

APPOINTMENT OF SURROGATE PARENTS

1. A Surrogate Parent must be Appointed When:

- No parent as defined in 8 N.Y.C.R.R. 200.1 (ii) can be identified;
- The school district, after reasonable efforts, cannot discover the whereabouts of a parent;
- The student is an unaccompanied homeless youth;
- The student is a ward of the State; or
- The rights of the parent to make educational decisions on behalf of the student have been subrogated by a judge in accordance with State law.

2. Qualifications of Surrogate Parents

- May not be officers, employees or agents of the local school district or State Education Department or other agency involved in the education or care of the student except a school district may select a person who is an employee of a nonpublic agency that only provides non-educational care;
- A surrogate parent is not an employee of the agency solely because he or she is paid by the agency to serve as a surrogate parent;
- Shall have no other interest which could conflict with their primary allegiance to the student they would represent; and
- Shall have knowledge and skills that ensure adequate representation of the student.

3. Procedures for Assigning Surrogate Parents

- Any person whose work involves education or treatment of students and who knows the student may need special education services, and who knows that the student requires appointment of a surrogate parent may file a request with the committee on special education.
- The Committee on Special Education (CSE) shall send notice of the

possible need for a surrogate parent to the adult in charge of the student's place of residence and to the parents at their last known address.

- The Committee on Special Education shall determine within a reasonable time following the request whether the student's parents can be identified or located, or whether the student is a ward of the state. This determination shall be completed within a reasonable time following the receipt of the original request for a surrogate parent. If the committee on special education finds that there is a need for a surrogate parent, a person who is qualified to be a surrogate parent shall be selected from the list approved by the board of education, within **10 business days** of the date of the determination by the committee of the need.
- The surrogate parent shall be assigned to represent the student in all matters relating to the identification, evaluation, and educational placement of the student and the provision of a free appropriate public education to the student at least through the time of the first periodic review of the student's educational placement.
- The child's foster parent who otherwise meets the qualifications of a surrogate parent may be appointed as the surrogate parent of the student without being on the list approved by the board of education.

Authority: 8 N.Y.C.R.R. 200.1(ccc)
8 N.Y.C.R.R. 200.5(n)

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