

Board Policy

Instruction

BP 6159.3

Appointment of Surrogate Parent For Special Education Students

Note: The following mandated policy and accompanying administrative regulation reflect the federal Individuals with Disabilities Education Act (IDEA) (20 USC 1400-1482), as reauthorized in 2004 pursuant to P.L. 108-446, effective July 1, 2005. Implementing federal regulations (34 CFR 300.1-300.756) may need to be revised to conform to the new requirements. Note that in cases where state law provides greater protections, state law supersedes federal law.

Note: Pursuant to 20 USC 1415(b)(2), as amended, districts and/or Special Education Local Plan Areas (SELPA) are mandated to adopt procedures to protect the rights of students whenever (1) the parents of the student are not known, (2) the district cannot, after reasonable efforts, locate the parents, or (3) the student is a ward of the state. When the student is a ward of the court, the district's procedures must also include the assignment of an individual to act as a surrogate for the parents. See the accompanying administrative regulation for language implementing this mandate.

Note: This policy and the following regulation should be revised for consistency with the policy and regulations of the SELPA in which the district participates.

In order to protect the rights of students with disabilities, the Superintendent or designee shall appoint a surrogate parent to represent a student with disabilities as necessary in accordance with law. He/she shall develop procedures for recruiting, training and assigning adults to serve as surrogate parents.

- (cf. 0430 - Comprehensive Local Plan for Special Education)
- (cf. 1312.3 - Uniform Complaint Procedures)
- (cf. 3515.6 - Criminal Background Checks for Contractors)
- (cf. 3541.2 - Transportation for Students with Disabilities)
- (cf. 4112.23 - Special Education Staff)
- (cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))
- (cf. 6146.4 - Differential Graduation and Competency Standards for Individuals with Exceptional Needs)
- (cf. 6159 - Individualized Education Program)
- (cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)
- (cf. 6159.2 - Nonpublic, Nonsectarian School and Agency Services for Special Education)
- (cf. 6164.4 - Identification of Individuals for Special Education)
- (cf. 6173 - Education for Homeless Children)
- (cf. 6173.1 - Education for Foster Youth)

Legal Reference:

EDUCATION CODE

56028 Parent

56050 Surrogate parents

56055 Rights of foster parents

GOVERNMENT CODE

7570-7588 Interagency responsibilities for providing services to disabled children, especially:

7579.5 Surrogate parent; appointment; qualifications; liability

WELFARE AND INSTITUTIONS CODE

300 Children subject to jurisdiction

361 Limitations on parental control

601 Minors habitually disobedient or truant

602 Minors violating laws

726 Limitations on parental control

UNITED STATES CODE, TITLE 20

1414-1482 Individuals with Disabilities Education Act, especially:

1415 Procedural safeguards

UNITED STATES CODE, TITLE 42

11434a Definitions

CODE OF FEDERAL REGULATIONS, TITLE 34

300.20 Definition parent

300.515 Surrogate parents

Management Resources:

FEDERAL REGISTER

34 CFR 300.a Appendix A to Part 300 - Questions and Answers

34 CFR 300.a1 Attachment 1: Analysis of Comments and Changes

WEB SITES

California Department of Education: <http://www.cde.ca.gov>

U.S. Department of Education, Office of Special Education and Rehabilitative Services:

<http://www.ed.gov/about/offices/list/osers/index.html>

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GRAVENSTEIN UNION SCHOOL DISTRICT
Sebastopol, California