

# Child Find

## PARENT

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Model operating procedures created by



Student Solutions

and

**Thompson  
& Horton** LLP  
ATTORNEYS | COUNSELORS

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**CONTENTS**

PARENT ..... 1

    WHAT IS REQUIRED..... 1

        REQUIREMENTS FOR FOSTER PARENT TO ACT AS PARENT ..... 1

        APPOINTMENT OF A SURROGATE PARENT ..... 2

        STUDENTS WHO ARE HOMELESS OR IN SUBSTITUTE CARE ..... 3

        TRAINING PROGRAM FOR FOSTER AND SURROGATE PARENTS ..... 3

    ADDITIONAL PROCEDURES ..... 4

        APPOINTMENT OF A SURROGATE PARENT ..... 4

        TRAINING PROGRAM FOR FOSTER AND SURROGATE PARENTS ..... 5

    EVIDENCE OF IMPLEMENTATION..... 18

    RESOURCES ..... 18

CITATIONS ..... 19



## PARENT

### What is Required

The parent plays an active role in making educational decisions related to the student's special education program and must be ensured the opportunity for meaningful participation.

For the purpose of special education decision-making, a parent includes a biological or adoptive parent of the student as well as:

- A foster parent of the student who meets the requirements for a foster parent to act as a parent;
- A guardian, but not the state itself, if the student is a ward of the state;
- An individual acting in the place of a biological or adoptive parent, including a grandparent, stepparent, or other relative, with whom the student lives, or another individual who is legally responsible for the student's welfare; or
- An individual assigned to be a surrogate parent.

The Department of Family and Protective Services ("DFPS") itself is not considered the parent.

### **Requirements for Foster Parent to Act as Parent**

A foster parent may act as a parent if DFPS is appointed as the temporary or permanent managing conservator of the student, as long as there is no court order limiting the rights and duties of DFPS to make educational decisions on behalf of the student. The foster parent must agree to be the educational decision maker for the student. Furthermore, the foster parent must complete the required training program for foster and surrogate parents before the next scheduled ARD meeting for the student but not later than the 90<sup>th</sup> day after the date the foster parent begins acting as the parent for the purpose of making special education decisions. See [TRAINING PROGRAM FOR FOSTER AND SURROGATE PARENTS]. District or Campus Special Education Administration must ensure that the foster parent has received the training and, although the District may offer additional training, the District may not require that a foster parent take additional training in order to serve as the parent for the student.

Not later than the 5<sup>th</sup> day after the date a student with a disability is enrolled in a school, the DFPS must inform the District or Campus Special Education Administration if the student's foster parent is unwilling or unable to serve as the student's parent.

In addition, the District or Campus Special Education Personnel may deny a foster parent the right to serve as a parent, but written notice of such refusal must be provided to the



foster parent within 7 calendar days after the decision is made and must specifically explain why the foster parent is being denied the right to serve as the student's parent and informs the foster parent of the right to file a complaint with TEA.

### **Appointment of a Surrogate Parent**

A surrogate parent is a person who is legally entitled to take the place of a parent under certain circumstances to make educational decisions for a student with a disability. The appointment of a surrogate parent applies to students with disabilities for whom the DFPS is appointed as the temporary or permanent managing conservator of the student and the rights and duties of the DFPS to make educational decisions for the student have not been limited by court order. In some situations, a judge will appoint a surrogate parent. However, the District Special Education Administration must make reasonable efforts to appoint a surrogate parent not more than 30 days after the District Special Education Administration determines that the student needs a surrogate parent if the judge has not appointed a surrogate. The District Special Education Administration must assign a surrogate parent for students when:

- A parent for the student cannot be identified;
- A parent for the student cannot be located, after reasonable efforts;
- The foster parent of the student is unwilling or unable to serve as a parent;
- The student does not reside in a foster home setting;
- The student is a ward of the state; or
- The student is an unaccompanied homeless youth.

The District Special Education Administration may not appoint the following individuals as a surrogate parent of a student:

- An employee of the state;
- An employee of TEA;
- An employee of the District;
- An employee of any other agency that is involved in the education or care of the student; or
- A person with any interest that conflicts with the interest of the student the surrogate parent represents.

District Special Education Administration must screen the potential surrogate parent to determine whether he/she has an interest that conflicts with the interests of the student. This does not include issues concerning quality of care of the student, although concerns regarding quality of care must be communicated to DFPS. District Special Education Administration are required to consult with DFPS regarding the possibility of appointing another individual to serve as the surrogate parent if District Special Education Personnel determine that a court-appointed surrogate parent is not properly fulfilling this role. District Special Education Administration may appoint a person who has been appointed



to serve as the student's guardian ad litem or as a court-certified volunteer advocate as the student's surrogate parent.

District Special Education Administration is responsible for ensuring that any District-appointed surrogate parent is willing and able to serve in that capacity and exercises independent judgment in pursuing the student's interests. District Special Education Administration must appoint a surrogate parent that will not violate the student's due process rights under applicable state and federal laws. Furthermore, District Special Education Administration must ensure that the surrogate parent visits the student and the student's school, reviews the student's educational records, attends ARD meetings, and consults with individuals involved in the student's education, including, but not limited to teachers, caseworkers, court-appointed volunteers, guardians ad litem, attorneys ad litem, foster parents, and caregivers.

Finally, District Special Education Administration must ensure that an appointed surrogate parent completes a training program for foster and surrogate parents before the student's next scheduled ARD meeting but no later than 90 days after the date of initial appointment as the student's surrogate parent. See [TRAINING PROGRAM FOR FOSTER AND SURROGATE PARENTS]. While District Special Education Administration may choose to offer additional trainings for the surrogate parent, they cannot require the surrogate parent to take additional training before serving as a surrogate parent of a student with disabilities.

### **Students Who Are Homeless or in Substitute Care**

For students who are homeless or in substitute care, District or Campus Special Education Personnel must provide notice to the student's educational decision-maker and caseworker related to any ARD meetings, manifestation determination reviews, and the appointment of a surrogate parent.

### **Training Program for Foster and Surrogate Parents**

All individuals seeking to become a foster or surrogate parent must participate in a mandatory training that outlines federal and state laws, rules, and regulations related to special education before the foster parent can act as the parent or District Special Education Administration can appoint the individual to be a surrogate parent for the purpose of making educational decisions on behalf of the student. Specifically, this training must explain:

- The identification of the student with a disability – see [CHILD FIND];
- The evaluation and reevaluation process – see [EVALUATION];
- The ARD process – see [ADMISSION, REVIEW, AND DISMISSAL COMMITTEE];
- The process for developing and implementing an IEP, as well as transition services for a student ages 16 or older – see [TRANSITION SERVICES];
- The determination of Least Restrictive Environment – see [LEAST RESTRICTIVE



#### ENVIRONMENT];

- The *Notice of Procedural Safeguards*;
- Resources for the surrogate parent to seek assistance in understanding the provisions of federal and state laws, rules, and regulations related to special education; and
- The duties and responsibilities of surrogate parents under state law.

The training must be provided in the potential surrogate or foster parent's native language or other mode of communication used by the individual, where practicable. The training may be conducted or provided by the DFPS, District Personnel, an education service center, or any other entity receiving federal funding to provide special education training to parents.

### **Additional Procedures**

District and Campus Special Education Personnel will ensure that the parents of students with disabilities are provided meaningful opportunity to participate at every stage of the special education process. District or Campus Special Education Administration will seek to obtain documentation verifying that the parent, or the individual representing themselves as the parent, has legal authority to make educational decisions for the student. District or Campus Personnel should presume that a student's birth or adoptive parent is the parent for the purposes of special education decision-making unless the District or Campus is aware that the parent does not have legal authority to make such decisions. However, it will not be presumed that the individual with whom the student lives is automatically a parent with the legal authority to make educational decisions for the student, even if that person is a relative.

District and Campus Special Education Personnel will ensure that an individual representing themselves as the parent has legal rights to make education decisions for the student before obtaining consent for an evaluation or conducting an ARD. Furthermore, should a concern regarding the legal rights of an individual assumed to be the parent or educational decision-maker arise after consent has been obtained for an evaluation or after an ARD has commenced, District or Campus Special Education Personnel must immediately stop the evaluation or ARD process and determine if a surrogate is needed.

### **Appointment of a Surrogate Parent**

District Special Education Administration will make and document efforts to identify or locate the parent or an individual who can be considered a parent. This may include, but is not limited to, telephone calls, emails, mailings, home visits, and contact with caseworkers.

District Special Education Administration will ensure that an individual appointed to be a



surrogate parent is not employed by any of the prohibited agencies. Additionally, District Special Education Administration will create and implement a process for determining whether a potential surrogate parent has interests that conflict with the interests of the student.

District Special Education Administration will ensure that the surrogate has received the required training and provide a Designation of Surrogate Parent form to the surrogate parent once the training has been completed and it has been determined that the individual meets all of the requirements to serve as a surrogate parent for the student with disabilities.

Campus Administration will maintain a surrogate parent visitation log for each student on the campus with a District-appointed surrogate parent. Furthermore, Campus Special Education Personnel will maintain a surrogate parent communication log which documents all involvement by the surrogate parent in the student's special education program, including, but not limited to: phone calls with Campus Special Education Personnel, reviewing educational records, attending the student's ARD meetings, reviewing and receiving progress reports, etc.

### **Training Program for Foster and Surrogate Parents**

District Special Education Administration will determine whether District Special Education Personnel, the DFPS, an education service center, or another entity receiving federal funding for special education will conduct the training for foster and surrogate parents.

Regardless of the entity providing the training, District Special Education Administration will ensure that the training program is provided in the individual's native language or other mode of communication and addresses the required areas. Where appropriate, District Special Education Administration will offer optional ongoing or supplemental training so long as it is not mandatory for surrogate parents of students with disabilities. For a training program conducted outside of the District, the District will require the potential surrogate parent to have the agency providing the training program to verify completion of the program. District Special Education Administration will maintain documentation of the parents who have completed the required training program for foster and surrogate parents and provide certificates of completion to those who have done so.

The District will maintain documentation requirements of compliance associated with Texas Student Data System (TSDS), Public Education Information Management System (PEIMS), and State Performance Plan (SPP). District staff will provide training, with follow up, to ensure the documentation required is in place and compliant.



## PARENT RIGHTS/PARTICIPATION

### PARENT PARTICIPATION

**19 TAC § 89.1050(d); TEC §§ 26.0081, 29.005; 34 CFR §§ 300.322, 300.501; 20 USC § 1414(d)(1)(B)(i)**

The District must take steps to ensure that one or both of the parents of a child with a disability are present at each ARD meeting or are afforded the opportunity to participate, including:

1. Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend; and
2. Scheduling the meeting at a mutually agreed on time and place.
  - A meeting does not include:
    - Informal or unscheduled conversations involving the LEA personnel and conversations on issues such as teaching methodology, lesson plans, or coordination of service provision; or
    - Preparatory provisions

### Parent's Guide to the Admission, Review, and Dismissal (ARD) Process

*TEC § 26.0081(a),(b)* The District must provide the parent the Parent's Guide to the Admission, Review, and Dismissal Process:

1. As soon as practicable after a referral for possible special education services, but at least 5 school days before the initial ARD meeting; and
2. At any other time on reasonable request of the child's parent.

A copy of the guide can be located on the Texas Education Agency's website as well as the GCCISD Special Education website.

### Information Provided to Parents

**34 CFR §§ 300.322; 300.501(b)(2); 19 TAC §§ 1050(d), 89.1055(i); 20 USC §**



**1417(c)**

1. The District must provide the parents with written notice of an ARD meeting at least 5 school days before the meeting unless the parents agree to a shorter timeframe. The notice must:
  - a. Indicate the purpose, time, and location of the meeting and who will be in attendance; and
  - b. Inform the parents of the provisions relating to the participation of other discretionary members or individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate. These members must be included on the ARD Notice. Examples of discretionary members may be the school nurse, counselor, ARD Facilitator, Related Services personnel, etc.
  - c. Beginning not later than the first IEP to be in effect when the child turns 14, or younger if determined appropriate by the ARDC, the notice must also indicate:
  - d. That a purpose of the meeting will be the consideration of the postsecondary goals and transition services for the child; and
  - e. That the agency will invite the student; and
  - f. Any other agency that will be invited to send a representative with the consent of the parents or adult student.

**Conducting an IEP Meeting without a Parent in Attendance*****34 CFR §§ 300.322(d), 300.501(c)(4)***

A meeting may be conducted without a parent in attendance if Goose Creek CISD is unable to encourage parents that they should attend. The District must keep a record of its attempts to arrange a mutually agreed on time and place such as:

- Detailed records of telephone calls made or attempted and the results of those calls should be documented in the Parent Contact Log in eSped; and
- Copies of correspondence sent to the parent and any responses received.

In certain cases, a letter may be sent after 3 attempts to schedule the ARD meeting.



This letter summarizes the attempts made and when the ARD is scheduled. The parent is encouraged to attend but if unable to, then the ARD will be held and the information will be mailed to the parent via certified U.S. Mail.

### **Use of Interpreters or Other Action**

#### **34 CFR § 300.322(E)**

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The District must take action to ensure that the parent understands the proceedings of the ARD meeting including arranging for an interpreter for parents with deafness or whose native language is other than English.

### **Parent Copy of Child's IEP**

#### **34 CFR § 300.322(F); TEC § 29.005(D); 19 TAC 89.1050(I)**

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The District must give the parent a copy of the child's IEP at no cost to the parent. **The parent should receive a copy of the ARD documents as soon as possible, but no later than 5 school days after the ARD.**

### **Copy of Child's IEP when Parent is Unable to Speak English**

If the child's parent is unable to speak English, the District must:

1. Provide the parent with a written copy or audio recording of the child's IEP translated into Spanish if Spanish is the parent's native language; or
2. Make a good faith effort to provide the parent with a written copy or audio recording of the child's IEP translated into the parent's native language if the parent's native language is a language other than Spanish.

### **Parent Participation in Meetings**

1. The parents of a child with a disability must be afforded an opportunity to participate in meetings with respect to--
  - a. The identification, evaluation, and educational placement of the child; and
  - b. The provision of FAPE to the child.



2. Goose Creek CISD must provide the appropriate Notice to ensure that parents of children with disabilities have the opportunity to participate in meetings described in paragraph (b) (1) of this section.
3. A meeting does not include informal or unscheduled conversations involving Goose Creek CISD personnel and conversations on issues such as teaching methodology, lesson plans, or coordination of service provision if those issues are not addressed in the child's IEP. A meeting also does not include preparatory activities that Goose Creek CISD personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting.

### **Parent Involvement in Placement Decisions**

1. Goose Creek CISD must ensure that a parent of each child with a disability is a member of any group that makes decisions on the educational placement of the parent's child.
2. If neither parent can participate in a meeting in which a decision is to be made relating to the educational placement of their child, the Goose Creek CISD must use other methods to ensure their participation, including individual or conference telephone calls, or video conferencing.
3. A placement decision may be made by the ARD Committee without the involvement of a parent, if Goose Creek CISD is unable to obtain the parent's participation in the decision. In this case, Goose Creek CISD must have a record of its attempt to ensure their involvement. The attempts must be documented in the Parent Contact Log of eSped.

### **Parent Attorney at ARD meeting**

A parent has a right to bring an attorney to an ARD meeting. However, if an attorney will be present, the District will also need to have legal representation.

The following procedures are recommended if a parent notifies the campus they will bring an attorney to the ARD:

1. Campus diagnostician/ARD Facilitator must notify the Program Coordinator for the program in which the student is currently receiving services and review any concerns the parent has expressed.
2. The Program Coordinator will ensure the Director is aware of the request.
3. The Director will contact the District's legal representation regarding the proposed ARD dates.



4. A staffing should be scheduled prior to the ARD to include the District's legal representation as well as special education central office staff (Program Coordinator, Director, etc.) and the campus staff who will attend the ARD meeting.

### **Parent Advocate at ARD meeting**

A parent has a right to bring an advocate to an ARD meeting.

The following procedures are recommended if a parent notifies the campus they will bring an advocate to the ARD:

1. Campus diagnostician/ARD Facilitator must notify the Program Coordinator for the program in which the student is currently receiving services and review any concerns the parent has expressed.
2. A staffing should be scheduled prior to the ARD to include the appropriate central office staff (Program Coordinator, LSSP/SLP/Diag, etc). During the staffing, the proposed ARD dates and central office attendance at ARD will be discussed.

## **SURROGATE AND FOSTER PARENTS**

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***TEC §§ 29.001(10), 29.015; 34 CFR §§ 300.30, 300.519; 19 TAC § 89.1047***

### **Definition of "Parent"**

*34 CFR § 300.30(a)*

Individual(s) who meet the definition of a "parent" under the IDEA may exercise rights under the IDEA.

### **Under the IDEA, a "parent" is defined as:**

- (1) A biological or adoptive parent of a child;
- (2) A foster parent, who meets specific requirements (See Requirements for Foster Parents to Serve as Parent);
- (3) A guardian, but not the state if the child is a ward of the state;
- (4) An individual acting in the place of a biological or adoptive parent (including



- a grandparent, stepparent, or other relative) with whom the child lives, or an individual who is legal responsible for the child's welfare;
- (5) A surrogate parent who has been appointed in accordance with 34 CFR 300.519 or 20 USC 1439(a)(5).

Except as provided in 34 CFR § 300.30(b)(2), when multiple individuals attempt to act as the "parent," the biological or adoptive parent must be presumed to be the "parent" unless the biological or adoptive parent does not have legal authority to make educational decisions for the child.

34 CFR § 300.30(b)(2) provides if a judicial decree or order names a particular person or persons (who qualify as a "parent" pursuant to the IDEA's definition) to act as the "parent" of a child or to make educational decisions on behalf of a child, then such person or persons must be determined to be the "parent" for the child.

## **REQUIREMENTS FOR FOSTER PARENT TO SERVE AS PARENT**

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### ***TEC § 29.015; 20 USC § 1415(b)***

A foster parent may serve as a "parent" of a child with a disability under the IDEA if:

- (1) The Department of Protective and Regulatory Services is appointed as the temporary or permanent managing conservator of the child;
- (2) The rights and duties of the DFPS to make decisions regarding education provided to the child have not been limited by court order;
- (3) The foster parent agrees to participate in making educational decisions on the child's behalf;
- (4) The foster parent agrees to complete a Training Program for surrogate parents that complies with the training program requirements; and
- 5) The foster parent completes a Training Program before the next scheduled ARD meeting for the child but later than the 90<sup>th</sup> day after the date the foster parent begins acting as the parent for the purpose of making special education decisions.

## **TRAINING PROGRAM FOR FOSTER PARENT TO SERVE AS PARENT**

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The LEA may not require a foster parent to retake a training program to continue serving as the child's parent or to serve as the surrogate parent for another child if the foster parent has completed a training program to act as a parent of the child with a



disability provided by:

- The Department of Family and Protective Services;
- The LEA (Goose Creek CISD);
- An education service center; or
- Any other entity that receives federal funds to provide special education training to parents.

Not later than the fifth day after the date the child with a disability is enrolled in a school, the DFPS must inform the appropriate LEA if the child's foster parent is unwilling or unable to serve as a parent for the purposes of this framework. [TEC 29.015\(d\)](#)

The LEA should provide or arrange for the provision of the training program prior to assigning a foster parent to act as a parent but no later than 90 calendar days after assignment. [89.1047\(b\)\(2\)](#)

## **SURROGATE PARENTS**

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A surrogate parent is a person or persons appointed to protect a child's rights. If you believe a surrogate parent is needed, please contact the Coordinator for Compliance and Accountability.

## **WHO CAN APPOINT?**

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*34 C.F.R. § 300.519(b)-(c)*

(1) A public agency; or (2) for student who is a ward of the State, the judge overseeing the case may choose to appoint a surrogate parent, provided the surrogate meets the Criteria for Selection (see below).

## **WHEN NEEDED**

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*34 C.F.R. 519(a)(1) -(4)*

A child needs a surrogate parent if:

- (1) No Parent (as defined in 34 CFR § 300.30(a)) can be identified;



- (2) The District or public agency, after reasonable efforts, cannot locate a Parent;
- (3) The foster parent of the child is unwilling or unable to serve as a parent;
- (4) The child is a ward of the state under Texas law; or
- (5) The child is an unaccompanied homeless youth as defined in section 725(6) of the McKinney- Vento Homeless Assistance Act (42 USC § 11434(a)(6)).

## **TIMELINE FOR APPOINTMENT**

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### ***34 CFR § 300.519(h)***

The LEA must make reasonable efforts to ensure the assignment of a surrogate parent not more than 30 days after a public agency determines that the child needs a surrogate parent.

## **CRITERIA FOR SELECTION**

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### ***34 CFR § 519(d)***

To qualify for appointment as a surrogate parent, the individual cannot be:

- (1) An employee of the state;
- (2) An employee of the Texas Education Agency; and
- (3) An employee of the district; An employee of any other agency that is involved in the education or care of the child; or
- (4) A person with any interest that conflicts with the interest of the child the surrogate parent represents.

The LEA may appoint a person who has been appointed to serve as the child's guardian ad litem or as a court-certified volunteer advocate, as the child's surrogate parent.

When assigning a surrogate parent, the school district must give preferential consideration to a foster parent.

If a foster parent is denied the right to act as a surrogate parent or a “parent” by the District, the District must provide the foster parent with written notice of such denial within 7 calendar days after the date on which the decision is made. The written notice shall: (1) specify the reason(s) the foster parent is being denied the right to serve as



the surrogate parent or parent (the notice must specifically explain the interests of the foster parent that conflict with the interests of the child); and (2) inform the foster parent of his/her right to file a complaint with the Texas Education Agency in accordance with 34 CFR

§§ 300.151-300.153, relating to complaint procedures. The foster parent may file a complaint with the agency in accordance with federal law and regulations.

## **CONFLICTS OF INTEREST**

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A person or foster parent may not be appointed as a surrogate parent if the person has an interest that conflicts with the interests of the child. Likewise, a foster parent may not act as a “parent” if the foster parent has an interest that conflicts with the interests of the child. As required by TAC § 89.1047(c), the District has developed, and implements, procedures for analyzing whether a foster parent or potential surrogate parent has such an interest. A foster parent shall not be deemed to have a financial conflict of interest by virtue of serving as the foster parent in a home verified by TDFPS or a child-placing agency (including basic, habilitative, primary, medical, or therapeutic foster or foster group homes). Issues concerning quality of care do not constitute a conflict of interest. However, such concerns should be communicated, and may be statutorily required to be reported, to TDFPS.

## **TRAINING OF SURROGATE PARENTS**

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### **19 TAC § 1047(a)-(b)**

Contact the Coordinator for Compliance and Accountability for the training presentations. The training must be provided in the native language or other mode of communication used by the individual who is to serve as a surrogate parent. The training should be provided for or arranged before assigning an individual as a surrogate parent, or before assigning a foster parent to act as a parent, but no later than 90 calendar days after assignment. A foster parent must complete the training within 90 calendar days after the date of initial assignment as the “parent.”





## How often must training be provided?

For both (1) an individual appointed as a surrogate parent and (2) a foster parent serving as a “parent” or a surrogate:

- Training only has to be provided once.
- If an individual has already completed a training conducted by TDFPS, a school district, an education service center, or any entity that receives federal funds to provide IDEA training to parents, the foster parent, the District cannot require additional training in order to continue to serve as a surrogate or to represent additional students as a surrogate. The District may, however, choose to provide optional additional training.

## Training Requirements

### **19 TAC § 89.1047(a)(1)(A)-(H)**

The training must include an explanation of the provisions of federal and state laws, rules, and regulations relating to:

- (A) The identification of a student with a disability;
- (B) The collection of evaluation and re-evaluation data relating to a student with a disability;
- (C) The admission, review, and dismissal (ARD) committee process;
- (D) The development of an individualized education program (IEP), including the consideration of transition services for a student who is at least 14 years of age;
- (E) The determination of least restrictive environment;
- (F) The implementation of an IEP;
- (G) The procedural rights and safeguards available under 34 CFR, §§ 300.148, 300.151- 300.153, 300.229, 300.300, 300.500-300.520, 300.530-300.537, and 300.610-300.627, relating to the issues described in 34 CFR, §300.504(c); and
- (H) The sources that the surrogate parent may contact to obtain assistance in understanding the provisions of federal and state laws, rules, and regulations relating to students with disabilities.

## Responsibilities of District-Assigned Surrogate Parents

### **34 CFR § 300.519(g); TEC § 29.001(10); 19 TAC § 1047(a)**



An individual assigned to act as a surrogate parent must:

- Is willing to serve in that capacity;
- Exercises independent judgement in pursuing the child's interests;
- Ensures that the child's due process rights under applicable state and federal laws are not violated;
- Visits the child and the child's school;
- Reviews the child's educational records;
- Consults with persons involved in the child's education, including teachers, caseworkers, court- appointed volunteers, guardians ad litem, attorneys ad litem, foster parents, and caretakers;
- Attends the child's ARD meetings; and
- Completes a training program within 90 days of assignment as a surrogate parent.

#### **DISTRICT PROCEDURES FOR SURROGATE AND FOSTER PARENTS**

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GCCISD will make a concerted effort to identify the child's parents with the exception of parents of children whose rights have been terminated. If a parent cannot be located, a surrogate will be assigned. The Coordinator for Compliance and Accountability actively seek and train potential surrogate parent volunteers from the community. After the participant has viewed the required TEA training materials, received a copy of the Procedural Safeguards and A Guide to the ARD Process, and completed the Determination of Conflict of Interest, Letter of Agreement and Acknowledgement of Surrogate Training form, they will be eligible to serve as a Surrogate Parent.

Foster parents will also need to be trained and serve as a surrogate parent if the student

Prior to an ARD being conducted or obtaining consent for an evaluation, once a CBE has knowledge that a student is living with someone other than a direct family member (i.e. mother, father, aunt, uncle, or grandparent), the CBE will:

1. Request guardianship documents from whomever enrolled the student. This includes paperwork on foster care or other types of written guardianship documents from a court; and
2. Assign a Surrogate if needed.



If information regarding students current living arrangements are discovered after ARD is completed or consent is obtained, CBE shall stop all proceedings with evaluation or ARD until it is determined if a surrogate is needed.

The decision to assign a surrogate is made using the [Region Service Center Surrogate Decision Making Flow Chart](#). The GCCISD Surrogate Parent Tracking form will be used to record the reason the student requires a surrogate, the date the need for a surrogate was determined, surrogate name, date the surrogate assignment was made, and the date that the surrogate training was completed.

Diagnosticians, LSSPs, and/or SLPs (for any speech only students) can either utilize a campus trained surrogate or contact the special education department for assistance accessing a surrogate. The Coordinator for Compliance and Accountability will maintain documentation of all surrogate parent assignments. The district contracts with Angela Marquez to serve as the surrogate parent for student in GCCISD. Once a surrogate is assigned, he/she will complete and sign the *Surrogate Parent* form from eSped given to them by the campus evaluation staff member. If the Coordinator for Compliance and Accountability assigns a different surrogate, the campus will be forwarded a copy of the Letter of Agreement and Acknowledgement of Surrogate Training form which was previously completed at the time of the surrogate's training.

In order to document engagement in the student's education, surrogates complete the Surrogate Parent Documentation Log given to them by the campus evaluation staff member. This form outlines all of the activities the surrogate parent engaged in for the student such as: phone calls, signing surrogate paperwork, review of student records, attending ARD meetings, receiving and reviewing grades (progress reports/report cards), meetings with student, observation of the student, attending parent/teacher conference, etc. These forms are submitted to the campus (Diagnostician, LSSP, or SLP) each nine weeks or when the student withdraws.



## **Evidence of Implementation**

- Documentation of a Parent's Legal Authority to Make Educational Decisions for the Student
- Communication Between the District and a Student in Foster Care's Caseworker or Foster Care Agency
- Documentation Related to the Training Program Provided
- Certification of Completion of Training for Each Foster Parent or Surrogate Parent
- Determination of Conflict of Interest Form
- Designation of Surrogate Parent Form
- Surrogate Visitor Logs
- Surrogate Parent Documentation Logs
- ARD/IEP
- Prior Written Notice
- Notice of Procedural Safeguards
- Documentation for the state in TSDS, PEIMS, and SPP
- Frontline forms

## **Resources**

[The Legal Framework for the Child-Centered Special Education Process: Parent - Region 18](#)

[Foster Care & Student Success - Texas Education Agency](#)

[Parent And Family Resources - Texas Education Agency](#)

[Parent Resources for Students in Special Education - Texas Education Agency](#)

[OSERS Letter to Cox \(Aug. 21, 2009\) - U.S. Department of Education](#)

[Questions and Answers on Individualized Education Programs \(IEPs\), Evaluations, and Reevaluations \(Sept. 2011\) - U.S. Department of Education](#)

[OSERS Letter to Ward \(Aug. 31, 2010\) - U.S. Department of Education](#)

[OSERS Letter to Serwecki \(Feb. 28, 2005\) - U.S. Department of Education](#)

[Surrogate Parent Information - Region 20](#)

[Surrogate Parent Training - TEXASCASA](#)

[Education For Children Resource Guide - Texas Department of Family and Protective Services](#)

[Notice of Procedural Safeguards - Texas Education Agency](#)



[Guide to the ARD Process - Texas Education Agency](#)

[Surrogate Parent Training - SPEDTEX](#)

**CITATIONS**

Board Policy EHBAB; Board Policy EHBAR; 20 U.S.C. 1401, 1415, 1143(a); 42 U.S.C. 11434a(6); 34 CFR 99.3, 300.30(a), 300.519; Texas Education Code 25.007(b), 29.001(10), 29.015, 29.0151; Texas Family Code 107.031(c), 263.0025; 19 TAC 89.1047