

APPOINTMENT OF SURROGATE PARENTS REGULATION

A Surrogate Parent Must be Appointed When:

- No parent as defined in 8 N.Y.C.R.R. 200.1 (ii) can be identified;
- The Bethlehem Central School District (the District), after reasonable efforts, cannot discover the whereabouts of a parent;
- The student is an unaccompanied homeless youth;
- The student is a ward of the state; or
- The rights of the parent to make educational decisions on behalf of the student have been subrogated by a judge in accordance with state law.

Qualifications of Surrogate Parents:

- May not be officers, employees, or agents of the District or State Education Department or other agency involved in the education or care of the student, except the District may select a person who is an employee of a nonpublic agency that only provides noneducational care;
- 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;
- Shall have no other interest that could conflict with their primary allegiance to the student they would represent; and
- Shall have knowledge and skills that ensure adequate representation of the student.

Procedures for Assigning Surrogate Parents:

- Any person whose work involves education or treatment of students and who knows the student may need special education services, and who knows that the student requires appointment of a surrogate parent, may file a request with the Committee on Special Education (CSE).
- The CSE shall send notice of the possible need for a surrogate parent to the adult in charge of the student's place of residence and to the parents at their last known address.
- The CSE shall determine within a reasonable time following the request whether the student's parents can be identified or located, or whether the student is a ward of the state. This determination shall be completed within a reasonable time following the receipt of the original request for a surrogate parent. If the CSE finds that there is a need for a surrogate parent, a person who is qualified to be a surrogate parent shall be selected from the list approved by the Board within ten business days of the date of the determination by the CSE of the need.
- The surrogate parent shall be assigned to represent the student in all matters relating to the identification, evaluation, and educational placement of the student and the provision of a free, appropriate public education to the student at least through the time of the first periodic review of the student's educational placement.

- The child's foster parent, who otherwise meets the qualifications of a surrogate parent, may be appointed as the surrogate parent of the student without being on the list approved by the Board.

Authority: 8 N.Y.C.R.R. 200.1(ccc)
8 N.Y.C.R.R. 200.5(n)

Adoption Date: April 2, 2008

Reapproved date: March 20, 2019