

MISSISSIPPI DEPARTMENT OF HUMAN SERVICES DIVISION OF YOUTH SERVICES JUVENILE INSTITUTIONS	
Subject: Surrogate Parent	Policy Number: 9
Number of Pages: 8	Section: XII
Attachments Contact Log Notification of Assignment as Surrogate Form Volunteer Confidentiality Statement Conflict of Interest Statement Surrogate Consent Form	Related Standards & References Individuals with Disabilities Education Act (IDEA '97) and Regulations Individuals with Disabilities Education Improvement Act (IDEIA '04) Section 504 of the Rehabilitation Act of 1973
Effective Date: 06/09/2006 Revised: 10/06/2008	Approved:  Kathy Pittman, Director
Reviewed: 12/15/2009	

I. POLICY

It is the policy of Mississippi Department of Human Services/Division of Youth Services (MDHS/DYS) that the rights of students, who are referred for or who receive special services, are protected. An adult surrogate parent shall be appointed to represent the student in the following instances: if the parent or guardian requests representation; the parent or guardian cannot be identified or located after reasonable efforts, the student is a ward of the state; when the student at age 18 has been declared mentally incompetent by court action and is thus unable to provide informed consent.

II. DEFINITIONS

As used in this policy, the following definitions apply:

- A. Surrogate Parent** - A surrogate parent is an adult volunteer who is appointed to advocate and ensure the student's rights are protected. The surrogate's responsibilities include all areas related to special education. Surrogates are expected to 1) participate in the required training sessions, 2) possess adequate knowledge and skills to represent the student 3) attend meetings requiring special education decision making and 4) communicate with student on regular intervals to ensure adequate representation of their educational needs. A surrogate parent may be appointed by the court or MDHS/DYS. Surrogates cannot engage in activities that conflict with the interest of the student they represent or work for the Department of Human Services.
- B. Surrogate Parent Eligibility** - Eligibility for this service is applicable to youth who are referred for or receive special education services. A surrogate parent shall be assigned to youth who meet one of the following criteria: 1) No parent can be identified. This includes unaccompanied homeless youth 2). The whereabouts of parents are unknown 3). The parent requests representation. Three efforts to contact the parent have been made and documented.

III. PROCEDURE

Parent(s)/legal guardian involvement and representation are encouraged throughout the special education process. When parents cannot, or choose not to be involved, the implementing regulation of IDEA 2004 places a twofold duty on public agencies: 1) to determine whether a child needs a surrogate for the parent and, if so 2.) assign the surrogate.

A. Determination of Need

1. The principal or designee shall review the files of the special education student and identify the students who are eligible for appointment of a surrogate parent.
2. The MDHS/DYS school program is required to document a minimum of three (3) attempts to contact the parent(s)/legal guardian utilizing at least two different methods (i.e. mail, telephone). Documentation of such attempts should be maintained in the student's file. For mailings, the return receipt will serve as documentation. The Contact Log will be utilized to document attempts to contact the parent.
3. After attempts to contact parent(s)/legal guardian have reasonably been exhausted, the principal or designee, along with the MDHS/DYS Special Education Coordinator must appoint a surrogate parent for the student.

B. Assignment of a Surrogate Parent

When a student is identified as a child in need of a surrogate parent, education staff will:

1. Submit a written request for assignment of a surrogate to the principal or designee.
2. The principal or designee shall appoint a surrogate within a reasonable time period.
3. The principal or designee shall mail a Notification of Assignment as Surrogate Parent to the assigned surrogate parent.
4. The principal or designee shall ensure that the surrogate parent read and sign a Volunteer Confidentiality Form which shall be placed in the student's special education folder.
5. The principal or designee shall ensure that the assigned surrogate signs a Consent Form agreeing to serve as a surrogate for the assigned student.
6. The principal or designee shall ensure that the person assigned as a surrogate is not an employee of the state educational agency, the Mississippi Department of Human Services or any other agency that is involved in the education of the student.
7. The principal or designee shall provide the surrogate an opportunity to meet and discuss educational issues with the student prior to convening the IEP meeting.

C. Responsibilities of the Surrogate

1. A surrogate parent must have the knowledge and skills that ensure adequate representation of the student.
2. A surrogate shall sign a Consent Form which specifies appointment period, a Conflict of Interest Statement, and a Volunteer Confidentiality Statement.
3. The surrogate parent shall keep all information about the student and his/her academic progress confidential as outlined in the Confidentiality Form.

D. Responsibilities of the Principal or designee

1. The principal or designee shall assign a special education teacher to assist the surrogate in understanding their review of the student's record and specifics related to the

- student's disability, Individualized Education Plan (IEP) and Transition Plan.
2. The principal or designee shall arrange a meeting between the student and the surrogate parent to promote relationship building and to ensure that no vested interest conflicts with the interest of the student represented.
 3. If a question regarding the appropriateness of a surrogate parent arises, the principal, designee or Special Education Coordinator shall immediately attempt to resolve the question by meeting with the individuals who gave rise to the question.

E. Training Requirements

1. The MDHS/DYS Special Education Coordinator with the assistance of principal or designee will assist in recruiting and training qualified individuals to serve as surrogate parents.
2. Training should include: laws governing the provision of special education services, including those pertaining to procedural safeguards; characteristics of the public agency and/ or district providing care or special education for the child in question; Individualized Education Planning team responsibilities and processes and the opportunity for the surrogate parent to become familiar with the needs of the child to whom the surrogate has been appointed. Training shall consist of 20 hours for initial certification.