

DRAFT DOCUMENT – PRELIMINARY VERSION FOR REVIEW

This document is a working draft and does not constitute official agency guidance. It is being shared for feedback purposes to refine content before final release.

DISCLAIMER: This document is intended solely for informational purposes and provides guidance to support implementation of relevant federal and state authorities. School districts retain discretion in how they implement federal and state requirements based on individual student circumstances and local context. Districts are encouraged to seek legal counsel to ensure compliance with state and federal law.

Introduction

Thank you for considering the important role of becoming a surrogate parent. Surrogate parents ensure that students with disabilities who lack parental representation receive appropriate educational services and have their rights protected. This guide provides general information about the surrogate parent role. **Please note that specific practices and procedures may vary by school district**, while still adhering to the same legal requirements.

What Is a Surrogate Parent?

A surrogate parent is an individual appointed to represent the educational interests of a student with disabilities when:

- The student's parents cannot be identified or located after reasonable efforts.
- The student is a ward of the state and there is reasonable cause to believe the student has a disability.
- The student is an unaccompanied homeless youth.

As a surrogate parent, you would have the same rights and responsibilities as a biological or adoptive parent in educational matters. You would be the student's voice in the special education process.

Legal Framework for Surrogate Parents

The need for surrogate parents is established in federal law (IDEA) and Oregon Administrative Rules (OAR 581-015-2320 and OAR 581-015-2325). Key points from these regulations include:

- A surrogate parent must be appointed within 30 days of determining a student needs one.
- The necessity for a surrogate must be reviewed at least every 365 days.
- A school district cannot appoint a surrogate solely because a parent is uncooperative or unresponsive.
- Surrogate parents have all the same special education rights as parents.
- Surrogate parents are protected from legal liability for actions taken in good faith.

What You Would Do as a Surrogate Parent

Your primary duties, as outlined in Oregon law, are to:

Protect the Student's Special Education Rights

- Understand and advocate for the student's rights under IDEA
- Ensure procedural safeguards are followed
- Give or withhold informed consent for evaluations and services

Become Acquainted with the Student's Disability and Needs

- Review educational records and evaluations
- Meet with the student when appropriate
- Learn about the student's specific disability
- Understand the student's educational strengths and challenges

Represent the Student in All Matters Related to:

- Identification and evaluation for special education
- Development and review of the Individualized Education Program (IEP)
- Educational placement decisions
- Provision of a Free Appropriate Public Education (FAPE)
- Discipline matters affecting educational services
- Transition planning for post-school outcomes

Who Can Become a Surrogate Parent

To qualify as a surrogate parent in Oregon, you must:

- Be at least 18 years old
- Not be an employee of the school district, ESD, ODE, or any agency involved in the education or care of the student
- Have no personal or professional interests that conflict with representing the student
- Have knowledge and skills to adequately represent the student
- Not be an employee of a nonpublic agency providing educational or non-educational care

No prior special education knowledge is required - training will be provided.

Special Situations

For Unaccompanied Homeless Youth:

Staff of emergency shelters, independent living programs, and street outreach programs may be appointed as temporary surrogate parents until a qualified surrogate can be found.

For Adult Students:

When a student reaches age 18 (the age of majority in Oregon):

- Educational rights typically transfer from the parent to the student
- However, if the IEP team determines the adult student cannot provide informed consent due to their disability, a surrogate parent may be appointed

- The team will consider whether the student has conditions that significantly interfere with understanding or participating in the IEP process
- The adult student's preferences about who might serve as surrogate will be considered

Parent-Requested Surrogates:

- Parents can voluntarily request a surrogate be appointed through written consent
- In these cases, parents retain rights to receive all notices and information
- The surrogate becomes responsible for all special education decisions
- Parents can revoke this consent at any time in writing

Time Commitment

The time commitment varies based on the student's needs but typically involves:

- Initial training (3-4 hours)
- Getting to know the student (1-3 hours)
- Attending IEP meetings (1-3 hours, 1-2 times per year)
- Reviewing progress reports (30 minutes, quarterly)
- Communication with teachers and staff (varies)
- Additional meetings as needed

Most surrogate parents spend between 10-20 hours per year per student, with more time usually needed in the first few months and during transition periods.

General Application and Appointment Process

While specific procedures vary by district, the general process typically includes:

1. **Express Interest:** Contact your local school district's special education department
2. **Complete Application:** Provide basic information and background
3. **Background Check:** Required for working with students
4. **Interview:** Brief conversation about your interest and availability
5. **Training:** Complete required surrogate parent training
6. **Appointment:** Formal appointment to represent a specific student
7. **Introduction:** Meet the student and relevant school staff

What Support Will You Receive?

Support structures vary by district, but generally include:

- **Comprehensive Training:** Learn about special education law, the IEP process, and advocacy skills
- **Ongoing Support:** Access to the district's special education staff for questions
- **Resource Materials:** Handbooks, guides, and references
- **Continuing Education:** Optional additional training opportunities
- **Connection to Other Surrogates:** Some districts offer support groups or mentoring

When Does the Surrogate Appointment End?

Your appointment as a surrogate parent may end when:

- You are no longer willing to serve
- The student reaches age 18 (unless determined to need continuing surrogate representation)
- The student is no longer eligible for special education services
- The student graduates with a regular diploma
- Legal guardianship is transferred to a person able to carry out parent responsibilities
- A foster parent is identified who can act as a parent
- A previously unidentified or unlocated parent is found
- You become ineligible to serve as a surrogate
- The student moves to another school district
- The student is no longer a ward of the state or an unaccompanied homeless youth

Frequently Asked Questions

Q: How long does the appointment last?

A: Appointments are reviewed at least annually. They typically last until one of the conditions listed above occurs. You have the right to resign at any time.

Q: Will I be financially responsible for the student?

A: No. Your role is limited to educational decisions. You have no financial, legal, or caregiving responsibilities outside of education.

Q: Am I legally liable for the decisions I make as a surrogate parent?

A: Oregon law specifically protects surrogate parents from liability for actions taken in good faith on behalf of the student.

Q: Can I be a surrogate for more than one student?

A: Yes, if you have the time and interest. Most districts prefer that surrogates start with one student before taking on additional appointments.

Q: Can I serve as a surrogate if I previously worked for a school district?

A: Yes, former school employees can serve as surrogates. The restriction applies to current employees of agencies involved in the student's education or care.

Q: What if I don't agree with what the school is proposing?

A: As a surrogate, you have the same rights as parents to disagree, request changes, and access dispute resolution procedures if needed.

Q: What's the difference between a surrogate parent and a guardian?

A: A surrogate parent's authority is limited to educational decisions. A guardian (appointed by a court) may have broader authority over various aspects of a person's life.

A Day in the Life: What Surrogate Parents Actually Do

Before an IEP Meeting:

- Review the student's current IEP and progress reports
- Talk with the student about their experiences at school (when appropriate)
- Make notes about questions or concerns
- Consider what's working well and what might need to change

During an IEP Meeting:

- Actively participate in discussions about the student's progress
- Ask questions to understand proposed services or changes
- Share insights about the student's needs and strengths
- Ensure the student's voice is represented (especially for older students)
- Provide or withhold consent for evaluations or services

Between Meetings:

- Review progress reports when they arrive
- Maintain communication with teachers as needed
- Visit the student occasionally at school (arranged in advance)
- Follow up on any concerns that arise

Making a Difference: The Impact of Surrogate Parents

Surrogate parents play a critical role in students' educational success. Your involvement can:

- Ensure appropriate services are provided
- Help maintain educational stability
- Provide continuity when other aspects of the student's life may be changing
- Offer an independent perspective focused solely on the student's educational needs
- Give the student a consistent educational advocate

Is Being a Surrogate Parent Right for You?

You might be a good fit if you:

- Care about the educational rights of vulnerable students
- Can approach situations objectively and focus on the student's needs
- Have good communication and listening skills
- Can work collaboratively with school staff while still advocating effectively
- Can maintain confidentiality about student information
- Have the time to attend important meetings
- Are willing to learn about special education processes

Next Steps if You're Interested

