

GREATER LAFAYETTE AREA SPECIAL SERVICES
POLICY REGARDING SURROGATE PARENTS

The Individuals with Disabilities Education Act and Indiana's Article 7 both require public agencies to implement procedures to protect the educational rights of children who are handicapped and may be eligible for special education services. Both federal and state legislation mandates these protections be preserved for the protection of children who do not have parents available to represent their educational needs. These are children whose parents or guardians are not known, unavailable, or who are wards of the state. The role of the surrogate parent is designed to meet this need.

The Greater Lafayette Area Special Services shall protect the rights of students by assigning an educational surrogate parent under any of the following circumstances:

- When no parent, as defined in IAC 7-32-70, can be identified.
- When, after reasonable efforts, the public agency cannot locate a parent.
- When the student is a ward of the state under the laws of the state, unless the court order creating the wardship permits the student to remain in the home or expressly reserves to a parent the authority to make decisions regarding the student's education or upbringing.

GLASS shall appoint an educational surrogate parent, if needed: at any time the student is referred for an initial educational evaluation; and at any time it is determined that a student who has been identified as disabled under this article is in need of an educational surrogate parent.

GLASS will appoint an educational surrogate parent who will act on behalf of the educational needs and rights of the student. This will be accomplished by appointing an educational surrogate parent who meets the following criteria:

- Is not employed by the department of education, a public agency, or any other agency involved in the education or care of the student, except that an employee of a nonpublic agency that provides only noneducational care for the student and who meets the qualifications stated below, may be selected as an educational surrogate parent:
- Has no interest that conflicts with the interests of the student whom the educational surrogate parent represents:
- Matches the student's cultural and linguistic background to the extent possible; and
- Has knowledge and skills that ensure adequate representation of the student.

A foster parent or relative with whom a student has been placed by a juvenile court or through the county office of family and children shall be assigned as the student's educational surrogate parent if the foster parent or relative meets the criteria listed above. The foster parent or relative must be willing to serve as the educational surrogate parent and must have received training to be an educational surrogate parent. Such training shall include the following:

1. Parent rights
2. Consent for evaluation, placement, release of records
3. Individual Education Plan
4. State and Federal requirements regarding special education students.

An educational surrogate parent may represent the student in all matters related to identification and eligibility, evaluation, placement, and provision of a free appropriate public education. This includes the following: participating in case conferences or other parent – teacher conferences; granting or denying written permission for evaluation, services, or change of placement; accessing and reviewing the student’s educational record; requesting mediation, a due process hearing, or filing a complaint; and exercising on behalf of the student any other rights that a parent may exercise under Article 7. According to Article 7, an educational surrogate parent shall not be liable for damages arising out of a civil action initiated as a result of the individual’s discharge of this duty.

Legal Reference: 20 U.S.C. 1415(b)(1)(B)
I.C. 20-19-2-8 & 20-19-2-9
34 CFR 300.514
I.C. 20-35-2-1
511 I.A.C. 7-9-1

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