

**STATE BOARD OF EDUCATION – ADMINISTRATIVE RULE SUMMARY**

**Title/OAR #:** Surrogate Parents / OAR 581-015-2320

**Date:** January 22, 2015

**Staff/Office:** Mitch Kruska and Claudette Rushing, Office of Learning- Student Services

**New Rule**     **Amend Existing Rule**     **Repeal Rule**  
**Hearing Date:** \_\_\_\_\_  **Hearings Officer Report Attached**  
**Prompted by:**  **State law changes**     **Federal law changes**     **Other**

**Action Requested:**  
 **First Reading/Second Reading**     **Adoption**     **Adoption/Consent Agenda**

**PROPOSED/AMENDED RULE SUMMARY:** Minor changes are necessary for this rule in order to fully comply with federal requirements in respect to state supervision of surrogacy and one updated state rule citation.

**BACKGROUND:**

- The ODE is required to create administrative rules to implement the Individuals with Disabilities Education Act (IDEA).
- One of these required rules is found in the federal regulations at 34 CFR 300.519 Surrogate Parents, describes what districts and the state must do in respect to appointing a surrogate parent for some children related to protecting their rights in respect to their special education needs.
- This regulation requires that state education agencies (SEAs) must make reasonable efforts to ensure the assignment of a surrogate parent not more than 30 days after a public agency determines that a child needs a surrogate parent at 34 CFR 300.519(h).
- The previously used ODE rule in respect to IDEA’s surrogate parents requirements can be found in OAR 581-015-2320, and has been in place since 2007. Minor adjustments were made to the rule this summer to eliminate confusion in the field with respect to when a surrogate should be appointed for students in correctional facilities.
- The Office of Learning- Student Services is continuing to improve the quality and ease of use of this administrative rule.
- The rule cited in 581-015-2320(1) to define “parent”, specifically OAR 581-015-2005(20) is no longer in use and OAR 581-015-2000 now defines the term “parent” and was accordingly inserted in the rule’s last revisions. ODE now seeks to remove the outdated definition which remains cited in section(1)(a).

**ISSUES/CONCERNS THAT SURFACED DURING RULE WORK –** There have been no issues or concerns regarding these minor changes to update the rule and align it more closely with other state and federal standards.

**CHANGED SINCE LAST BOARD MEETING?**

- N/A; first read—hasn’t been before board  
 No; same as last month

Yes – As follows:

**FISCAL IMPACT:** None

**STAFF RECOMMENDATION:**

- Adopt administrative rule as prepared this month
- Adopt administrative rule next month
- No recommendation at this time (rarely used)

Comments: NA