

SURROGATE PARENTS

SBER 6A.6.0333 defines a surrogate parent as an individual appointed to act in place of a parent in safeguarding a child's rights in the special education decision-making process. A surrogate parent may be needed when the child's parent, after diligent inquiry, remains unknown, the child is a ward of the State or Court of if the whereabouts of a parent cannot be discovered, and when the child is an exceptional student OR is suspected of being an exceptional student.

The 1997 regulations of IDEA provided further clarification in their definition of a "Parent". Parent is defined as a natural or adoptive parent of a child and a person "acting in the place of a parent" (such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the child's welfare). States are permitted to use foster parents as parents, if (1) the natural parents' authority to make educational decisions has been extinguished under state law; (2) the foster parent has an ongoing, long-term parental relationship with the child, is willing to make the educational decisions required of a parent under the Act and has no interest that would conflict with the interests of the child.

The Technical Assistance Paper is to assist you in determining when a surrogate parent is needed for an ESE student. It will also further clarify the role and authority of Department of children and Families personnel, foster parents, group home staff, and relatives in representing ESE students in educational decisions. The information provided in this document was gathered from a Technical Assistance Paper provided to districts by the Florida Department of Education (May 1994) and the 1997 IDEA regulations. If you suspect the need for a surrogate parent, complete the Surrogate Parent Data Sheet (available in forms packet). Contact Marlene McCulley for further information and assignment of a surrogate parent.