

Surrogate Parent

“Surrogate parent” means an individual who acts in place of a parent in protecting the rights of an individual in the educational decision-making process. “Eligible surrogate parents” are persons who are at least 18 years of age, known to be reliable, and have had or will receive training in the education of individuals with disabilities. A person selected as a surrogate has no interest that conflicts with the interest of the individual represented and has knowledge and skills that ensure adequate representation of the individual. A person assigned as a surrogate may not be an employee of an agency that is involved in the education or care of the individual. Parents or a foster parent of other individuals with disabilities or other interested and knowledgeable persons may be appointed to serve as surrogate parents. Group home directors and caseworkers may not be assigned as surrogate parents.

In appointing a surrogate parent, it shall be ensured that there is no conflict of interest regarding the surrogate parent’s responsibility to protect the special education rights of the individual; the surrogate parent is, or is willing to become, knowledgeable about the individual’s disability and educational needs; and the surrogate parent is informed of the rights and responsibilities of serving as a surrogate parent.

The AEA Director of Special Education or designee shall select a surrogate parent for special education purposes. The Director or designee shall contact the Department of Human Services administrator to ascertain whether the proposed surrogate parent has any conflict of interest. The director or designee shall appoint the surrogate parent by letter. The letter shall contain the individual’s name, age, educational placement, and other information about the individual determined to be useful to the surrogate parent, and shall specify the period of time for which the person will serve. A copy of the letter shall be sent to the Iowa Department of Education.

Confidential educational records may be reviewed by the surrogate parent who is acting as a parent as defined above. The surrogate parent may represent the individual in all matters relating to the identification, evaluation, and educational placement of the individual and the provision of free and appropriate public education to the individual.

The AEA shall conduct training as necessary using a training procedure approved by the Iowa Department of Education, which includes rights and responsibilities of a surrogate parent, sample forms used by local education agency and area education agency, specific needs of individuals with disabilities and legal and instructional technical assistance.

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