

## SPECIAL EDUCATION

### Appointment of Surrogates

1. David City Public Schools shall insure that the rights of a student with a disability are protected if:
  - a. No parent can be identified;
  - b. The district, after reasonable efforts, cannot locate the parents;
  - c. The child is an unaccompanied homeless youth; or
  - d. The student is a ward of the state or court.
2. The duty of the district includes the assignment of an individual to act as a surrogate for the parents. This must include a method for determining whether a child needs a surrogate parent and for assigning a surrogate parent to the child.
3. The school district may select a surrogate parent in any way permitted under state law and the district shall make reasonable efforts to ensure the assignment of a surrogate not more than 30 calendar days after there is a determination that the child needs a surrogate.
4. In order to qualify, a surrogate parent must be a person who:
  - a. Has no interest that conflicts with the interest of the student he or she represents;
  - b. Has knowledge and skills that insure adequate representation of the student;
  - c. Is not an employee of any public agency which is involved in the education or care of the student. A person who otherwise qualifies to be 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;
  - d. For infants and toddlers, a person assigned as a surrogate parent may not be an employee of any state agency or a person, or an employee of a person, providing early intervention services to the child or to a family member of the child. A person who otherwise qualifies to be a surrogate parent is not any employee solely because he or she is paid by a public agency to serve as a surrogate parent.
5. The surrogate parent may represent the student in all matters relating to:
  - a. The identification, evaluation and educational placement of a student; and
  - b. The provision of a free appropriate education to the student.
  - c. For infants and toddlers, in all matters related to:
    - 1) The evaluation and assessment of the child;
    - 2) Development and implementation of the child's Individualized Family Service Plans (IFSPs) including annual evaluations and periodic review;
    - 3) The ongoing provision of early intervention services to the child; and
    - 4) Any other rights established federal and state laws.

6. The services of the surrogate parent shall be terminated when:
  - a. The student is no longer eligible for a surrogate parent;
  - b. A conflict of interest develops between the interest of the student and the interest of the surrogate parent; or
  - c. The surrogate parent fails to fulfill his or her duties as a surrogate parent.
7. Issues arising from the selection, appointment, or removal of a surrogate parent shall be resolved through hearings established under federal and state laws.
8. The surrogate parent and David City Public Schools shall not be liable in civil actions for damage for acts of the surrogate parent unless such acts constitute willful and wanton misconduct.

**Legal Reference: Federal Regulation 34 CFR 300; Nebraska Statutes 79-1110 to 79-1178; 92 NAC 51-009.08**

**Date Regulation Reviewed by the Board of Education: November 14, 2005**