

## **2467 SURROGATE PARENTS AND FOSTER PARENTS**

Federal and State laws require that the Board ensure the rights of a pupil are protected through the provision of an individual to act as surrogate for the parent(s) and assume all parental rights under N.J.A.C. 6A:14-2.2 when:

1. The parent (as defined according to N.J.A.C. 6A:14-1.3 cannot be identified;
2. The parent cannot be located after reasonable efforts;
3. An agency of the State of New Jersey has guardianship of the pupil and that agency has not taken steps to appoint a surrogate parent for the pupil;
4. The pupil is a ward of the State and no State agency has taken steps to appoint a surrogate parent for the pupil;
5. No parent can be identified for the pupil in accordance with N.J.A.C. 6A:14-1.3 except a foster parent, the foster parent does not agree to serve as the pupil's parent, and no State agency has taken steps to appoint a surrogate parent for the pupil; and
6. The pupil is an unaccompanied homeless youth and no State agency has taken steps to appoint a surrogate parent for the pupil.

### Qualifications and Selection

The district will make reasonable efforts to appoint a surrogate parent within thirty days of its determination that a surrogate parent is required for a pupil. If the district fails to appoint a surrogate parent for a ward of the State, a judge may appoint a surrogate parent if the judge determines a surrogate parent is necessary for such pupil.

The person serving as a surrogate parent shall:

1. Have no interest that conflicts with those of the pupil he/she represents;
2. Possess knowledge and skills that ensure adequate representation of the pupil;
3. Not be replaced without cause;
4. Be at least eighteen years of age;

5. Have a criminal history review in accordance with N.J.S.A. 18A:6-7.1 completed prior to his or her serving as the surrogate parent, if the school district compensates the surrogate parent for such services; and
6. Not be an employee of the New Jersey Department of Education, this district, or a public or nonpublic agency that is involved in the education or care of the child.

A surrogate parent may be paid solely to act in this capacity.

The Assistant Superintendent for Pupil Personnel Services shall serve as Surrogate Parent Coordinator and will: determine whether there is a need for a surrogate parent for a pupil; contact any State agency that is involved with the pupil to determine whether the State has a surrogate parent appointed for the pupil; and make reasonable efforts to appoint a surrogate parent for the pupil within thirty days of determining that there is a need for a surrogate parent for the pupil.

When a pupil (who is or may be a pupil with a disability) is in the care of a foster parent, and the foster parent is not the parent of the pupil as defined in N.J.A.C. 6A:14-1.3, the district where the foster parent resides shall contact the pupil's case manager at the Division of Child Protection and Permanency (DCP&P) in the Department of Children and Families, to determine whether the parent retains the right to make educational decisions and to determine the whereabouts of the parent

If the parent retains the right to make educational decisions and the parent's whereabouts are known to the school district, the Surrogate Parent Coordinator shall obtain all required consent from and provide written notices to the parent

If the district cannot ascertain the whereabouts of the parent, the foster parent, unless that person is unwilling to do so, shall serve as the parent pursuant to N.J.A. C. 6A:14-1.3. If there is no foster parent, or if the foster parent is unwilling to serve as the pupil's parent, the Surrogate Parent Coordinator shall consult with the pupil's case manager at DCP&P to assist in identifying an individual to serve as a surrogate parent and appoint a surrogate parent and obtain all required consent from, and provide written notices to, the surrogate parent.

#### Training

N.J.A.C 6A:14-2.2(d) requires the district train surrogate parents so they have the knowledge and skills that ensure adequate representation of the pupil. The Surrogate Parent Coordinator shall coordinate the training for surrogate parents. The training will include, but not be limited to:

1. Providing the surrogate parent a copy of:
  - a. Parental Rights in Special Education booklet;
  - b. N.J.A.C. 6A:14;
  - c. The Special Education Process;
  - d. Code Training Materials from the Department of Education website; and
  - e. Other relevant materials.
2. Providing the surrogate parent an opportunity to meet with the Surrogate Parent Coordinator to discuss the rights of the surrogate parent and the applicable statutes, administrative codes, and Federal laws. The Surrogate Parent Coordinator shall provide the surrogate parent the opportunity to review and to become familiar with the State and Federal requirements for assessment, individualized educational program development, and parental rights with respect to the referral and placement process, including their rights with respect to seeking a due process hearing if they disagree with the local procedure or decisions;
3. Providing the surrogate parent adequate time to become familiar with the pupil and the nature of the pupil's disability through a review of the pupil's record;
4. Providing the surrogate parent an opportunity to confer with the pupil's case manager to discuss the pupil; and
5. Other information and resources to provide the surrogate parent the knowledge and skills to ensure adequate representation of the pupil.

#### Rights of the Surrogate Parent

A surrogate parent appointed in accordance with N.J.A.C. 6A:14-2.2 shall assume all parental rights under N.J.A.C. 6A:14.

#### N.J.A.C. 6A:14-2.2

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