



# Does this Student Need a Surrogate Parent?

## Scenario 1



Student is a ward/dependent of the Court - placed outside the home -  
AND student is on an I.E.P  
OR student is referred or eligible for special education assessment

Parents rights for education have been specifically limited/suspended  
AND

Parents rights for education have **not** been removed

Court appoints a "responsible adult" to make educational decisions

Court does not appoint a "responsible adult" and one of the subdivisions listed below\* applies

Court does not appoint a "responsible adult" and none of the subdivisions listed below\* apply

LEA is unable to contact parent(s)

NO surrogate required

NO surrogate required

YES, LEA must appoint a surrogate

Matter is referred back to Juvenile Court via the social worker. If social worker cannot locate parent he/she can petition the court to limit parent's right to make educational decisions. Court may appoint a responsible adult or defer to the LEA to appoint a surrogate parent.

- \* (1) The minor reaches 18 years of age, unless the child chooses not to make educational decisions for himself or is deemed by the court to be incompetent.
- (2) Another responsible adult is appointed to make educational decisions for the minor pursuant to this section
- (3) The right of the parent or guardian to make educational decisions for the minor is fully restored.
- (4) A successor guardian or conservator is appointed.
- (5) The child is placed into a planned permanent living arrangement, at which time the foster parent, relative caretaker, or nonrelative extended family member has the right to represent the child in educational matters.

Refer to Section 56055 of the Education code, Welfare and Institutions Codes 361 and 726, and Government Code 7579.5 for a more detailed explanation.

## Scenario 2

Student is in special education OR is referred or eligible for special education and parent cannot be located (parent rights are intact)



Student lives with grandparents or other relatives who are acting as parents

Student lives in foster home or with a live-in care provider

NO - surrogate not required - these relatives fit the definition of "parents"

YES - Surrogate parent is required (because parent's rights have not been removed, foster parents are not "parents") Note: the foster parent could be **appointed** as surrogate