

**PARENTAL STATUS AND APPOINTMENT OF SURROGATE PARENTS  
FOR CHILDREN WITH DISABILITIES**

A person who satisfies the definitional criteria established in Section I. of this guideline shall have all the rights, protections, and obligations of a parent under the IDEA and Chapter 14 of the regulations of the State Board of Education regardless of whether he or she resides with the child for whom he or she is a parent.

District staff may presume that legal notices and other papers required by law to be given to the parent of a child with a disability have been effectively delivered to all persons qualified to act as a parent of that child when such notices or papers are mailed or sent by other reliable means of conveyance to the address identified through the registration process as the residence of the child for school attendance purposes. If District staff have actual knowledge that a person qualified to act as a parent of the child is not receiving such notices when mailed or delivered in accordance with this subsection, copies of notices or papers shall be sent or delivered separately to the residence of that parent.

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FOR CHILDREN WITH DISABILITIES**

- I. “Parent” defined for children with disabilities. The term “parent,” as used in the Individuals with Disabilities Education Act (“IDEA”) and Chapter 14 of the regulations of the State Board of Education, means —
  - A. A natural or adoptive parent of a child;
  - B. A person appointed as guardian by order of a court of competent jurisdiction, but not a guardian *ad litem* and not a state or local agency;
  - C. A person acting in the place of a parent, such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the child’s welfare, when a natural or adoptive parent cannot be identified or located;
  - D. A surrogate parent who has been appointed in accordance with Section II. of this guideline;  
or
  - E. A foster parent who meets the criteria established in Section III. of this guideline.
  
- II. Surrogate Parents
  - A. Criteria for appointment. The District shall appoint a qualified surrogate parent to perform the functions and exercise the rights of a natural parent or guardian in accordance with the IDEA and Chapter 14. If a staff member responsible for contacting or providing notice to the parent of a child with, or thought to have, a disability determines after reasonable investigation of the circumstances that —
    1. No parent, as defined in subsections I-A., I-B., I-C., or I-E. of this guideline can be identified;
    2. Neither the District nor other social services or law enforcement agencies involved with the child or the family of the child can discover the whereabouts of a parent as defined in those subsections; or
    3. The child is a ward of the state as determined by the Secretary of Education.
  - B. “Reasonable investigation” defined. As the term is used in subsection A. of this guideline, “reasonable investigation” shall mean attempted telephone and mail contact with the parent or legal guardian of the child at the last known address and telephone number available, if such information is available; consultation with all social services or law enforcement agencies known to be involved with the child or the family of the child; and interview of the child, when appropriate.
  - C. Qualifications of surrogate parents. The District, individually or in concert with other school districts, shall recruit and maintain a list of the names of and contact information concerning persons who are willing to serve as surrogate parents and who —

1. Is not an employee of the Pennsylvania Department of Education, the Berks County Intermediate Unit, the District, or any other agency that is involved in the education or care of the child, provided, however, that the receipt of reimbursement of expenses from the District or the payment of a reasonable hourly rate for serving as a surrogate shall not render the person an “employee” of the District;
  2. Has no interest that conflicts with the interest of the child he or she represents;
  3. Has obtained all criminal and child abuse background clearances required by law; and
  4. Has knowledge and skills that ensure adequate representation of the child, including training provided by the District, by Berks County Intermediate Unit, or by another source recognized as credible by the District concerning parent and child rights and responsibilities under the IDEA and Chapter 14 of the regulations of the State Board of Education and available programs and services for children with disabilities.
- D. Appointment. As soon as practicable after establishing that any one of the criteria enumerated in subsection A. of this guideline has been satisfied, the responsible staff member shall notify the Office of Special Education, which shall contact and appoint a surrogate who meets the qualifications enumerated in subsection II-C. of this guideline. As soon as practicable after the surrogate has accepted the assignment, the Office of Special Education shall forward to the surrogate copies of all current educational records concerning the child and shall arrange a meeting or other appropriate interaction between the surrogate and the child.
- III. Foster Parents. The District will recognize a foster parent as the parent of a child with a disability only when —
- A. The authority of the natural parents to make educational decisions on the behalf of the child has been extinguished under State law;
  - B. The foster parent has an ongoing, long-term parental relationship with the child and is willing to make the educational decisions required of parents under the IDEA and Chapter 14 of the regulations of the State Board of Education; and
  - C. The foster parent has no interest that would conflict with the interests of the child.