

Training Manual for Surrogate Parents



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Introduction

Since the beginning of our nation, free public education for all our citizens has been recognized as an important right. Unfortunately, for almost two centuries there was a group of American citizens who did not share in this birthright—students with disabilities.

Finally, in the 1970s, after years of work by parents and advocates, government leaders were convinced of the benefits of educating students with disabilities. Laws passed in this decade granted to all students with disabilities the right to a free, appropriate public education.

The idea of education as a right for all citizens was first supported by a 1954 Supreme Court case, *Brown vs. Board of Education*, which dealt with equal educational opportunities for students who are African American. However, this decision also made an impact on the rights of students with disabilities to access a free and appropriate public education. The Supreme Court's ruling emphasized "the importance of education to our democratic society" and the relationship of education to "performance of our most basic public responsibilities."

"Where the state has undertaken to provide it [education]," the Court said, education "is a right which must be made available to all on equal terms." Other court cases, such as *Pennsylvania Association of Retarded Citizens (PARC) vs. Commonwealth of Pennsylvania* and *Mills vs. D.C. Board of Education*, focused on students with disabilities and ruled that all children can benefit from education. These laws cited the Fourteenth Amendment which states that no citizen can be denied the equal protection of the law.

Congress in 1975 passed the Education for All Handicapped Children Act, known as Public Law 94-142. This law said that states accepting federal money for special education programs must offer all students with disabilities a free and appropriate public education. In 1997 Congress reauthorized the Act. The federal law is known as the Individuals with Disabilities Education Act (IDEA). The law is also referred to as Public Law (P.L.) 105-17.

Congress also recognized the importance of active parental involvement in planning their children's educational programs, monitoring progress, and challenging inappropriate decisions. This child advocate role is usually filled by parents. However, the laws stipulated an alternative if the parents of a child with a disability are unknown or completely unavailable or if the child is a ward of the state. Surrogate parents fill the parental role in these situations.

This training manual is a guide for surrogate parents. It includes information on the laws and procedures for representing a child during the special education process. This manual was funded by the Minnesota Department of Education and is used

as part of the training of surrogate parents through a contact with PACER Center. PACER is a statewide training, information, and advocacy organization for parents of children and young adults with all disabilities.

Included in this notebook:

PACER Publication Catalog

Parents Can be the Key

A Guide for Minnesota Parents to the Individualized Education Program

List of Disability Organizations

Handouts:

Understanding the Special Education Process (FAPE – 10)

Records

Transportation

Least Restrictive Environment

How Will I Know if My Child is Making Progress?

Surrogate Parent Guidelines



Children Who Need Surrogate Parents

Students who either already receive special education services or who are thought to need such services are entitled to a free, appropriate public education (FAPE) and may be served by surrogate parents. In Minnesota, this includes students from birth to age 18 (or 21 if the student is a ward of the state and appropriate).

Federal IDEA (Individuals with Disabilities Education Act) regulations and Minnesota Special Education Rules state that when no parents can be identified for students with disabilities, districts must assign a surrogate parent. In federal regulations (300.20) and state rules (3525.0210) a “parent” is defined as:

- a. a natural or adoptive parent of a child,
- b. a guardian but not the state if the child is a ward of the state,
- c. a person acting in the place of a parent (such as grandparent or stepparent with whom the child lives, or a person who is legally responsible for the child’s welfare),
- d. a surrogate parent who has been appointed by the district, or
- e. a foster parent if:
 1. the natural parents’ authority to make educational decisions on the child’s behalf has been extinguished under state law;
 2. the foster parent has an ongoing, long-term parental relationship with the child;
 3. the foster parent is willing to make the educational decisions required of parents under IDEA; and
 4. the foster parent has no interest that would conflict with the interests of the child.



If a foster parent meets the qualifications of “E” above, he or she would be considered a parent under this definition. Other foster parents who do not meet these criteria would still need to be considered for surrogate appointment by the school district. When the school district examines the need for parental representation for foster children with special needs, the process would apply.

Minnesota Rules, which expand on the federal regulations, state that a surrogate parent shall be appointed under three conditions (M.R. 3525.2440):



- 1. The parent, guardian, or conservator is unknown or unavailable:** In order to establish that a child's parents are actually "unknown or unavailable," state rules instruct school districts that "reasonable efforts shall be made to locate the parent. These may be made through documented phone calls, letters, certified letters with return receipts, and visits to the parent's last known address" (M.R.3525.2435). The rules do not define an unavailable parent.
- 2. The pupil is a ward of the Commissioner of Human Services**
Whenever a child is a ward of the state (under state guardianship), a surrogate appointment should be made.
- 3. The parent requests in writing the appointment of a surrogate parent:**
Because parents may be unable to participate in planning for their child for a variety of reasons, they may request in writing that a surrogate parent be appointed to serve in their place. They may either request that a specific person be appointed or that the school district choose someone to appoint. The parents may at any time revoke (also in writing) their request for a surrogate appointment. Only the parent can request removal by the school board of a person he or she requested.

Parents are not usually aware of their right to request a surrogate parent. When a potential situation arises, the parents should be notified of their right to request a surrogate parent. They should also be informed regarding the rights and responsibilities that the surrogate parent would assume in this role.

NOTE: In some cases a grandmother, aunt, or other relative of a student is "acting as a parent" or serving in the parental role. Surrogate rules do not apply in these cases since the child is **not** in need of a surrogate parent.

Surrogate Parent Qualifications

Most often a surrogate parent is either a foster parent or a volunteer from the local community. A surrogate parent is usually assigned to an eligible child through a letter from the local school district serving the child. This appointment can be for a year or open-ended with an annual review.

To meet the state and federal regulation requirements, a surrogate parent must:

1. have no conflicting interest with the child being represented,
2. not be an employee of a public agency involved in the care or education of the child (such as a county welfare worker, teacher, or group home director),
3. have the skills and knowledge to represent the child adequately, and
4. know state and federal requirements, school district procedures, and the nature of the child's disabilities and needs, and have the ability to effectively advocate for an appropriate educational program for the student. If needed, the surrogate will take training to acquire this information.

Although not a legal requirement, it may be best if the surrogate parent and child share a similar background, such as race or culture.



Some other qualities of an effective surrogate parent are:

1. a commitment to learning about the child's educational needs and special education, and
2. an ability to communicate constructively and effectively with school personnel.

Who can be a surrogate parent?

- * Foster parent**
- * Community volunteer**

Who can't be a surrogate parent?

- * Employee of public agency involved in education or care of child**
- * Person with conflict of interest**

Responsibilities of Surrogate Parents

A surrogate parent is only responsible for representing the child when decisions about his/her special education program are made concerning:

- identification of the need for the child to receive special education services
- evaluation to determine his/her individual needs
- design of his/her individualized education program, including placement
- ongoing reviews of educational progress

The surrogate parent would also represent the child when using procedural safeguards (see *Parents Can Be the Key*, Appeals and Safeguards) if the surrogate disagrees with the school's educational proposals.

Surrogate:

To carry out the surrogate parent role and to represent the student

School District:

To see that the surrogate parent carries out that role

School Board:

To remove the appointment of the surrogate parent if role not carried out

Minnesota Rules on Surrogacy

Definition (3525.0200 subp.20b)

“Surrogate parent” means a person appointed by the providing district to intervene on behalf of a pupil, to help ensure that the rights of the pupil to a free and appropriate education are protected. The surrogate parent shall not be a person who receives public funds to educate or care for the child. However, a foster parent may serve as a surrogate parent if appointed and if no conflict of interest exists.

Reasonable efforts shall be made to locate the parent. These may be made through documented phone calls, letters, certified letters with return receipts, and visits to the parent’s last known address. (3525.2435)

Surrogate Parents (3525.2440)

When a Surrogate is Required

The district shall appoint the surrogate parent when:

- A. the parent, guardian, or conservator is unknown or unavailable;
- B. the pupil is a ward of the commissioner of human services; or
- C. the parent requests in writing the appointment of a surrogate parent.
The request may be revoked in writing at any time.



Consultation (3525.2445)

The district shall consult with the county social services office before appointing the surrogate parent when a pupil is the ward of the commissioner of human services.

Surrogate Parent Knowledge and Skills (3525.2455)

The district shall either make the information and training available to the surrogate parent or appoint a surrogate parent who has all of the following:

- A. a knowledge of state and federal requirements;
- B. a knowledge of district structure and procedures;
- C. an understanding of the nature of the pupil's disability and needs; and
- D. an ability to effectively advocate for an appropriate educational program for the pupil.

Removal of Surrogate (3525.2450)

A surrogate parent may be removed by majority vote of the school board. The surrogate parent must be notified of the time and place of the meeting at which a vote is to be taken and of the reasons for the proposed removal. The surrogate parent shall be given the opportunity to be heard. Removal may be for any of the following reasons:

- A. failure to perform the duties required in the team meeting and IEP process and those cited in Code of Federal Regulations, title 34, part 300, a federal regulation to implement par B of the Education of the Handicapped Act;
- B. conflict of interest as referenced in Code of Federal Regulations, title 34, section 300.514(c)(2);
- C. actions that threaten the well-being of the assigned pupil;
- D. failure to appear to represent the pupil; or
- E. the pupil no longer needs special education and related services.

Summary of Surrogate Parents and Special Education

- All children in special education have a right to a free, appropriate public education.
- Children who do not have parents available must be assigned a surrogate parent.
- A surrogate parent is a person appointed by the school district who represents the child in special educational decisions.
- A surrogate parent has the same rights and responsibilities that parents and guardians have in the special education decision-making process.

You've Been Appointed as a Surrogate Parent



How to Start

Here are a few simple guidelines to make certain of having information needed to plan effectively for the child. If you are a foster parent appointed to serve as surrogate parent for a child in your care, you are in a unique position to be aware of the child's likes and dislikes, abilities and needs, and learning style. However, if you do not know the child you have been appointed to represent as surrogate parent, you may need to take some time learning about the child and his or her educational history.

Gather information:

- Meet the child, visit the child's home if possible, and/or visit the child's school.
- If the child is young or has cognitive limitations, present yourself as a friend rather than as a surrogate parent, since that term may be confusing to the child.
- If the child is a ward of the state, talk with the child's county case manager about his or her educational history.
- Review the child's special education records. Ask the school to make you copies of school records.
- Visit class to observe the child and talk with the teacher(s).
- Make certain that teachers, therapists, supervisors, and other professionals involved with the child know that you are acting as the child's surrogate parent (as well as being his or her foster parent if this is the case.)
- Fill out a "Student Profile Sheet" on the child (see Appendix).
- Keep a record and file of all written and verbal contacts you have with the school.
- Ask questions about anything you do not understand.

Learn About the Disability

The surrogate parent will also need to learn about the child's disability. One resource is PACER's book *Disability Awareness: A Guidebook for Families and Educators* (2001). This book discusses disabilities and contains information and resources for twenty different disability areas. The resources include books for children, books for adults, videos, and national organizations. Districts or parents may purchase this book from PACER Center.

Get to Know the Child

It is important for the surrogate parent to spend time observing the child at school and seeing the child in the home environment, reviewing the child's records, and talking to the child's county case manager. Then the surrogate can begin to answer some of these questions:

How does the child learn?

- By watching?
- By hearing?
- In a group? Alone?

What does the child like about school?

- Dislike?
- What is the child's favorite part of the school day? Favorite academic subject? Least favorite subject?
- What are the child's general feelings about school?

What are the child's strengths?

What special interests or hobbies does the child have?

- What does the child enjoy doing?



- Does the child like to play games by him/herself or with others?
- Does the child like group sports?

What are the child's attitudes and relationships to other people?

- With close adults such as foster parents? Other adults?
- With other children? Peers?
- Does the child play alone? With adults? With other children?
- Which school staff does the child relate well to?

What does the child respond to?

- Verbal praise?
- Material things (food, toys, etc.)?

What, if anything, is the child afraid of?

What kind of living skills and adaptive behavior does the child exhibit?

- Independent or dependent upon adults?
- Age-appropriate everyday functioning?

What is the child's developmental history?

- Age of walking? Age of talking?
- Does the child compensate for the disability? When did this begin? (For example, at what age did a child who is deaf begin using sign language? When did the child with a physical disability begin to use a wheelchair?)

What is the child's medical history?

- Is there a history of a medical problem affecting education?
- Is the child currently taking any medication?

Questions can be the surrogate parent's most powerful tool in learning about the child.

Confidentiality

Surrogate parents have access to the child's school records that may contain confidential information. They also will receive confidential information while talking with teachers and county social workers. It is important to use this information with care and discretion and respect the privacy of the child and his or her family.

The Special Education Process

Surrogate parents are appointed to assure that the child's rights are protected. The surrogate parent will need to have knowledge about how the special education process works.



The following chart shows what happens from identification of a disability through development of an Individualized Education Program (IEP). A description of each stage follows the chart.



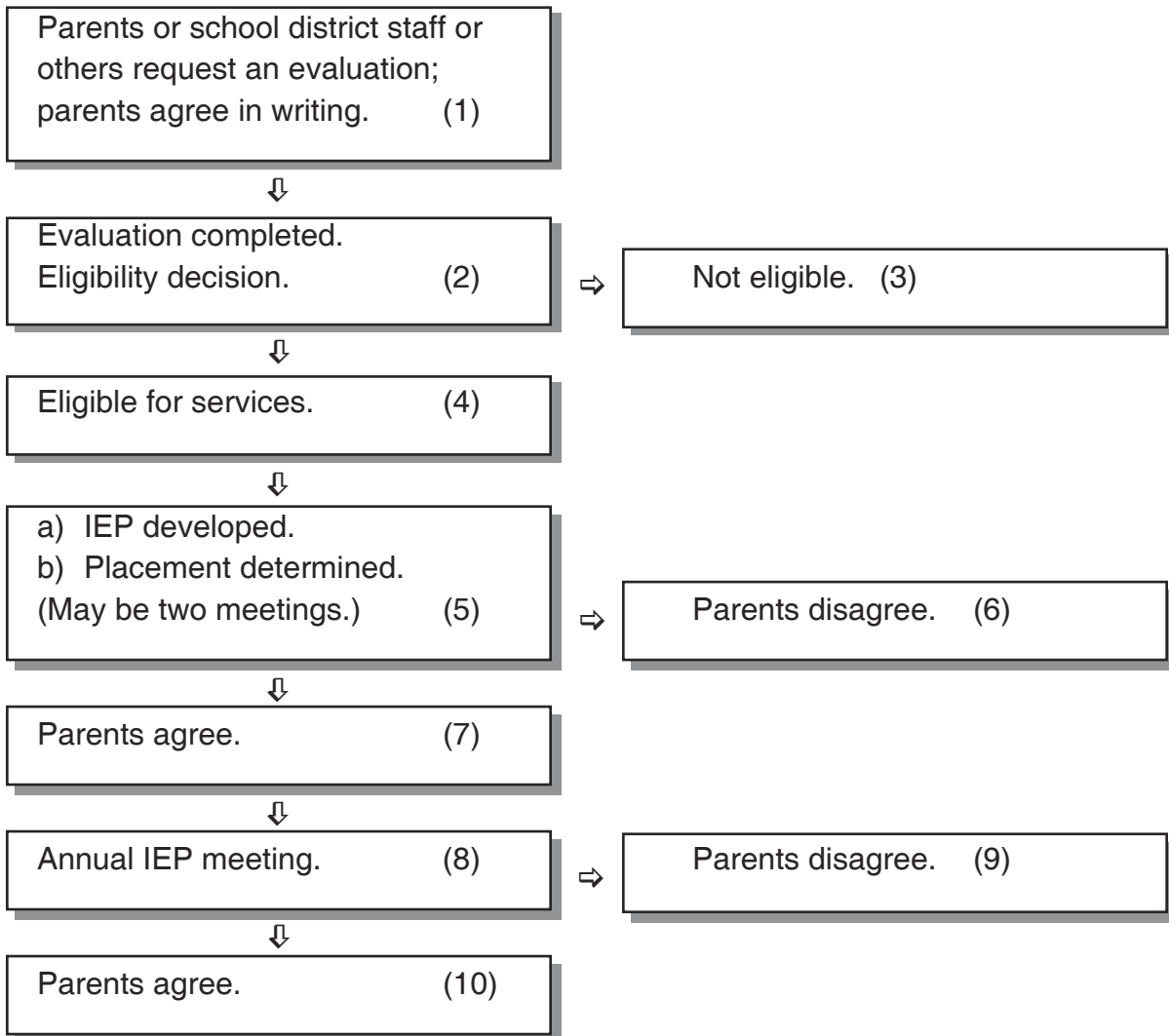
Understanding the Special Education Process

FAPE-10

An Overview for Parents

The chart below offers an overview of the special education process. It is not designed to show all steps or the specific details. It shows what happens from the time a child is referred for evaluation and is identified as having a disability, through the development of an individualized education program (IEP).

The process begins when someone (school staff, parents, etc.) makes a referral for an initial evaluation. An explanation of each numbered area follows the chart.



Families and Advocates Partnership for Education (FAPE)

FAPE Coordinating Office: PACER Center, Inc. 8161 Normandale Blvd., Minneapolis, MN 55437
952-838-9000 voice ~ 952-838-0190 TTY ~ 952-838-0199 fax ~ 1-888-248-0822 toll-free

Web site: www.fape.org ~ E-mail: fape@pacer.org

Readers are encouraged to copy and share this information, but please credit PACER Center.

How the process works

1. Parents, school personnel, students, or others may make a request for evaluation. If you request an evaluation to determine whether your child has a disability and needs special education, the school district must complete a full and individual evaluation. If it refuses to conduct the evaluation, it must give you appropriate notice and let you know your rights. You must give permission in writing for an initial (first- time) evaluation and for any tests that are completed as part of a reevaluation.
2. A team of qualified professionals and you will review the results of the evaluation, and determine if your child is eligible for special education services.
3. If your child is not eligible, you will be appropriately notified and the process stops. However, you have a right to disagree with the results of the evaluation or the eligibility decision. If you disagree with the results of an evaluation, you have a right to an *Independent Educational Evaluation (IEE)*. Someone who does not work for the school district completes the IEE. The school district must pay for the IEE or show at an impartial due process hearing (*see box on next page*) that its evaluation is appropriate.
4. If you and the school district agree that your child is eligible for services, you and the school staff will plan your child's *Individualized Education Program (IEP)*, at an IEP team meeting. You are an equal member of this team. Some states may have a different name for the IEP team meeting.
5. The IEP lists any special services your child needs, including goals your child is expected to achieve in one year, and objectives or benchmarks to note progress. The team determines what services are in the IEP, as well as the location where those services and modifications. At times, the IEP and placement decisions will take place at one meeting. At other times, placement may be made at a separate meeting (usually called a *placement meeting*.) Placement for your child must be in the *Least Restrictive Environment (LRE)* appropriate to your child's needs. He or she will be placed in the regular classroom to receive services unless the IEP team determines that, even with special additional aids and services, the child cannot be successful there. You are part of any group that decides what services your child will receive and where they will be provided.
6. **If you disagree** with the IEP and/or the proposed placement, you should first try to work out an agreement with your child's IEP team. If you still disagree, you can use your due process rights. (*See box on last page.*)
7. **If you agree** with the IEP and placement, your child will receive the services that are written into the IEP. You will receive reports on your child's progress at least as often as parents are given reports on their children who do not have disabilities. You can request that the IEP team meet if reports show that changes need to be made in the IEP.

8. The IEP team meets at least once per year to discuss progress and write any new goals or services into the IEP. As a parent, you can agree or disagree with the proposed changes. If you disagree, you should do so in writing.
9. If you disagree with any changes in the IEP, your child will continue to receive the services listed in the previous IEP until you and school staff reach agreement. You should discuss your concerns with the other members of the IEP team. If you continue to disagree with the IEP, you have several options, including asking for additional testing or an Independent Educational Evaluation (IEE), or resolving the disagreement using due process. *(See last page.)*
10. Your child will continue to receive special education services if the team agrees that the services are needed. A reevaluation is completed at least once every three years to see if your child continues to be eligible for special education services and to decide what services he or she needs.

Due process protects the right of parents to have input into their child's educational program and to take steps to resolve disagreements. When parents and school districts disagree with one another, they may ask for an impartial hearing to resolve issues. Mediation must also be available.

Mediation is a meeting between parents and the school district with an impartial person, called a mediator, who helps both sides come to an agreement that each finds acceptable.

An impartial due process hearing is a meeting between parents and the school district. Each side presents its position, and a hearing officer decides what the appropriate educational program is, based on requirements in law.

School districts must give parents a written copy of special education procedural safeguards. This document outlines the steps for due process hearings and mediation. Parents must be given a copy when their child is first referred for an evaluation and each time they are notified of an IEP meeting for their child.

If you would like more information about special education or about your rights, call your state Parent Training and Information Center. If you do not know the number, call PACER Center at our national toll-free number: 1-888-248-0822. We will be happy to connect you with someone who can help you.

Funding for the FAPE Project comes from the U.S. Department of Education, Office of Special Education Programs (Cooperative Agreement No. H326A980004). This document was reviewed by the U.S. Office of Special Education Programs (OSEP), the OSEP Project Office, and the FAPE Project Director for consistency with the Individuals with Disabilities Education Act Amendments of 1997. The contents of this document do not necessarily reflect the views or policies of the U.S. Department of Education, nor does mention of other organizations imply endorsement by those organizations or the U.S. Government.

An Overview of Special Education for Parents

Surrogate parents play an important role in a child's education. The surrogate is an advocate for the student. The more surrogates know and the more comfortable they are with the special education process and procedures, the more effective they will be in the role of surrogate parent.

This surrogate parent training manual includes two books, *Parents Can Be the Key* and *A Guide for Minnesota Parents to the Individualized Education Program*, to help surrogate parents understand both the principles of special education and the procedures for writing the educational program for a child with a disability. Remember that the word "parent" means surrogate parent too. By law, surrogate parent rights in the educational process are the same as for natural and adoptive parents.

A surrogate parent assigned to a certain child may need more specialized information. PACER Center has produced materials to help parents understand more about Early Intervention, Transition, Emotional and Behavioral Disorders, and other special topics.

Early Intervention Services in Minnesota

Children ages birth up to age 3 and eligible for special education are served under an Individualized Family Service Plan (IFSP). The IFSP plan and process focuses on identifying the needs of the child and family and determining how to best meet these needs. The law recognizes the importance of the family in the lives of young children and emphasizes that the IFSP plan and process be family centered and directed. The IFSP process is to be comprehensive, coordinated, multidisciplinary, and interagency when appropriate.



If a surrogate parent is appointed for a child who is or may be eligible under the early intervention system, the surrogate parent can learn more about this system by requesting from PACER Center free of charge the book, *Families are Important*, published by PACER Center. See the enclosed *PACER Center Catalog of Publications* for additional early childhood materials.

Individual Interagency Intervention Plan (IIIP)

A state law was passed in Minnesota to establish a partnership between agencies serving children with disabilities and their families. Children who receive special education services **and** services from another public agency will qualify for a IIIP. A surrogate parent can ask the local special education director or call PACER for more information on this process.

Transition

Growing up is not easy! It is even more complicated for youth with disabilities. The transition process is the planned movement from school to adult life. Minnesota law requires transition planning to begin at age 14 or 9th grade, whichever comes first, and continues until the student receives his or her high school diploma, no longer has special education needs, or ages out of the special education system.

Broadly defined, transition is an all-inclusive process that focuses on improving a student's employment outcomes, housing options, and social networks after leaving school. The five transition areas are jobs and job training; recreation and leisure; post-secondary education and training; home living and daily living skills; and community participation. The transition plan provides the framework for identifying, planning, and carrying out activities that will help a student make a successful transition to adult life. It identifies what skills need to be learned, when or where transition services are provided, and who will provide them.



If a surrogate parent is appointed for a child who is age 14 or in the 9th grade, the surrogate parent can learn more about transition by requesting from PACER Center free of charge the book, *Transition and Beyond...Now What?*, published by PACER Center. See the enclosed *PACER Center Catalog of Publications* for other materials on this topic.

Special Considerations for Students with Emotional or Behavioral Disorders (EBD)

While IDEA applies to all children with disabilities, surrogate parents of students with serious emotional or behavioral concerns need additional knowledge in behavior management and discipline to ensure that the children they represent are served appropriately.

If a surrogate parent is appointed for a child who has emotional or behavioral concerns, the surrogate parent can learn more about this by requesting from PACER Center free of charge the books, *A Guidebook for Parents of Children with Emotional or Behavioral Disorders* or *Honorable Intentions: A Parent's Guide to Educational Planning for Children with Emotional or Behavioral Disorders*, published by PACER Center. PACER has other materials on this topic as well; see the enclosed *PACER Center Catalog of Publications*.



Structure of Special Education in Minnesota

In Minnesota, special education programs for students with disabilities are provided primarily by *school districts* (public schools) that sometimes combine with other local school districts to form *special education cooperatives*. Sometimes a single school district – usually in highly populated areas – provides services to all children within its boundaries, including the entire range of programs and services for students with disabilities. Sometimes a special education cooperative of two or more districts – usually adjoining or within the same county or region – may join together to provide special education services to students with disabilities within their combined boundaries. A cooperative may have a single administrative office with teaching personnel hired by that office. Publicly funded *charter schools* also are required to provide special education services to eligible children.

Regardless how the special education programs of a school district are organized, in most cases, usually one person called the *special education director*, is in charge of coordinating all special education services. This director is often responsible for the appointment of surrogate parents or assigns that responsibility to another staff person.

There are also two state government departments responsible for offering educational services for students at certain state schools:

- The Department of Education is the educational provider for students at the Minnesota State Academy for the Deaf and the Minnesota State Academy for the Blind.
- The Department of Corrections is responsible for the education of students placed in juvenile correctional facilities at Red Wing, Thistledeew, and Mesabi.

Students Outside their District of Residence

Some students with disabilities may attend educational programs outside their districts of residence (that is, where parents or guardian lives) because those districts contract for services from another district, special education cooperative, or other public or private facility to furnish the required educational programs.

Other children live outside their district of residence because they have been temporarily placed there as a result of court action or agency or parent decision. For example, a student with an emotional or behavioral disorder may be placed in a residential treatment center or therapeutic foster home. Local school districts are held accountable for providing **educational** services for students residing at state hospitals and in most residential treatment centers or group homes within their district boundaries.

Surrogate parents need to spend some time becoming familiar with the organization and personnel of the child's school district or special education cooperative.

Communication in the Special Education Process

IEP meetings and other school meetings are crucial parts of a child's educational program. A surrogate parent's responsibility extends beyond giving consent and accepting explanations. Asking questions, bringing up issues to discuss, gathering information, and clarifying points are all part of the surrogate parent's role.

The surrogate parent has the same rights – and responsibilities – as any other parent. The surrogate can bring someone else to the special education meetings. All participants are working together to benefit the child. The surrogate parent is a very important member of the team.

Effective communication is two-way, generating the understanding and support the professionals and the surrogate parent all need to make effective decisions about the child's educational program. To foster meaningful communication, the surrogate parent can:

- Make sure the focus stays on the child.
- Be prepared. Know in advance the important points to discuss and questions to ask. Write them down and check them off as they are addressed.
- Listen. Listening will help you gather information about your child and help you understand other viewpoints.
- State your issues clearly. Communicate in a honest and clear manner.
- Ask questions. Asking questions can be an effective way of clarifying a point and keeping the line of communication open.
- Comments and questions should be directed to the person who can best address or answer them.
- Restate your concerns if not heard the first time.
- Be confident. A surrogate parent never has to feel guilty or embarrassed asking questions or assertively pursuing the appropriate services for the child. That is your role and your right.
- Work together. Remember that neither you nor the professionals have all the answers. Work together as a team to find solutions. Everyone at the meeting has the same goal—to provide an appropriate educational program for the child.



The key to effective communication is preparation and willingness to be actively involved in planning the child's educational program.

Preparing for a School Meeting

The surrogate parent's most important goal is helping to develop an appropriate educational program for the child. Be prepared to work cooperatively with the professionals involved with the child's program. To get ready for this:

- Know your rights and be prepared to participate actively.
- Review the child's most recent educational evaluation and request a copy of the results. Make certain the evaluation is current and complete and the results are explained so you understand the educational implications.
- Review the child's last individualized education program (IEP) to prepare for developing his/her next one. Also review the last progress report on the child's goals.
- Think of a plan for regular communication with the school. Keep the child's county case manager informed.



- Visit the child's classroom. Making an appointment to observe the child in the classroom accomplishes two important functions – seeing how the child performs and is progressing in the classroom and establishing rapport with the teacher.
- If you do not live with the child, visit the child's home or facility. This is to learn how the child functions at home.
- Talk with professionals who work with the child. These people can offer a wealth of information about the child's progress and personality.
- Talk to the child if possible. Although a child can provide invaluable personal information and perspectives, some children cannot communicate well.
- Complete the "student profile" included in this manual and jot down any notes that may be important for everyone to know about the child. A surrogate can share such aspects of the child's life as interests, hobbies, relationships to others, behavior at home, and difficulties.
- Jot down and bring notes on the child's needs, strengths, and realistic expectations of progress for the year.
- Write down a list of questions. Before the meeting, the surrogate parent can think of questions or areas of discussion that may be important for coming to a decision about the child's program.
- Find out who will attend the meeting. The surrogate can also decide if it is necessary to bring a person from outside the school to the meeting. The surrogate should notify the school when inviting another person to attend.
- Explore other programs offered by the school that may be appropriate for the child.

These points are a framework for a surrogate parent's informed participation in the child's educational program. Adequate preparation may seem time-consuming, but it is worthwhile. The surrogate parent will then have the confidence to advocate for the student at meetings.

There are many resources available for the surrogate parent to use. Attending local parent special education advisory committee meetings or contacting various organizations that hold workshops on specific topics can lead the surrogate to other parents and professionals who can offer advice and support.

Resolving Differences with the School

Participants hope all IEP meetings will result in mutual agreement about an appropriate educational program for the child. However, this doesn't always happen. The surrogate parent can:

- Discuss concerns with the child's IEP case manager.
- Request another IEP meeting to discuss specific issues and concerns.
- Explore other school programs or placements if necessary.
- Consider requesting a conciliation conference, mediation, or an alternate form of dispute resolution.
- If the above methods do not work, consider initiating due process procedures if appropriate.
- If it appears that the school is not complying with special education laws, file a complaint with the state's Division of Compliance and Assistance.

The dispute resolution methods mentioned above are outlined in the enclosed *Parents Can Be the Key* or parents can call PACER Center for further information.

Tips on Resolving Conflicts

- Put requests in writing
- Keep written records of communication with the school
- Clarify issues and priorities related to points of agreement and disagreement
- Define possible solutions
- Decide your "bottom line"

Summary

- ❑ Good communication requires confidence, good listening skills, mutual respect, involvement, and adequate preparation.
- ❑ At school meetings, it is important to share information the surrogate parent has gathered about the child through at-home and classroom visits and from school records.
- ❑ Keep focus of meetings on the child.
- ❑ Participation as a team member is enhanced by maintaining a positive and assertive manner.
- ❑ Listing concerns and questions that need to be addressed before going to meetings assures meaningful participation.
- ❑ Becoming familiar with and understanding the child's IEP can increase the surrogate parent's confidence when attending school meetings.
- ❑ Setting up a system for ongoing communication with the school is essential.
- ❑ Reviewing the IEP progress reports regularly can determine if the child is making meaningful educational progress.
- ❑ If there are disagreements between the surrogate parent and school about decisions related to the child's educational program, it is best to try to resolve these problems informally through discussions and meetings.
- ❑ If disagreements cannot be resolved informally, the next steps may be a conciliation conference, mediation, filing a complaint, or utilizing another conflict resolution process.
- ❑ Organizations serving persons with disabilities and their families are valuable resources for information and support.
- ❑ Being a surrogate parent requires time, energy, and commitment—but this child needs you to help ensure successful planning on his or her behalf.
- ❑ You are an important person in the life of this child.



Questions and Answers



Q. Why can't staff members of the school, county, or the care facility where the child lives be responsible for representing him or her on educational matters?

- A. There are a number of reasons why the school and the agency legally responsible for the child can not make educational decisions:
- Both the school and agency may have restrictions that conflict with meeting the child's individual needs.
 - Neither the school nor the agency can act as a totally neutral party to advocate without conflict of interest.



Q. What is the difference between a surrogate parent and a foster parent?

- A. Sometimes the foster parent IS the parent. If the foster parent meets all the requirements of the definition of "parent" (see Children Who Need Surrogate Parents page) the foster parent is the parent and no surrogate need be appointed.

However, sometimes a child in need of a surrogate parent might have both a foster parent and a surrogate parent. When the requirement of "parent" are not met (see above), the school district could appoint the foster parent as the surrogate parent or appoint someone else. The foster parent is often the most logical choice. If the school district appoints someone other than the foster parent, only the surrogate parent has the right to make special education decisions for the child. The foster parent would have all other rights granted to them by the placing agency.

Q. Do surrogate parents have rights to the child's educational records?

A. Surrogate parents have all the rights guaranteed to parents under special education laws and the Family Educational Rights and Privacy Act (FERPA). Surrogate parents can see, correct, obtain copies of, and approve or disapprove the right of others to see the child's educational records. If an agency other than the school has records that the surrogate parent thinks are relevant to special education planning, the surrogate would call that agency to discuss release of records to the school for educational planning.

Q. Can surrogate parents receive a stipend?

A. There is no requirement in Minnesota that a surrogate parent receive compensation; however, the school may choose to cover the expenses, such as mileage, of the surrogate parent or offer payment for expenses.

Q. Do surrogate parents have a choice in the selection of the child?

A. Yes. Surrogates may request assignment to a child with a certain disability or in a certain age group, for example.

Q. Can a surrogate parent be assigned to represent a student over the age of 18?

A. In Minnesota students ages 18 through 21 are viewed as serving as their own parents. Therefore, if the student is able to make his or her own decisions, a surrogate would not be necessary.

Q. How often can a surrogate visit the child's classroom?



A. A surrogate parent may visit the child's classroom as often as necessary to get to know the child and begin a profile of his/her needs and abilities as well as to monitor how the program is working. Check with the school about the procedures for visiting the classroom by contacting the teacher or principal. Make separate arrangements with any of the school's other staff who may be serving your child. Do not interrupt the teacher while you are observing.



Q. Can a surrogate get more involved with the child, beyond participating in his or her school program?

A. Some volunteer surrogate parents choose to become more involved by visiting the child at home or taking him or her on outings, for example. This decision is made jointly between the surrogate and persons where the child is living. The surrogate can be effective even if not involved outside of the area of education

Q. Can a surrogate be held liable for making a wrong decision?

A. In Minnesota there is no legislation that specifically protects any parent, including surrogate parents, from being held liable. However, there has never been a situation in which a surrogate parent was held liable for his or her decisions.

Q. How much does a surrogate parent need to know about the child's disability, and where can this information be found?

A. To be an effective surrogate parent, it is helpful to acquire some information about the child's disability. The child's teacher, many state and national organizations, and the local library may have helpful information. PACER Center has a resource list of disability organizations as well as the book *Disability Awareness: A Guidebook for Families and Educators* (2001).

Q. Are a surrogate parent's activities evaluated?

A. Schools are responsible for monitoring the activities of each surrogate parent to make sure that he or she is fulfilling the duties as set forth by state and federal rules.

Q. After the appointment, where can a surrogate parent get answers to questions?

A. First, contact the child's special education teacher, principal, or other school person who works with the child. Other sources of information are PACER Center, Minnesota's statewide parent training and information center, other parents of children with disabilities, and disability support groups.

Q. What happens if a surrogate is trained but the school does not assign a child to the surrogate parent?

A. There are several reasons why a surrogate may not be immediately assigned a child. No children may currently need a surrogate parent or more volunteers may be available than needed. The surrogate should let the school know of continued interest, even if not assigned right away. If the surrogate wonders if there is a specific reason why he or she was not assigned a child, he or she should contact the person in charge of surrogate appointments or the Division of Compliance and Assistance (651-582-8689) of the Minnesota Department of Education to discuss the concerns.

Q. Why would a school terminate a surrogate parent's appointment?

A. There are several reasons why the school might discontinue your assignment:

- The child changes school districts because of a change in living arrangements or residential needs
- An "unavailable parent" becomes available again
- The child reaches the age of 18 and no longer needs a surrogate parent
- The child's status as a special education student changes (the surrogate would be involved in decision-making regarding these changes)
- The school thinks the surrogate parent has not fulfilled the responsibilities of a surrogate parent

The surrogate should be informed about the reason for termination and has the right to be heard at a school board meeting to appeal the termination. A complaint can also be filed with the Division of Compliance and Assistance if the termination appears to be inappropriate.



Q. If the child no longer needs a surrogate parent, can a surrogate be reassigned?

A. The surrogate can write or call the person in charge of surrogate parent appointments in the school district or special education cooperative to request an appointment to represent another child.

Q. Can a surrogate parent resign?

A. A surrogate parent wishing to resign can contact the person in charge of surrogate parent appointments within the school district or special education cooperative and discuss the decision. All copies of records must be returned



Q. As a volunteer, what is the surrogate parent's role at the child's place of residence?

- A. The surrogate only has the authority to make decisions about the child's special educational needs. However, it is important to talk to other people involved with the child, especially in his or her home environment, in order to get a complete picture of the child's needs. Make sure that the social workers and others at the residence understand the surrogate's role to gain their cooperation in securing information necessary to help in making decisions about the child's special educational program.

Q. How can a volunteer surrogate parent gain the confidence needed to participate fully in planning the child's educational program?

- A. It is difficult for a volunteer to become as familiar with the child as a parent or foster parent. However, because the important first step has been made—agreeing to take on the role of surrogate parent—the rest is just taking the time to get to know the child and his or her educational background. By following the suggestions in this manual, talking with professionals and other parents, and reading about the child's educational background, a volunteer can gain the confidence that comes through knowing. As time goes on and your experience and your knowledge base increases, so will confidence.

Q. Can the child receive special education services if the surrogate parent refuses to sign the IEP?

- A. The school cannot place the child into a special education program for the first time without the consent of the surrogate. If it is not an initial placement, the school can make proposed changes and will proceed unless the surrogate parent objects in writing within 14 calendar days of receiving the proposal.

Q. What if the surrogate parent does not understand what's written in the child's IEP?

- A. If there is special education terminology or language that the surrogate parent does not understand, it is the responsibility of the surrogate parent to ask questions of school staff involved or contact PACER Center.

Q. What should or shouldn't a surrogate parent sign?

- A. Surrogate parents will be asked to sign all the forms relating to the child's special education, including evaluation and the IEP. Consent should not be given to any proposal that seems inappropriate for the child's needs. Permission for all other types of activities is given by the child's county caseworker, residential care provider, or other person responsible for his or her care.

Q. Do professionals resent a surrogate parent's full participation at an IEP meeting?

- A. Special education law gives you a right to full participation. Your role is to represent the child's interests. Anyone responds better to a positive, assertive attitude. If the surrogate parent is prepared, interested, listens, and is concerned, the professionals are more likely to see the surrogate parent as an equal and valuable participant.

Q. If, during an IEP meeting, the emphasis is on academic skills while the surrogate parent believes that it should be on self-help skills, what can the surrogate parent do?

- A. The surrogate parent should not be reluctant to express concern over the emphasis on academics if, based on the surrogate parent's observations of the child or evaluation data, self-help skills are as important or perhaps more important than academics. Since helping some children function independently may be every bit as important as academics, self-help skills can be a necessary part of the child's educational planning.

Q. What happens if the surrogate parent requests a particular service for the child that the school says they cannot provide because of lack of money?

- A. Money cannot be used as a reason for not providing appropriate and needed services. If the IEP team determines a service is necessary to meet the needs of a child, the team can look at alternative ways to provide the service. Does a neighboring school district or agency in the community have the service? Whatever the team decides to do should be put in writing. The surrogate parent can monitor the progress to prevent undue delay in the provision of a needed service.

Q. What if the school will not listen to the surrogate parent's concerns about the child's educational needs?

- A. School staff should respect your role of parent on behalf of the child. The first step is always reasonable discussion with school personnel, beginning with the IEP case manager. The surrogate parent can also contact an advocacy organization such as PACER Center for assistance in deciding what the best options are and what steps could be taken.

Student Profile Sheet



Child's Name _____ Date of Birth _____

School _____ Phone _____

Teacher _____ Grade Level _____

1. What my child is interested in: _____

2. Things my child is ready to learn: _____

3. My child is best at: _____

4. My child needs the most help with: _____

5. Help my child has received in the past: _____

6. Concerns with my child's current placement: _____

7. Possible alternatives and/or additions to my child's current service:

8. Services that my child needs: _____

9. Special concerns I have about my child: _____

10. Questions I want to ask about my child: _____

11. Suggestions I have about working with my child: _____

