

The image features two overlapping silhouettes in shades of blue and purple. On the left is a smaller silhouette of a child, and on the right is a larger silhouette of an adult. Both figures are pointing their right hands towards the left side of the frame. The text is centered over these silhouettes.

# Surrogate Parents

## Appointment, Training, and Role of Surrogate Parents

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*Office of Superintendent of Public Instruction*

Special Education

(360)725-6075

[www.k12.wa.us/specialed/](http://www.k12.wa.us/specialed/)

# Who is a Parent?

WAC 392-172A-01225

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- A biological or adoptive parent.
- A foster parent.
- A legal guardian, but not the state.
- An adult person acting in place of a parent, including a relative, or individual legally responsible for the student's welfare.
- A surrogate parent appointed by the district.

*Note: If more than one person fits the definition and a biological or adoptive parent is attempting to act as a parent, then biological or adoptive parent is parent unless he/she does not have legal authority to act as a parent. If a judicial decree designates a specific person to act as a parent, then that person is presumed the parent.*

# When is a Surrogate Parent Needed?

WAC 392-172A-05130

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- When no parent can be identified; or
- When the school district or other public agency, after reasonable efforts, cannot discover the whereabouts of a parent; or
- The student is a ward of the state; or
- The student is an unaccompanied homeless youth.

Note: Unavailability of the parent is not a factor in determining the need for a surrogate parent.

# When is a student a ward of the state?

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- A student is a ward of the state if:
  - The student is found dependent under chapter 13.34 RCW and a dispositional order is entered;  
or
  - Parental rights have been terminated and no legal guardian has been appointed.
- A student placed with a foster parent is not considered to be a ward of the state, because foster parents are “parents” under 392-172A-01125.

# Dependency Issues

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Parents of children placed in foster care may still have the right to make educational decisions on behalf of their children:

- Shelter care placement: Child is placed with relative, foster care or group care, based on allegation of danger to child's health, safety and welfare. Petition for dependency is filed but no dependency order entered.
- Voluntary placements: Agreements between a custodial parent and the state to place a child in foster care. Parent retains legal custody.

# The Duty of School Districts

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The school district must have methods:

- For determining whether a student needs a surrogate parent; and
- For assigning a surrogate parent to the student.
- For ensuring that the assignment is made within 30 days of the districts determination that the student needs a surrogate.

# Criteria for Surrogate Parents

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- A surrogate parent must not have interests that conflict with the interests of the student he or she represents; and must have knowledge and skills that to adequately represent the student.
- The person may not be an employee of OSPI, the school district or any other agency which is involved in the education or care of the student. (Other agency includes DSHS caseworkers and group home care workers.)
- A surrogate parent is not an "employee" of the school district or other public agency solely because s/he is paid to act as a surrogate.
- If the student is a ward of the state, a judge may appoint a person to make educational decisions. That person would be the surrogate, if they meet the criteria specified above.
- For homeless youth, staff at transition or other shelters may be appointed as temporary surrogates until one can be appointed meeting the criteria.

# Responsibilities of Surrogate Parents

- A surrogate parent represents the student in all matters relating to the identification, evaluation, educational placement of the student and the provision of FAPE to the student.
- This includes consent for placement, evaluations, attendance at IEP and other meetings, and ensuring that the student is receiving FAPE.
- This also includes review of educational records and ensuring the procedural safeguards of a student including use of dispute resolution mechanisms when needed.

*Remember: A surrogate parent does not assume non-educational rights. Others may need to consent for release of medical records.*



# Ensuring Surrogate Parents Have Knowledge and Skills

The need to ensure that surrogate parents have knowledge and skills will be based on the individuals need for information on the special education process, and past experience.

The training or individual instruction should include:

- Need for surrogate parent
- The role and responsibility of a surrogate parent
- Review of the district's forms and procedures
- Procedural safeguards
- Resources available for parents, including district, OSPI and outside resources.
- A contact for surrogate parent questions

# Appointment of Surrogate Parents

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- Once a surrogate is appointed to act on behalf of the student s/he steps in the shoes of the parent for purposes of the child's special education program and needs.
- The surrogate will need to be familiar with the child, his or her program, other personnel involved with the student.
- All communications regarding the student need to be sent to the surrogate.

# Thank You

For more information, contact:

- OSPI, Special Education Section

<http://www.k12.wa.us/SpecialEd/default.aspx>

(360) 725-6075

- District Special Education Department