



**Lowell Joint
School District**

A Tradition of Excellence Since 1906

"Home of Scholars and Champions"



AR 6159.3

Instruction

Appointment of Surrogate Parent for Special Education Students

The Superintendent or designee shall appoint a surrogate parent to represent a student with disabilities under one or more of the following circumstances:

1. No parent/guardian for the student can be identified.
2. The district, after reasonable efforts, cannot discover the location of a parent or legal guardian of the student.
3. The student is adjudicated a dependent or ward of the court pursuant to Welfare and Institutions Code 300, 601 or 602, and all of the following conditions are satisfied:
 - a. The court has referred the student for special education and related services, or the student has a valid individualized education program (IEP)
 - b. The court has specifically limited the right of the parent/guardian to make educational decisions for his/her student
 - c. The student has no responsible adult to represent him or her per pursuant to Welfare and Institutions Code 361 or 726 or Education Code 56055
 - d. The student is an unaccompanied homeless youth not in the custody of a parent/guardian, as defined in 42 USC 11434a
4. The student has reached the age of majority but has been declared incompetent by a court of law

Appointment of Surrogate Parents

Upon a determination that a student needs a surrogate parent, the Superintendent or designee shall make reasonable efforts to ensure that the surrogate is appointed within 30 days.

When appointing a surrogate parent, the Superintendent or designee shall give first preference to a relative caretaker, foster parent, or court-appointed special advocate provided any of these individuals exists and is willing to serve. If none of these individuals is willing and/or able to act as a surrogate parent, the Superintendent or designee shall select the surrogate parent of his/her choice. If the student is moved from the home of the relative caretaker or foster parent who was appointed as the student's surrogate parent, the Superintendent or designee shall appoint another surrogate parent if a new appointment is necessary to ensure adequate representation of the student.

Instruction (continued)

The Superintendent or designee shall appoint another surrogate parent if a new appointment is necessary to ensure adequate representation of the student.

Surrogate parents shall have no vested interests that conflict with the student's educational interests and shall have knowledge and skills that ensure adequate representation of the student. If a conflict of interest arises after the appointment of a surrogate parent, the Superintendent or designee shall terminate the appointment and appoint another surrogate parent.

Duties of Surrogate Parent

The surrogate parent shall have all the rights relative to the student's education that a parent has under the Individuals with Disabilities Education Act. The surrogate parent may represent the student in all matters relating to the identification, assessment, instructional planning and development, educational placement, review, and revision of the IEP, and in other matters relating to the provision of a free and appropriate public education.

In addition, the representation of the surrogate parent shall include the provision of written consent to the IEP, including nonemergency medical services, mental health treatment services, and occupational or physical therapy services pursuant to Government Code 7570-7588. The surrogate parent may sign any consent relating to IEP purposes.

Surrogate parents shall volunteer their services to the district and serve without compensation. The district may reimburse them for mileage and other incidental expenses directly associated with their duties as surrogate parents.

Surrogate parents shall have access to the student's school records as necessary to fulfill their responsibilities as surrogate parents and in accordance with Board policy and administrative regulation.

Termination of Appointment

The Superintendent or designee shall terminate the appointment of a surrogate parent under the following conditions:

1. When the student is no longer in need of special education.
2. When the student reaches 18 years of age, unless he/she chooses not to make education decisions for himself/herself or is deemed by a court to be incompetent.
3. Another responsible adult is appointed to make educational decisions for the student.
4. The right of the parent/guardian to make educational decisions for the student is fully restored.

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