

Bath County School District

Guidelines for Surrogate Parents for Special Education

What is a surrogate parent for special education?

A surrogate parent for special education is an adult other than the parent, who is assigned by a school district or other public agency providing special education services, to ensure that a student's rights are protected.

Who can be an educational surrogate?

Any individual who is 18 years old or older who has no conflict of interest concerning the child's education and who is not an employee of Bath County Public Schools. A criminal record check and child abuse or neglect check of potential surrogate parents may be recommended if direct contact with student is planned. A surrogate parents may not be an employee of a public agency providing care, custody, or educational services to the specific child in need of educational surrogate representation.

When is a surrogate parent appointed?

Surrogate parents are appointed for students under age 18 who fall into one of four categories:

1. No parent can be identified for the student;
2. The school district, after reasonable efforts, cannot discover the whereabouts of a parent;
3. The student's parents have had their parental rights terminated and no guardian has been appointed; or
4. The student has been found dependent through the child protection system and is not living with relatives (i.e. the child has been placed in foster care with non-relatives), and parental rights have not been terminated, and parent cannot be located.

Surrogates may be appointed to adult students (ages 18 to 21) who are legally declared incompetent. If a student is not declared legally incompetent he/she may represent him/herself or request surrogate parent representation.

What are the responsibilities of surrogate parents?

Surrogate parents are responsible for representing the student in all matters relating to special education. This includes identification, evaluation, placement, and provision of a free appropriated public education (FAPE). Surrogate parents are also responsible for participating in the individual education program (IEP) planning process and admissions and release committee process (ARC).

What special education experiences should a surrogate parent have?

Surrogate parents must have enough knowledge and skill to adequately represent the student. Surrogate parents can receive their experience and knowledge through district provided trainings, professional development activities, personal experiences and or through professional certification and or licensing programs.

How much time and money will the commitment take?

Educational surrogates will participate in training provided by the Bath County Public Schools, Department of Exceptional Children. After receiving the appropriate training, surrogates will be appointed one to two students per year. The surrogate will be required to review each student's school records well enough to understand the student's strengths, areas of concern, interests as well as their school history. Surrogates may schedule a meeting with the student and his or her teacher to understand the student's current progress and day-to-day educational issues. Surrogates will be asked to participate in all meetings needed to conduct appropriate ARC meetings and the development of a student's IEPs. The amount of time per child will be approximately 10 to 15 hours per year in addition to the time spent training.

Surrogates will not incur any financial costs. Annual training is provided free of charge and surrogates do not assume any financial responsibilities for their students.

What type of training do surrogate parents receive?

1. Surrogate parents are trained on the laws governing the provisions of special education services, including IDEIA-2004, FERPA, confidentiality requirements and procedural safeguards;
2. Policies and procedures specific to Bath County Public Schools
3. Admissions and Release Committee (ARC) processes and Individual Education Plans (IEP).

How often do surrogates visit the student's classroom?

Surrogates can visit their student's classroom a couple times in order to get to know him/her and start to develop an understanding of their abilities and needs and or to monitor how the student's program is being implemented or monitored. All surrogates must go through the required protocols at each school prior to visiting their student's classrooms or meeting with the student's teacher. Surrogates parents may not interfere with the educational programming of the classroom.

Can a surrogate be held liable if a wrong decision is made about a student?

In Kentucky, an educational surrogate shall be immune from any liability for civil damages arising from any act or omission in representing the student in any decision related to the student's education. This immunity shall not apply to intentional conduct, wanton or willful conduct or gross negligence.

Evaluation and Termination of Surrogate Parent Assignments

Bath County School Administrators will be monitoring the activities of each educational surrogate to make sure he/she is doing the appropriate job. Surrogate Parent determinations will be reviewed each year and this information will be used by the Director of Exceptional Children to help decide whether or not to ask the surrogate parent to continue their assignment.

Surrogate parents may be terminated or dismissed from their assignments for the following reasons: 1) the student changes school districts; 2) the student's status changes and he/she is no longer eligible for an educational surrogate; 3) failure to meet requirements/duties; 4) the student is no longer eligible for special education services due to aging out, graduation, and or no longer requires special education services.

What kinds of records are surrogate parents and educational surrogates allowed to see?

The Buckley Amendment allows surrogates to see all information relating directly to a student which are maintained by an educational agency and include discipline folders, psychological records, health files, grades, assessment records and special education records. The only records NOT included are personnel records of school employees and a teacher's or counselor's "personal notes" that a school employee keeps for his or her own personal use. Surrogate parents must return all records to the school district when the surrogate assignment ends.