

## **Educational Surrogate Program Q&A**

### **What is an educational surrogate?**

An educational surrogate is an impartial individual who fills the role of *parent* for a student with a disability whenever decisions are being made about the student's educational placement and individualized education program (IEP) when there is no natural parent or other adult authorized to make educational decisions on behalf of the student.

### **Why do we need educational surrogates?**

IEP Teams determine the appropriate educational program for students with disabilities. Parents of students with disabilities are important IEP Team members. Sometimes, for various reasons, there is no one to fill the role of *parent* at IEP Team meetings. An educational surrogate is needed when:

- the student has no identified parent,
- the parent's cannot be located,
- the student is a ward of the state and is living in a facility or group home and not with a person acting as a parent, OR
- the student is an unaccompanied homeless youth.

The Individuals with Disabilities Education Act (IDEA) requires that states train and provide educational surrogates to fill the role of a parent.

### **Who can be an educational surrogate?**

An educational surrogate must be 18 years old or older, have completed the required online training and have no criminal record for child abuse or neglect. An educational surrogate must not have any conflict of interest concerning the student's education; an educational surrogate may not be an employee of a public agency providing care, custody or educational services to the specific student in need of educational surrogate representation.

### **How much time and money will this commitment take?**

Educational surrogates devote approximately one day to the training provided by the Department of Elementary and Secondary Education, Office of Special Education. After a student with disabilities is assigned, the educational surrogate reviews the student's school record well enough to understand the student's needs, strengths, interests and school history. A meeting between the student and surrogate is arranged. After that, surrogates attend IEP meetings and parent-teacher conferences.

Serving as an educational surrogate parent costs the surrogate parent nothing. Training is provided free of charge and all reasonable expenses are reimbursed.

## **What do educational surrogates do on behalf of the student?**

Educational surrogates are expected to attend conferences and meetings concerning the educational program and placement of the student. Educational surrogates advocate for the student's educational rights. Educational surrogates fill the role of *parent* at IEP team meetings.

## **How often should an assigned educational surrogate visit the student's classroom?**

An educational surrogate may need to visit a student's classroom a couple of times in order to get to know him/her and start to develop a record of his/her needs and abilities. Visits may also be needed during the year in order to monitor how the program is working. Contact your student's teacher or principal to schedule any visits to ensure local procedures are followed.

## **Can an educational surrogate be held liable if he or she makes a wrong decision about a student?**

Missouri provides that a person appointed to act as an educational surrogate shall be immune from any liability for any civil damage arising from any act or omission in representing the student in any decision related to the student's education. This immunity shall not apply to intentional conduct, wanton and willful conduct or gross negligence. Section 162.999(7), RSMo.

## **How can educational surrogates learn more about a student's particular disability?**

Educational surrogates may ask the student's teacher for information or contact the Department of Elementary and Secondary Education's special education compliance supervisor for educational surrogate training for materials on the subject.

## **Who will evaluate educational surrogate activities?**

The Office of Special Education is responsible for monitoring the activities of each educational surrogate to make sure he/she is doing his/her job. Monitoring will be through an evaluation system in DESE Web Applications. Each school district is required to evaluate educational surrogates annually or more often if warranted. The Office of Special Education will use this information to help decide whether or not to continue assignments.

There are several reasons that DESE may terminate/dismiss an assignment: 1) the student changes school districts; 2) the student's status changes and he/she no longer needs an educational surrogate; or 3) the Office of Special Education determines an educational surrogate has not done an adequate job representing the student. If you feel that your assignment was unfairly discontinued, contact the Office of Special Education at DESE.

### **How is an educational surrogate assigned to another student after an assignment is terminated?**

The Office of Special Education will automatically reassign unless you request not to or resign as a surrogate.

### **Can educational surrogates be required to share the costs of the student's education?**

No. All special education and related services must be provided at no cost to the educational surrogate of the student. The intent is that extra costs of providing an education for students with disabilities should not be borne by the student, parent, or guardian.

### **What kinds of records are parents and educational surrogates allowed to see?**

The Family Educational Rights and Privacy Act (FERPA) covers all "records, files, documents and other material which contain information directly relating to a student", and which are maintained by an educational agency, such as an elementary school, an office of a school district or university. The type or location of the records does not matter--discipline folders, psychological reports, health files, and grade reports or other records found in a cumulative folder are all covered.

### **Are there any records that a school can refuse to show parents or an educational surrogate?**

Yes. A school can refuse to show you the following records:

- A teacher's or counselor's "personal notes"--these are notes that a school official makes for his or her own use and are not to be shown to anyone else, except a substitute teacher.
- Personnel records of school employees.

The following sections within FERPA contain information that is more detailed. The definition of education records under 34 C.F.R. § 99.3 includes what constitutes a record generally available for parent review unless otherwise stated. 34 C.F.R. § 99.10(c) requires that an educational agency or institution respond to reasonable requests for explanations and interpretations of education records.

### **May I read the student's educational record myself? What if I don't understand something in the records?**

Yes. You have the right to examine the records yourself. If a school official only agrees to read to you from the records, he or she is violating the law. You have a right to receive an explanation of any item you do not understand. There will probably be a counselor, teacher, or other school staff person in the room with you while you read the records. If this person cannot answer your questions, ask the principal to find someone who can.

### **Does a student residing with foster parents also need a surrogate?**

No, a foster parent is considered a parent; therefore, an educational surrogate assignment is **not** necessary. A foster parent is selected as the custodian for a student by a state or local agency and reimbursed for expenses.

### **Can a foster parent serve as an educational surrogate for other students?**

Foster parents are not prohibited from also serving as educational surrogates. Foster parents may volunteer to be trained and serve as educational surrogates provided they have no conflict of interest.

### **For more information contact the:**

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