



Surrogate Parent Policy

(June 2025)

Pursuant to state and federal special education laws, LEAD Public Schools will ensure that all children with disabilities receive a free and appropriate public education including the opportunity for the parents of children with disabilities to actively participate in the educational decision-making process. However, LEAD Public Schools recognizes that due to unfortunate circumstances, some children with disabilities do not have parents who can fulfill this very important role, leaving their educational planning solely to the discretion of representatives from their local school system or other agencies. Federal law, Individuals with Disabilities Education Act (IDEA), and state rules, regulations and minimum standards require that an individual must be appointed to make decisions regarding the education these children must receive. LEAD Public Schools, therefore, through its surrogate parent recruitment and training process will seek to appoint qualified individuals to be a voice for those students with disabilities without proper parent representation.

DEFINITION: What is a surrogate parent?

A surrogate parent is a volunteer who is appointed by a local education agency to assist children who do not have parents or family members. The surrogate parent has all the rights and can make all the special education or early intervention decisions that are usually made by the child's parents. Surrogate parents can review educational records; request and consent to evaluations and reevaluations; and challenge the recommendations of the education or early intervention agency by requesting informal and formal dispute resolution procedures. A surrogate parent does not have any rights and responsibilities for the child outside of the special education process.

APPOINTMENT:

When does a child require a surrogate parent?

A LEA shall appoint a surrogate parent for a child in accordance with Section 300.519 of Title 34 of the Code of Federal Regulations under one or more of the following circumstances:

- (1) No parent (as defined in § 300.30) can be identified;
- (2) The public agency, after reasonable efforts, cannot locate a parent;
- (3) The child is a ward of the State under the laws of that State; or
- (4) The child is an unaccompanied homeless youth as defined in section 725(6) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(6)).

Who can be a surrogate?

34 C.F.R. Section 300.519(d)(1) and (2)(i)-(iii), provides that the public agency, in accordance with Tennessee State Board of Education's rules and regulations, may select any citizen of the United States, of permanent residence, who is at least 18 years old and has no conflict of interest concerning the child's education as an educational surrogate. Said individual must also be found to be of *good moral character* and must have the knowledge and skills necessary to act in the best interest of the student he/she represents. Furthermore, an educational surrogate may not be an employee of the public agency providing care, custody, or educational services to the specific child in need of educational surrogate representation.

What are the responsibilities of a surrogate parent?

The surrogate parent acts as a substitute parent and is given the responsibility of determining the child's educational experiences. A surrogate parent is not responsible for any financial costs or direct care of the child with disabilities.

The surrogate parent represents the child in every step of the education process including identification, evaluation and educational placement. The Surrogate Parent fulfills the parent role at all IEP Team meetings and works to ensure that the child receives FAPE. A surrogate parent is also responsible for keeping

confidential all information from the child's educational, medical, or social services records.

How will LEAD Public Schools locate individuals to serve as surrogate parents? LEAD Public Schools will make concerted efforts to secure qualified individuals to serve as surrogate parents by:

- Distributing the Surrogate Parent flyer via various social media outlets and community message boards
- Posting the Surrogate Parent flyer on display boards at each school site
- Conducting Surrogate Parent informational sessions/displays during student orientations, PTA/PTO meetings, and parent/teacher conferences
- Requesting interested persons to contact the Regional Director of Student Support Services via information shared on the webpage and in the Student and Family Handbook

What if no individuals emerge to become surrogate parents in response to marketing efforts? LEAD Public Schools is tasked with the responsibility of ensuring that each student with a disability is appropriately represented with respect to any decisions that may need to be made regarding his/her education. If no volunteers step forward as a result of marketing efforts, LEAD Public Schools, by reaching out to their own individual networks, will locate qualified individuals willing to become members of a Network surrogate parent pool.

What does the surrogate parent appointment process look like?

- LEAD Public Schools receives notification that an individual has been placed in a licensed children's institution or foster family home
- The courts appoint a specific person with educational rights or generate a request that LEAD Public Schools appoints a surrogate parent.
- The school site Student Support Services Team reviews the IEP to determine appropriate placement.
- The school site Leader of Student Support Services completes the Interim Placement Form. • The school site Leader of Student Support Services completes the Educational Surrogate Parent Qualifying Data and Parent Search Documentation
- Appointment/Acceptance of Surrogate Parent
- The school site Leader of Student Support Services notifies the court regarding the appointment of the Surrogate Parent.

TRAINING*

How much time and money will this commitment take?

Individuals meeting 34 C.F.R. Section 300.519 (d) (1) and (2) (i)-(iii), criteria for selection of surrogate parents, are required to attend a half day surrogate parent training, annually, meet quarterly with the student assigned throughout the term of the appointment, until terminated, and attend observations, parent/teacher conferences, IEP and/or other school related meetings as needed during the appointment term. Therefore, the time commitment can be anywhere between 3-7 hours for the school term depending on the level of engagement of the surrogate parent.

*There is no monetary commitment required to be a surrogate parent and all training is made available at no cost to individual applicants.

Who conducts the surrogate parent training?

LEAD Public Schools will offer three trainings per quarter each year at times intended to meet applicants' needs. Surrogate parent training will cover the following:

1. Introduction to disabilities special education services;
2. The regulations governing early intervention and special education;
3. The rights and responsibilities of parents, surrogate parents, and the children they represent;
4. Terminology used during the special education process;
5. Procedures for evaluation IEP development, conferences with service providers, access to records, and confidentiality;
6. Protections and procedural safeguards available to children with disabilities and parents/surrogate parents to ensure that the needs of the children are met;
7. The range of programs and services available to children whose development is at risk, or who have disabilities; and the identification of key people within the local area.

Following completion of the required training and background check, approved individuals will be appointed and assigned to a student with disabilities in need of representation. The educational surrogate will then review the student's school record well enough to understand the student's needs, strengths, interests, and school history. Subsequent to the records review, a meeting between the student and surrogate will be arranged and thereafter, the surrogate will be allowed to attend IEP meetings and parent-teacher conferences on the student's behalf.