

536 SURROGATE PARENT PROCEDURES

I. PURPOSE

The purpose of this policy is to establish procedures used to determine the need for surrogate parents, assignment of surrogate parents, qualifications necessary to serve as a surrogate parent, and the process and criteria for removal of a surrogate parent, pursuant to the laws related to special education services.

II. IDENTIFYING STUDENTS WHO NEED SURROGATE PARENTS

Students who may be in need of a surrogate parent will be identified when one of the following conditions exists:

1. The parent, guardian, or conservator is unknown or unavailable.
2. When the parent requests the appointment of a surrogate parent in writing.
3. When parental rights have been terminated of the student is a ward of the commissioner of human services.

When a student is identified as needing a surrogate parent, the assessment or IEP manager will complete the Request for Surrogate Parent Form and return it to the Director of Special Education.

III. ASSIGNING SURROGATE PARENTS

1. The Director of Special Education is responsible for appointing a surrogate parent. The Director of Special Education will use the standards described in An Administrator's Manual, Implementation of Minnesota's Surrogate Parent Rules, or such other similar manual, in appointing surrogates.
2. The Director of Special Education, upon receiving a request for a surrogate parent, will review the form for completeness, consider the referrer's suggestions for a possible surrogate and will then appoint a surrogate parent by completing the remainder of the Request for Surrogate Parent Form. The Director of Special Education will appoint a surrogate parent who meets the qualifications described below. The Director of Special

Education will send a copy of the Request for Surrogate Parent Form to the school to be placed in the student's special education folder.

III. QUALIFICATIONS FOR A SURROGATE PARENT

The following are the qualifications for a surrogate parent:

1. The surrogate can have no interest that conflicts with those of the child being represented.
2. The surrogate must possess the ability to effectively advocate for an appropriate educational program for the child.
3. The surrogate may not be an employee of a public agency involved in the education or care of the child.

IV. REMOVAL OF A SURROGATE PARENT

A person may be removed as a surrogate parent if any of the following conditions exist:

1. failure of the surrogate to represent the pupil in any of the parental functions described by federal and state rules and regulations (e.g., failure to attend team meetings);
2. a conflict of interest;
3. a change in the pupil's eligibility for special education services;
4. actions by the surrogate that threaten the pupil's well-being; or
5. failure to appear to represent the pupil.

V. PROCEDURES FOR REMOVAL OF A SURROGATE

1. A surrogate may be removed only by majority vote of the school board.
2. If any person has reason to suggest the removal of a surrogate parent, that person must notify the Director of Special Education in writing.
3. The Director, upon receiving such a request, will evaluate the request using the above-described criteria for removal.

4. If the Director is in favor of removal, he or she will complete the Removal of a Surrogate Parent form after scheduling the time and place of the meeting of the school board.
5. A copy of the Removal of a Surrogate Parent form, including notice of the time and place of the meeting and the reason for the proposed removal, will be sent to the surrogate parent prior to the school board meeting.
6. Following action of the school board, the Director of Special Education will complete the Removal of a Surrogate Parent form, place a copy in the student's special education record and send a copy to the surrogate.

Legal References: Minn. R. 3525.2440 - 3525.2455
34 C.F.R. § 300.519

MTCS Request for Surrogate Parent



Identifying Information	
Student Name:	DOB:
School:	Grade:
Personal Completing Form:	Today's Date:
Student is living with:	
Student address:	

Reason for Request

- ☐ 1. Parent is unknown
- ☐ 2. Parent is unavailable
- ☐ 3. Parent is requesting a surrogate parent
(parent should sign shaded area to the right)
- ☐ 4. Parental rights have been terminated
- ☐ 5. Ward of the state

Parental Request for a Surrogate Parent

I hereby request MTCS to appoint a surrogate parent to represent my child.

Parent Signature

Date

- If parent is unknown or unavailable, document attempts to contact parent through phone calls, letters, certified letters or visits to the last known address. (*attach*)
- If student is a ward of the state or parental rights have been terminated, attach court order.

Referrer's suggestions for a Surrogate Parent:

Name:	Phone:
Email address:	
Mailing address:	

Appointment

The below named person is appointed as a surrogate parent for this student:

Name:	Phone:
Email address:	
Mailing address:	
Date appointed:	

Director of Special Education Use Only

Signature, Director of Special Education	Date
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Copy: Due Process Folder
Parent

School MARSS Coordinator

Original: Surrogate

MTCS Removal of a Surrogate Parent Form



Identifying Information	
Student Name:	DOB:
School:	Grade:
Personal Completing Form:	Today's Date:
Student is living with:	
Student address:	
Current Surrogate Parent:	
Current Surrogate Parent address:	

Reason for Request

A surrogate parent may be removed by majority vote of the school board. The surrogate parent must be notified of the time and place of the meeting at which a vote is to be taken and of the reasons for the proposed removal. MINN R. 3525.2450 (2017).

The surrogate parent shall be given the opportunity to be heard. Removal may be for any of the following reasons:

- _____ 1. failure to perform the duties required in the team meeting and IEP process, and those cited in Code of Federal Regulations, title 34, part 300 and United States Code, title 20, chapter 22, sections 1400 et seq.;
- _____ 2. conflict of interest as reference in Code of Federal Regulations, title 34, section 300.515(c)(2);
- _____ 3. actions that threaten the well-being of the assigned pupil;
- _____ 4. failure to appear to represent the pupil; or
- _____ 5. the pupil no longer needs special education or related services.

School Board Use Only	
ACTION	
The surrogate parent has been: <input type="checkbox"/> Retained <input type="checkbox"/> Removed	
Signature, School Board Chair	Date

Copy: Due Process Folder
Parent
School MARSS Coordinator

Original: Surrogate