

## **Rights and Responsibilities of a Surrogate Parent**

Being a surrogate parent involves many rights and responsibilities as far as the student's special education needs and services are concerned. However, unless you are also the child's foster parents, you only have responsibility for representing the child when decisions about his/her educational program are being made. You do not have a commitment for the child's care and financial support.

### **Surrogate Parent Rights**

A surrogate parent represents the student in all matters relating to the identification, evaluation, educational placement of the student and the provision of a Free, Appropriated Public Education (FAPE) under the provisions of the Individuals with Disabilities Education Improvement Act (IDEIA, 2004)

By Law you have the same rights as biological parents or guardians in the education process, including the right:

1. To a free appropriate public education for your student in accordance with and individualized education program (IEP);
2. To inspect and have copy of all records with regard to your student's educational program;
3. To request changes if inaccurate or inappropriate information is contained in your student's records;
4. To an appropriate and nondiscriminatory education assessment for your student in his/her primary language;
5. To be fully informed about the evaluation procedures, tests, and all assessment results;
6. To give informed consent for the initial evaluation and or re-evaluation of your student;
7. To seek an independent education evaluation of your student if you think the school's evaluation methods and/or results were inappropriate;
8. To participate fully in the planning of your student's individualized education program;
9. To know about the special education services available for your student;
10. To have your student educated with his/her non-disabled peers, if appropriate;
11. To question the appropriateness of your student's educational program;
12. To decide if a proposed special education placement is appropriate for your student;
13. To talk with the people involved in your student's education and to receive regular progress reports and other communications routinely given to parents;
14. To give informed consent before any major change is made in your student's educational placement;
15. To call for a parent/school conference, new evaluation, or planning meeting whenever necessary;
16. To have people attend any school meeting with you and to ask your student to attend, if appropriate;
17. To be notified in writing when:

- a. Your student has been referred for an evaluation
  - b. Your student will be tested;
  - c. A change in placement is being considered;
  - d. A change in your student's educational plan is being considered; or
  - e. An educational planning meeting is called.
18. To be informed of and initiate due process procedures, including mediation, formal complaints, and request for a due process hearing; and
  19. To participate as an equal partner with school personnel in planning your student's individualized education program.

### **Surrogate Parent Responsibilities**

As a surrogate parent, you have the responsibility to act on behalf of your child to make sure that he/she receives an education designed specifically to meet his/her needs and abilities. In order to do this, you will:

1. Know your rights as a surrogate parent and be prepared to participate actively;
2. Review the last evaluation done on your child and request copies of the results. Make sure the evaluation is current and complete. Ask for an explanation of the results if anything is unclear;
3. Review your child's last individualized education program and prepare to participate in developing his/her next one.
4. Attend all parent/school meetings and conferences to plan and or review your child's educational program. Make specific recommendations for services if necessary.
5. Make a decision regarding consent for your child's placement into an education program. Approve or disapprove the program that you have helped to develop.

### **Confidentiality**

Under the regulations of the Family Education Rights and Privacy Act (FERPA), as well as IDEA, 2004 and the policies and procedures of the Bath County School District, it is the responsibility of all surrogate parents to keep confidential any information that you gather from a child's records and from talking with teachers and others involved in his/her education. Because you will be asked to share some of this information with school and agency personnel, you must be able to use discretion and report only the information that is pertinent to the planning and implementation of your child's educational program. Surrogate parents are not given access to all the personally identifiable data about the child's family or background.

### **Length of Service**

Persons who participate as surrogates may choose to cancel their services at any time. Surrogates who choose not to participate and/or whose child is no longer eligible, or who are asked to no longer serve will be required to turn over all education records and all other written information that was collected or acquired during the surrogate parents tenure or assignments.

### **Limitations of the Surrogate Parent**

The surrogate parent has no authority or responsibility for the care, maintenance, or financial support of the student. While the surrogate parent may participate with the agency in the discussion of appropriated foster or group home placement for the student, the surrogate parents has no authority or responsibility to approve a non-educational placement in such a home. The surrogate parent, as appointed by the school district, only makes decisions regarding the provisions of a free appropriate program for the student.