

**SANTA CLARA COUNTY
NORTH WEST SPECIAL EDUCATION LOCAL PLAN AREA**

SURROGATE PARENT PROCEDURES

11.1 DETERMINING ELIGIBILITY OF STUDENTS

Prior to assigning a surrogate parent to represent a student, the placing agency representative must complete an Appointment of Surrogate Parent Form and the appointed parent must complete an Acceptance of Appointment Form (Appendix F), which shall be reviewed, and the eligibility of the student shall be determined.

If a student is adjudicated a dependent or ward of the court pursuant to Section 300,601 or 602 of the Welfare and Institutions Code, the documentation provided by the court shall be deemed as documentation that the rights of the student's parent(s) to make educational decisions have been removed or limited by the court.

If the rights of the student's parent(s) and/or legal guardian to represent the child for educational purposes have been specifically removed or limited by the court, the student shall be assigned a surrogate parent.

11.2 RECRUITMENT OF VOLUNTEERS

The SELPA Executive Director and Local Education Agency (LEA) directors will work with community agencies and organizations, both public and private, to secure applicants for the position of surrogate parent volunteer.

The SELPA Executive Director/designee will coordinate activities of the SELPA and LEAs in seeking volunteers.

Each volunteer interested in the surrogate parent position should notify the SELPA Executive Director and LEA as soon as possible.

11.3 SCREENING OF APPLICANTS

The following areas must be addressed by the SELPA Executive Director/designee in the screening process for the appointment of surrogate parents.

1. The volunteer must have an active interest in the students to be served.
2. The volunteer must have a willingness to learn the requirements of special education.
3. The volunteer must have no criminal background (arrest/conviction) that includes a misdemeanor involving abuse or neglect or others, or contributing to the delinquency of minors, or any felony conviction. Misdemeanor convictions within the past five years will be considered on a case-by-case basis.
4. The volunteer must have a valid *California Drivers License* and provide proof of insurance or demonstrate the ability to fulfill all duties of a surrogate parent without needing to drive.
5. The volunteer must be willing to be fingerprinted, if deemed necessary by the SELPA

The SELPA Executive Director shall maintain records of the dates surrogate parents received training so that update/review training may be provided biannually for the surrogate parents.

11.6 SURROGATE PARENT CASELOAD

The SELPA Executive Director will determine the student caseload for the surrogate parent. The criteria utilized will include, but not be limited to, demonstrated ability of the surrogate parent, location of students requiring surrogate parents, and the surrogate parent's interest in the student to be assigned.

11.7 SURROGATE PARENT COMPENSATION

Upon prior approval of the LEA Director, the LEA will reimburse the surrogate parent for reasonable costs incurred in their duties as follows:

- Mileage shall be reimbursed at a rate established by the district in which the surrogate parent is volunteering.
- Phone calls required in the performance of surrogate parent duties, not to exceed \$10.00 per month.
- The surrogate parent must complete an appropriate reimbursement claim form for reimbursement.

11.8 ACCESS TO THE STUDENT

The surrogate parent must meet with the student under the supervision of the student's group home provider, foster parent, person with whom the student resides, placing agency representative, or designated school staff. Exceptions to this procedure are made by the SELPA Executive Director/district director/designee.

School personnel shall make every reasonable effort to ensure that the surrogate parent has access to the student as it relates to the student's educational needs.

The LEA Director shall assign a surrogate parent, within five (5) working days, depending upon the availability of surrogate parents.

The LEA Director shall terminate the services of the interim surrogate parent when/if any of the following exist:

- The student, after assessment, is found to be ineligible for Special Education and/or related services. The Director of Special Education of the LEA in which the student is educated shall notify the SELPA Executive Director, within five working days that the student was determined to be ineligible for special education.
- The student is determined to be ineligible for the services of a surrogate parent.
- The surrogate parent from the previous SELPA qualified to be a surrogate parent in the Santa Clara County SELPAs and is willing and available to provide the service for the student.
- A permanent surrogate parent is appointed for the student.

11.11 EVALUATION OF SURROGATE PARENTS

The Santa Clara North West SELPA shall establish surrogate parent evaluation procedures.

Evaluations of the surrogate parent shall be performed by the Special Education Director of the LEA in which the student is educated, in conjunction with the SELPA Executive Director. Each surrogate parent should be evaluated at a minimum of annually. Evaluations can be conducted in accordance with SELPA n-2.6 (5MCI)

A student, who remains eligible for the services of a surrogate parent, shall be assigned an interim or new surrogate parent within two working days or as soon as possible.

11.13 CONFLICT RESOLUTIONS AND APPEALS

Conflicts must be brought to the attention of the SELPA Executive Director, who will work with all parties involved, to bring resolution to the conflict. The SELPA Executive Director, or his or her designee, will have the final authority in all appeals and conflicts.

11.14 HOLD HARMLESS

The SELPA and the surrogate parent shall enter into a signed agreement of that with a hold harmless clause.