

SPECIAL EDUCATION SURROGATE PARENTS

WHAT IS A SURROGATE PARENT AND WHEN IS ONE APPOINTED?

A surrogate parent is a volunteer who agrees to advocate for a handicapped or thought-to-be handicapped child whose birth parents are “unknown or unavailable.” Surrogate parents are not paid.

WHAT DOES A SURROGATE PARENT DO?

A surrogate parent has all the rights of a birth parent and has the duty to represent the child throughout the special education process. The surrogate parent familiarizes herself or himself with the child’s needs and educational history, receives notices about the child’s educational program, and participates in the development of the Individualized Education Program (IEP). The surrogate parent can approve the IEP and the Notice of Recommended Assignment (NORA) or disapprove one or both and initiate Special Education Due Process procedures. Only a birth parent, a person who is acting as a parent (such as a grandparent or foster parent), or a surrogate parent has these legal rights and responsibilities. See ELC’s Guide, “The Right to Special Education in Pennsylvania: A Guide for Parents,” for more information on these procedures and Pennsylvania’s hearing and appeal system.

TO WHAT INFORMATION DOES A SURROGATE PARENT HAVE ACCESS?

The surrogate parent has a right to review the child’s school records and to get copies when necessary. He or she can also visit the student’s class, talk with the teachers, and generally obtain any information necessary to represent the child adequately.

WHO APPOINTS THE SURROGATE PARENT?

In Pennsylvania, School Districts are responsible for locating all children who need surrogate parents and for assigning a surrogate parent to each (although most districts rely on their Intermediate Units to perform these functions). The School District or Intermediate Unit must recruit surrogate parents and train them so that they are available when needed.

WHAT QUALIFICATIONS MUST A PERSON HAVE TO SERVE AS A SURROGATE PARENT?

Surrogate parents cannot have any conflict of interest with the child and must have the knowledge and skills necessary to represent the child adequately. It is the responsibility of the School District or Intermediate Unit to provide enough training to enable surrogate parents to carry out their responsibilities. Foster parents can apply to the School District or Intermediate Unit to serve as surrogate parents for children in their care.

WHO CANNOT SERVE AS A SURROGATE PARENT?

An employee of a public agency that is involved in the education or care of the child cannot serve as a surrogate parent.

