is a Disagreement about Placement
- Be Given a Hearing Regarding Disagreements about an IEP
- Receive Mediation
- File a Complaint against Your School District
- Be Informed of School Discipline and Alternate Placement
- Be Informed of Policies Regarding Children Who Attend Private Schools

References

- California Courts: The Judicial Branch of California
 - <http://www.courts.ca.gov/cms/rules/printfriendly.cfm>
- California Department of Education – Special Education
 - <http://www.cde.ca.gov/sp/se/>
- Los Angeles Unified School District – LAUSD BUL 6542.0
 - <http://home.lausd.net/apps/search/?q=bul+6542&x=0&y=0>
- State of California Department of Justice –Megan’s Law Home
 - <http://www.meganslaw.ca.gov/>

Los Angeles Unified School District Division of Special Education

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Thank you for your participation!

