

## What is an Educational Surrogate Parent?

An Educational Surrogate Parent is an individual who has been appointed to represent the educational interests of a child with disabilities, when the parent is unable or unwilling to do so. A Surrogate Parent is appointed to ensure that the educational rights of a child with disabilities are protected.

## What are the duties of the Educational Surrogate Parent?

The Surrogate Parent represents the child in all matters relating to identification, assessment, educational placement and provision of free and appropriate public education legislation, including the Individualized Education Program (IEP) meetings and any mediation or due process hearing pertaining to the child.

A Surrogate Parent, when representing the child's educational interests, has the same rights as those accorded parents. An Educational Surrogate Parent will be appointed whenever a public agency determines that a child is a ward of the state and all parental rights have been revoked, or the public agency is unable to locate a parent or guardian or person acting as a parent.

## If the child is in the custody of the Department of Family Services and placed in foster care, can the foster parent act as the Educational Surrogate Parent?

Yes. In accordance with Wyoming Department of Education (WDE) Rules, a foster parent may serve as an Educational Surrogate Parent if they meet the requirements (listed below).

## Can the child's caseworker act as the Educational Surrogate Parent?

No. In accordance with WDE Rules, the school district or agency shall select an educational surrogate parent who "is *not an employee of the WDE, the school district or any other agency that is involved in the education or care of the child.*"

## What criteria are used for selection of Educational Surrogates?

Wyoming Department of Education Rules state:

*The school district or agency shall select an educational surrogate parent based on the following criteria:*

- i. The individual is not an employee of the WDE, the school district, or any other agency that is involved in the education or care of the child;*
- ii. The individual has no interest that conflicts with the interest of the child he or she represents;*
- iii. The individual has knowledge and skills that ensure adequate representation of the child with a disability;*
- iv. A school district or agency may select as an educational surrogate a person who is an employee of a public agency that only provides non-educational care for the child and who meets the above criteria, paragraph C (ii) and (iii) of this section; and*
- v. A foster parent may serve as an educational surrogate parent if they meet the above requirements.*

## How does the Educational Surrogate Parent carry out his/her responsibilities?

The Educational Surrogate Parent has the responsibility to act on behalf of the student to make sure that he/she receives an education that is designed specifically to meet his/her needs and abilities. To do this the Surrogate will need to:

1. Learn about the student's educational needs by:
  - a. Getting acquainted with the student and talking with the him/her about school;
  - b. Learning about the student's likes and dislikes, abilities and needs, and unique ways of learning
  - c. Reviewing the student's educational records;

- d. Communicating with teachers, caseworkers, foster parents, counselors, therapists, etc.; and
  - e. Observing the student at school;
2. Participate in school meetings to plan the student's Individualized Education Program (IEP);
  3. Sign permission for evaluation and placement;
  4. Monitor the student's educational progress during the school year, and participate in a review of the services at least once a year;
  5. Serve as the student's educational representative by requesting appropriate services or making complaints about services or the lack of services, if necessary;
  6. Negotiate with the school if there is any disagreement about the student's special needs or educational program;
  7. Represent the student in any complaint, mediation or due process procedures;
  8. Abide by the laws of confidentiality when sharing information about the student;
  9. Promote positive communication between the school and other agencies that work with the student (such as the Department of Family Services).
  10. Attend parent/teacher conferences and meetings to plan and/or review your student's educational program.

## Confidentiality

Under the regulations of the Family Educational Rights and Privacy Act (FERPA), it is the responsibility of the Educational Surrogate Parent to keep confidential any information that is gathered from the student's records, teachers and others involved in his/her education. Surrogates will be asked to share some of this information with school and agency people and must be able to use good judgment and report only on the student's educational program.

Surrogates will not be given access to personally identifiable information about the student's family or background.

If a Surrogate chooses not to continue, or if the student is no longer eligible for an Educational Surrogate Parent, the Surrogate will be asked to return all materials they collected during their assignment.

### **Protections for Educational Surrogate Parents:**

Educational Surrogate Parents:

1. Have no responsibility for the care, maintenance, or financial support of the student, and
2. Will not be held liable for actions taken in good faith on behalf of the student in protecting the educational rights of the student.

### **Is training available for persons who wish to become Educational Surrogate Parents?**

It is important that Educational Surrogate Parents be familiar with the Individuals with Disabilities Education Act (IDEA) and the rights and procedural safeguards that are contained in federal and state laws.

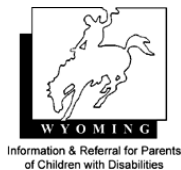
If you are interested in more information or training, contact the Parent Information Center.

### **SUPERMAN HAD SURROGATE PARENTS!**

Becoming an Educational Surrogate Parent is a way of becoming a superhero in the life of a child with disabilities.

Materials for this brochure were developed in collaboration with the Advisory Panel for Students with Disabilities, Wyoming Department of Education, and the Wyoming Department of Family Services.

## **For more information about EDUCATIONAL SURROGATE PARENTS CONTACT:**



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# **EDUCATIONAL SURROGATE PARENTS**

Disability Brochure #8



## **Representing the Educational Interests of a Child**

**Parent Information Center**  
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