

## SURROGATE PARENTS AND FOSTER PARENTS (M)

### 2467 SURROGATE PARENTS AND FOSTER PARENTS (M)

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Federal and State laws require the Board ensure the rights of a **pupil student** 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 ~~or located after reasonable efforts~~;
2. **The parent cannot be located after reasonable efforts;**
23. An agency of the State of New Jersey has guardianship of the **pupil student** and that agency has not taken steps to appoint a surrogate parent for the **pupil student**;
34. The **pupil student** is a ward of the State and no State agency has taken steps to appoint a surrogate parent for the **student pupil**;
45. No parent can be identified for the **pupil student** 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 student's** parent, and no State agency has taken steps to appoint a surrogate parent for the **student pupil**; and
56. The **pupil student** is an unaccompanied homeless youth and no State agency has taken steps to appoint a surrogate parent for the **student 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 **student 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 a **pupil student**.

The person serving as a surrogate parent **shall**:

1. **Shall** **h**ave no interest that conflicts with those of the **pupil student** he/she represents;



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2. **Shall Possess** the knowledge and skills that ensure adequate representation of the **pupil student**;
3. **Shall Not** be replaced without cause;
4. **Shall Be** at least eighteen years of age;
5. **Shall 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. **Shall 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.

The Director of Special 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 student** to determine whether the State has a surrogate parent appointed for the **student pupil**; and **will** make reasonable efforts to appoint a surrogate parent for the **pupil student** within thirty days of determining that there is a need for a surrogate parent for the **pupil student**.

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

If the parent(s) retains the right to make educational decisions and the parent's whereabouts are known to the school district, the **Surrogate Parent Coordinator Director of Special Services** shall obtain all required consent from and provide written notices to the parent(s).

If the district cannot ascertain the whereabouts of the parent(s), 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.** ~~Director of Special Services shall consult with the pupil's case manager at DYFS to assist in identifying an individual, including the foster parent, who may serve as a surrogate.~~ If there is no foster parent, or if the foster parent is unwilling to serve as the



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**student's pupil's** parent pursuant to N.J.A.C. 6A:14-1.3, the **Surrogate Parent Coordinator** ~~Director of Special Services~~ shall consult with the **student's pupil's** case manager at **DCP&P DYFS** to assist in identifying an individual to serve as a surrogate parent ~~and the Board shall~~ 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 **student pupil**. The **Surrogate Parent Coordinator** ~~Director of Special Services~~ 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** ~~Director of Special Services~~ to discuss the rights of the surrogate parent and the applicable statutes, administrative codes, and Federal laws. The **Surrogate Parent Coordinator** ~~Director of Special Services~~ 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 **student pupil** and the nature of the **student's pupil's** disability through a review of the **student's pupil's** record;



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4. Providing the surrogate parent an opportunity to confer with the **student's** ~~pupil's~~ case manager to discuss the **student** ~~pupil~~; and
5. Other information and resources to provide the surrogate parent the knowledge and skills to ensure adequate representation of the **student** ~~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

Adopted: 9 April 2009

**1<sup>st</sup> Reading: 9 March 2017**

