Surrogate Parents for Exceptional Students

Technical Assistance & Training Handbook for Florida School Districts

2007
Florida Department of Education
Bureau of Exceptional Education and Student Services

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Introduction

Florida's school districts have a continuing need for community members who will serve as surrogate parents for exceptional students who do not have a parent or guardian who can act in their interests during the exceptional student education (ESE) process. The purpose of this handbook is to help school districts fulfill their responsibilities under the Individuals with Disabilities Education Improvement Act (IDEA 2004) and Florida law to provide surrogate parents for exceptional students who need them. These responsibilities including identifying and assigning surrogates and providing them with training.

To this end, this handbook actually includes two documents. The first is a technical assistance guide that outlines school districts' responsibilities for providing and training surrogates and suggests strategies for recruiting community members to serve as surrogates.

Section 2 is a training guide for districts to use when providing introductory training for surrogates so that they have a basic understanding of ESE services and processes and their role and rights as surrogate parents. The training guide includes a script for facilitators to adapt to local needs, along with a list of handouts needed by training participants (eligible surrogate parents).

This handbook is accompanied by a CD-ROM that provides a PowerPoint presentation to be used during the introductory training of surrogate parents. This electronic presentation is also available on the website of the Bureau of Exceptional Education and Student Services. The presentation is titled, "Get in the Game! Become a Surrogate Parent for an Exceptional Student."

Surrogate parents have a very important role in the ESE process. They help the child and the school; they also help their community meet the needs of exceptional students and fulfill its legal obligations. In turn, surrogate parents need help from administrators and educators in order to become effective representatives for exceptional students. The introductory training outlined in this document is a first step in providing that support for surrogate parents.

Section 1

Surrogate Parent Technical Assistance Guide

- ✔ School district responsibilities
- ✔ Students who need a surrogate parent
- ✔ Qualifications of surrogate parents
- ✔ Recruitment of surrogate parents
- ✔ Application and appointment of surrogate parents
- ✔ Support for surrogate parents

Definition

A surrogate parent is an individual who has been appointed to act in the place of a parent in safeguarding a child's rights in the special education decision-making process, per Rule 6A-6.0333, Florida Administrative Code (FAC). The surrogate parent represents the interests of the child in all areas relating to the exceptional student education (ESE) process and the provision of a free appropriate public education (FAPE).

Responsibilities of the School District

The Individuals with Disabilities Education Improvement Act's procedural safeguards require that students with *disabilities* who do not have a parent or guardian to represent their interests in the special education process be appointed a surrogate parent. In Florida, this safeguard is extended to all *exceptional students*, including students with *disabilities* and students who are *gifted*.

A child is considered to be in need of a surrogate parent when the child is an exceptional student or is suspected of being an exceptional student (Rule 6A-6.0333, FAC) **and any one** of the following apply:

- The child's parent, after diligent inquiry, remains unknown.
- The whereabouts of a parent cannot be discovered (including when the child is an unaccompanied homeless youth).
- The child is a ward of the state or the court.

The school district must appoint a surrogate parent for any exceptional student who needs one. However, a surrogate parent may also be assigned by a judge who is overseeing the child's care.

The surrogate parent shall be assigned within 30 days of the district's determination that one is needed.

In the "Special Programs and Procedures for Exceptional Children with Disabilities" document, school boards give their assurance that a surrogate parent program is in place and that a surrogate parent is appointed for any exceptional student who meets the above criteria.

In addition, the school district assures that persons appointed as surrogate parents meet all criteria in accordance with Rule 6A-6.0333(1), FAC (see page 4) and that the appointment of a surrogate parent is in accordance with the requirements of Rule 6A-6.0333(2)(a), FAC. The district must conduct reference and background checks of surrogate parent applicants as described on page 7 of this guide.

The appointment and termination of appointment of surrogate parents shall be done in writing by the school district superintendent (or DOE contract designee). Terminations initiated by the superintendent, by the Florida Department of Education contract designee, or by the surrogate shall list the reasons for the termination.

The school district may compensate persons appointed as surrogate parents. A person is not considered an employee solely because the person is paid by the district or DOE contract designee to serve as a surrogate parent.

Note: Any contractor designated by the Florida Department of Education to be responsible for providing ESE services to students has

the same responsibilities as a school district in regard to surrogate parents. This includes contract designees such as those that operate juvenile justice facilities.

Minimum Qualifications of the Surrogate Parent

Minimum qualifications of a surrogate parent are described in Rule 6A-6.0333(1), FAC:

- The person must be a citizen of the United States, a resident of the State of Florida, and above the age of 18.
- The person must be a nonemployee of the local school board or public or private agency involved in the education or care of the child.
- The person must have no interest that conflicts with the interest of the child whom the surrogate represents.
- The person must have knowledge, skills, and experience through successfully completed training to ensure adequate representation of the child. The person must be appropriately trained using training materials developed and approved by the Florida Department of Education's Division of K–12 Public Schools. (Section 2 of this guide presents a plan for such training.)

It is important that, in addition to these minimum qualifications, the person has the time and inclination to fulfill the responsibilities of a surrogate parent.

Responsibilities of the Surrogate Parent

Rule 6A-60333(3), FAC, lists the following responsibilities of the surrogate parent:

- Becoming acquainted with the child and knowledgeable about the child's disabilities and educational needs
- Representing the child in all matters relating to the identification, evaluation, and placement of the child
- Representing the interests and safeguarding the rights of the child in educational decisions affecting the child
- Representing the child in all matters relating to the provision of FAPE

The responsibilities of the surrogate parent shall not extend to the care, maintenance, custody, or residential placement of the child, or any other area not specifically related to the education of the child, or to identification or evaluation of the child that does not relate specifically to special education (Rule 6A-6.0333(4), FAC).

Activities of the Surrogate Parent

In addition to the responsibilities described in State Board of Education rules and listed above, the ongoing activities of a surrogate parent typically include the following:

- Attending training sessions
- Becoming familiar with the district's procedures for providing services to exceptional students
- Meeting the student
- Observing the student's school day

- Becoming familiar with the student's background, abilities, disabilities, and desired post-school outcomes
- Meeting the student's teachers and others who know and work with the student
- Attending individual educational plan (IEP), educational plan (EP), and other meetings regarding the child's special education
- Exercising all due process rights under state and federal law

Liability of the Surrogate Parent

A surrogate parent shall not be held liable for actions taken in good faith on behalf of the child in protecting the special education rights of the child (Rule 6A-6.0333(6), FAC). The district assures that the surrogate parent is not held responsible for actions taken in good faith.

Rights of the Surrogate Parent

A surrogate parent enjoys all the rights of a parent or guardian related to the student's special education services. The district assures that the surrogate parent has available all applicable procedural safeguards.

The surrogate parent of a student who has a **disability** (or is suspected of having a disability) is afforded all procedural safeguards afforded a parent of a student with a disability with respect to identification, evaluation, placement, and the provision of FAPE. These rights are described in IDEA and in Rule 6A-6.03311, FAC. These rights include, but are not limited to, the rights to:

- Receive notice
- Participate
- Give or refuse to give informed consent
- Be provided a copy of the procedural safeguards
- Request an individual educational evaluation
- Access mediation, complaint, and due process procedures

The surrogate parent of a student who is **gifted** or is suspected of being gifted has all the rights of a parent outlined in Rule 6A-6.03313, FAC, Procedural Safeguards for Exceptional Students who are Gifted.

The surrogate parent also has the same rights as a parent related to the student's educational records, including the rights to inspect and review records, have someone at the school explain any item in the records, receive copies of the records, and ask the school to make a change in the records.

Termination of the Surrogate Parent Assignment

At some point in time, the child may no longer need a surrogate parent, or other circumstances may arise that require termination of the surrogate parent assignment. Rule 6A-6.0333(a)(b), FAC, identifies these circumstances:

- The child is determined to no longer be eligible for or in need of ESE services.
- The legal guardian for the child is able to carry out the role of the parent.
- The parent who was previously unknown becomes known, or the whereabouts of

the parent, which were previously unknown, are discovered.

- The appointed surrogate parent no longer wishes to represent or is unable to represent the child.
- The superintendent determines that the appointed surrogate parent no longer adequately represents the child.
- The child moves to a geographic location that is not reasonably accessible to the appointed surrogate.

Recruiting Surrogate Parents

Community organizations such as the Lions Club, Kiwanis Club, Junior League, and senior citizens groups that perform community service for people with disabilities are a good source of possible volunteers to serve as surrogate parents. Leaders of religious organizations may be willing to encourage their members to participate if they are informed of the pressing need for surrogate parents in their community.

In addition, service organizations, sororities, fraternities, and other *groups based on college campuses* may be a good source of volunteers. Especially for college students who are majoring in education, social work, counseling, law, or related fields, serving as a surrogate parent can provide valuable experience with the education system and with exceptional students. Such experience can help college students refine their career goals; develop communication, negotiation, and research skills; and make contacts within the local school district that may be able to provide references or job tips when they are ready to begin their professional careers.

Retired school district personnel are a possible source of volunteers. *Parents* of current or former students may also be willing to serve as a surrogate for a student at their child's school.

Districts should use the full range of local resources to promote the surrogate parent program, such as:

- Placing a notice in the community news section of the local newspaper; asking the newspaper to run a feature article on the service provided by current surrogate parents and the need for volunteers
- Running a request for volunteers on the community bulletin board of the local public television station or public access cable station
- Requesting to be on the program at meetings of organizations such as the Parent-Teacher Association (PTA) or Parent-Teacher Organization (PTO)
- Hosting a recruitment table at community events such as holiday festivals and farmers' markets

Districts shall protect the confidentiality of student information during all recruitment activities.

The Bureau of Exceptional Education and Student Services has developed a flyer for use in recruiting potential surrogate parents. It is titled "Get in the Game: Become a Surrogate Parent for an Exceptional Student in Our Community." The flyer focuses on the importance of surrogate parents and the contributions they make to schools and communities. It also touches on the rewards of "surrogate parenthood," in terms of personal satisfaction and the opportunity to use one's skills and develop new skills. Copies of the flyer may be obtained from the Clearinghouse Information Center at the address listed on

the inside front cover of this handbook, or downloaded from **www.myfloridaeducation.com/commhome** (click on "Publications").

For additional suggestions on recruiting persons to be trained as surrogate parents, contact the local Florida Diagnostic and Learning Resources System (FDLRS) associate center.

Appointing the Surrogate Parent

School districts shall take the following steps in the appointment of surrogate parents for exceptional students.

1. Recruit potential surrogate parents ("applicants").
2. Send to each potential surrogate parent an introductory letter and an application. (See samples #1 and #2 in appendix A.) The application must include an area for the applicant to list references.
3. When the application is returned:
   - Confirm that the applicant meets the minimum qualifications outlined on page 4 of this handbook.
   - Contact the applicant's references to confirm the applicant's commitment to becoming a surrogate parent and suitability for an assignment working with children. (See sample #3.)
   - Perform a background check on the applicant. For applicant's who are *unpaid volunteers*, procedures used to conduct reference and background checks must at a minimum conform to those procedures established for school volunteers who are assigned responsibilities pertaining to the welfare of pupils. (See section 1012.01(5), Florida Statutes [F.S.].) Districts may also require additional background checks.

     For *applicants who will be compensated financially* for their services as surrogate parents, the Jessica Lunsford Act applies and requires mandatory Level 2 screening, which is a process of the Florida Department of Law Enforcement (FDLE) and includes background and fingerprint checks against state and national databases. (See section 1012.465, F.S.)
4. Mail a letter of eligibility to qualified applicants. Include an invitation for the eligible applicant to attend introductory training for surrogate parents. (See samples #4 and #5.)
5. Provide training to eligible applicants. (A training outline is provided in section 2 of this handbook.)
6. After the eligible applicant participates successfully in introductory training, send the applicant a letter of appointment as a surrogate for a specific student. The appointment letter must be signed by the superintendent (Rule 6A-6.0333(2)(a), FAC). However, the match between a specific surrogate and an individual student may be made by other district staff. The appointment letter should include a place for the applicant to sign to accept the assignment as a surrogate parent. (See sample #7.)
7. Once the surrogate parent has accepted the assignment, notify the school of the assignment and contact information for the surrogate parent.

Any surrogate parents who have been appointed by a judge should also be offered training by the school district.

The following additional sample forms and letters are provided in appendix A:

- Request for a Surrogate Parent (#6)
- Surrogate Parent Checklist (#8)
- Letter of Termination of Surrogate Parent Appointment (#9)

All forms should be revised to reflect district-specific procedures for training and appointing surrogate parents.

Ongoing Support for Surrogate Parents

In addition to the required introductory training, many surrogate parents will benefit from ongoing support from the school and district. One way to provide such support is through additional training for surrogate parents on topics such as:

- Needs of exceptional students
- The IEP; the EP
- ESE services and supports
- Continuum of placements and least restrictive environment
- Transition planning
- Graduation options
- Cultural sensitivity
- Helping students become self-advocates

Training on these topics may be available through the local FDLRS associate center, the Family Network on Disabilities, and other agencies.

Another way to support surrogate parents is to ensure that school personnel make every effort to have a positive relationship with the surrogate. It may be helpful to provide training for school personnel on the role and rights of surrogate parents and appropriate practices related to appointing and collaborating with surrogate parents.

Interagency Collaboration

Because of the likelihood of shared clientele, it is important that school districts work closely with the Department of Children and Families, community-based care agencies, and providers of foster care to aid in the identification of students who need surrogate parents and the appointment of surrogates for those students.

It is also important to provide information about legal responsibilities related to surrogate parents to Guardians ad Litem, foster parents, therapeutic foster parents, and agencies that provide services to students in foster care and group homes.

Finally, school districts are encouraged to ensure that judges working in the local child welfare, juvenile justice, and foster care system know how to inform school personnel if they have appointed a surrogate parent for an exceptional student.

For More Information

The Clearinghouse Information Center provides free copies of the following two titles that provide more information on surrogate parents:

- *Volume I-B: Florida Statutes and State Board of Education Rules—Excerpts for Special Programs*
- "Technical Assistance Paper FY 2007-23: Surrogate Parents for Exceptional Students"

Appendix A: Sample Forms and Letters for the Surrogate Parent Program

This appendix includes samples of forms and letters that can be used for the surrogate parent program in the school district. They are based on those found in *The Surrogate Parent Manual* published by the Arkansas Department of Education; *Special Education Training Manual: Surrogate Parents*, published by Citrus County Public Schools; and forms used by the FDLRS/Action Associate Center.

These forms are included in the electronic versions of this handbook in portable document format (PDF). Users may open the documents using a PDF editing application such as Adobe Acrobat Pro, convert the document to an editable text file, and insert local names and contact information as appropriate. Users within the state system of public education in Florida may reproduce these documents for noncommercial purposes.

1. Introductory Letter to Surrogate Parent Applicants _____ 11
2. Surrogate Parent Application _____ 13
3. Request for Reference for Surrogate Parent Applicant _____ 15
4. Letter of Eligibility for Surrogate Parent Applicant _____ 17
5. Invitation to Surrogate Parent Introductory Training _____ 19
6. Request for a Surrogate Parent _____ 21
7. Surrogate Parent Notification of Student Assignment _____ 23
8. Surrogate Parent Checklist _____ 25
9. Letter of Termination of Surrogate Parent Assignment _____ 27

#1: Introductory Letter to Surrogate Parent Applicants

(Date)

(surrogate parent applicant)
(address)
(city, state, zip code)

Dear (*surrogate parent applicant)*:

Thank you for your interest in becoming a surrogate parent. The purpose of the Surrogate Parent Program is to help children with disabilities and other exceptional students who do not have a parent or guardian to oversee their education. The surrogate parent is responsible for learning about the student's educational needs and working with the school to help the school meet those needs.

Please complete the enclosed Surrogate Parent Application and return it to:

(name, title)
(school district, address)
(city, state, zip code)
(telephone number)

You will be contacted as soon as your application has been processed. You are welcome to call if you have any questions. Again we appreciate your interest in the Surrogate Parent Program.

Sincerely,

(ESE administrator)

#2: Surrogate Parent Application—Page 1 of 2

Name_____Date of Birth _____

Address _____

City _____State _____Zip _____

Home Phone _____Work Phone _____

E-mail Address _____

Place of Employment _____

Highest Level of Education _____

Please list any languages that you speak other than English: _____

Please list any languages that you read other than English: _____

Please list any languages for which you interpret: _____

With what ages of children are you most familiar?
_____ 3–5 years _____ 6–10 years _____11–13 years _____14–18 years _____ 19–21 years

1. Are you a citizen of United States? _____ Yes _____ No
2. Are you a resident of the state of Florida? _____ Yes _____ No
3. Are you an employee of the school district or any public or private agency involved in the education or care of children? _____ Yes _____ No
4. Do you have any interests or are you engaged in any activities that could be considered to be in conflict with the interest of a child assigned to you?
   _____ Yes _____ No
5. Do you have time to attend meetings related to the child's educational services?
   _____ Yes _____ No
6. Are you willing to take the required training to be a surrogate parent?
   _____ Yes _____ No
7. Are you willing to inform yourself about the child's educational history, abilities, disabilities, educational needs, and services? _____ Yes _____ No
8. Do you expect to be able to serve for at least one school year from the date you are assigned as a surrogate parent? _____ Yes _____ No
9. Are you affiliated with an organization that is promoting or sponsoring surrogate parenting as a public service activity? _____ Yes _____ No

   (If yes, which organization? _____)

Surrogate Parent Application—Page 2 of 2

Please discuss any skills or traits that would make you an effective surrogate parent.

_____

_____

_____

Please provide contact information for two references:

Reference #1:

Name: _____

Mailing Address: _____

_____Phone: _____

Reference #2:

Name: _____

Mailing Address: _____

_____Phone: _____

*** * * AGREEMENT * * ***

If I consent to become a surrogate parent, I promise to keep all information I receive about the child in strict confidence, while serving as a surrogate parent and in the future. I promise to keep the child's caseworker and the surrogate parent program coordinator informed of my activities as a surrogate parent. I further promise to make every effort to serve for at least one school year.

Signature: _____

Printed Name: _____Date: _____

Please complete this form and send to:

(name, title)
(school district/address)
(city, state, zip code)

#3: Request for Reference for Surrogate Parent Applicant

(date)

(name of reference)
(address)
(city, state, zip code)

Dear *(reference)*:

(Surrogate parent applicant) has volunteered to be a surrogate parent for an exceptional student who has no parent to represent him or her. This applicant has given your name as a reference. **We ask that you assist us in our selection process by responding to the questions on the next page to the best of your ability. Your answers will be kept confidential.**

A surrogate parent acts as an educational advocate for a child who needs exceptional student education (ESE) services. The student may have a disability, or the student may be gifted. The surrogate parent must be willing and able to attend meetings, make informed decisions about the child's educational needs, and monitor the child's education services, as a parent or guardian would. It is an important responsibility. We want to make sure that responsible, involved individuals become surrogate parents.

Thank you in advance for your assistance.

Sincerely,

(ESE administrator)

Reference for Surrogate Parent Applicant

Name of Surrogate Parent Applicant _____

1. Would this person use sound judgment in making decisions about a child's exceptional student education services? (Explain.)

2. Would this person be persistent and maintain an active concern for the child while serving as a surrogate parent? (Explain.)

3. How long have you known the applicant?

4. Additional comments:

Your Signature _____

Please return this letter to: *(name/title)*
(school district/address)
(city, state, zip code)

#4: Letter of Eligibility for Surrogate Parent Applicant

(date)

(surrogate parent applicant)
(address)
(city, state, zip code)

Dear (*surrogate parent applicant)*:

We have received your completed surrogate parent application. I am delighted to inform you that you have met the eligibility requirements set by the State of Florida.

You will be contacted soon about surrogate parent training. During the training session, you will learn about the exceptional student education process and your role as a surrogate parent. After you have completed the training, your name will be placed in the surrogate parent registry maintained by *(name of district employee)* in our school district. The registry is a list of trained surrogate parents ready to be assigned to a student who needs a surrogate parent.

We greatly appreciate your interest in helping exceptional children in our community by serving as a surrogate parent. Feel free to contact *(name and contact information of district employee)* if you have any questions or concerns.

Sincerely,

(ESE administrator)

#5: Invitation to Surrogate Parent Introductory Training

(date)

(surrogate parent applicant)
(address)
(city, state, zip code)

Dear (*surrogate parent applicant)*:

Thank you for your interest in the Surrogate Parent Program in *(name of local school district)*.

On *(day)*, *(date)*, from *(beginning time)* to *(ending time)*, there will be a training for surrogate parents held at *(location/address)*. Completion of this training is required before assignment as a surrogate parent.

At the training session, participants will receive written materials that they may wish to refer to when they become an active surrogate parent.

Please call *(person)* at *(phone number)* to let us know whether or not you plan to attend.

Thank you again for your willingness to help our community meet the needs of an exceptional student.

Sincerely,

(ESE administrator)

#6: Request for a Surrogate Parent

Date _____

Student's Name: _____

Address: _____

_____

School: _____ Phone: _____

Reason for Request:

___ Parent Unknown
___ Whereabouts of Parent Unknown (including unaccompanied homeless youth)
___ Student is a Ward of the State or the Court
___ Foster Parent Refuses to Act as the Parent in Educational Decisions

DCF Case Manager: _____

Address: _____

_____

Phone: _____ E-mail address: _____

Send completed request form to:

(ESE administrator)
(school district)
(address)
(city, state, zip code)

**********Do not write below this line—for school district use only**********

_____ Eligible. Surrogate parent will be assigned.
_____ Not eligible for the following reason(s):

_____

_____

_____
Signature of ESE Director

#7: Surrogate Parent Notification of Student Assignment

(date)

(surrogate parent)
(address of surrogate parent)

Dear (*surrogate parent)*:

Thank you for your willingness to serve as a surrogate parent in our school district. You have been assigned as a surrogate parent for the following student:

_____

Student's Name Age Gender

_____

Address Home Phone Number

_____

City State Zip

_____

School Grade

_____

Exceptional Student Education Assignment(s)

_____

School Phone Guidance Counselor Principal

_____

E-mail Address for Contact at School

The school will contact you regarding any meetings that concern this student. Please contact the school's guidance counselor to arrange to meet and observe this student and to obtain information about the student's educational status.

Thank you again for participating in the surrogate parent program. If you have questions about the surrogate parent program, please contact the ESE administrator at *(phone number)*.

Sincerely,

(superintendent of schools)

#8: Surrogate Parent Checklist

Name of Surrogate Parent Applicant: _____

Address: _____

Phone Numbers: _____

E-mail Address: _____

_____ Application Received [date: _____]

_____ References Received [dates: _____]

_____ Passed Background Check [date: _____]

_____ Introductory Training Completed [date: _____]

_____ Name Submitted by Superintendent [date: _____]

_____ Appointed by Superintendent [date: _____]

[Student and school assigned to: _____]

_____ Appointment Terminated by Superintendent [date: _____]

#9: Letter of Termination of Surrogate Parent Assignment

(date)

(surrogate parent)
(address)

Dear (*surrogate parent)*:

Thank you for serving as a surrogate parent for ___*(name of student)*___, who attends ___*(school)*_____. The purpose of this letter is to inform you that your appointment as a surrogate parent for this student has ended, for the reason indicated below:

___ The child is determined to no longer be eligible for or in need of special education programs.

___ The legal guardianship of the child is assigned to a person who is able to carry out the role of the parent.

___ The parent who was previously unknown has become known, or the whereabouts of a parent that were previously undiscovered have been discovered.

___ You, as the appointed surrogate parent, no longer wish to represent or are unable to represent the child.

___ The child has moved to a geographic location that is not reasonably accessible to you.

Thank you for your participation in the surrogate parent program. It is an important service to our children, our schools, and our community. I hope that you will be willing to serve again as a surrogate parent for another exceptional student.

Sincerely,

(superintendent of schools)

Section 2

Surrogate Parent Training Guide

- ✔ Introduction to training guide
- ✔ Training outline
- ✔ Training script
- ✔ Masters of slides used during training
- ✔ List of supplemental materials

Introduction to This Training Guide

This training guide provides a plan and script for a 90-minute introductory training for individuals who have applied and been found eligible to serve as surrogate parents for exceptional students. The training will provide surrogate parents with an introduction to the ESE process and the educational needs of students with disabilities. This training focuses on students with disabilities; however, in Florida students who are gifted may also have a surrogate parent appointed. School districts may adapt the training to meet the needs of surrogate parents of gifted students by referring to the laws, rules, policies, and procedures that apply to gifted education.

This training should be facilitated by school district staff who are knowledgeable about elements of the ESE process such as evaluation, eligibility determination, and IEP development and revision. An effective facilitator will also be familiar with informal and formal methods of conflict resolution and with district-specific ESE policies, procedures, and forms. Finally, the facilitator should be an advocate for the role of parents in the ESE process.

School districts are encouraged to make ongoing training available for surrogate parents, depending on the needs of the particular students they represent, such as students who are gifted, students who are incarcerated in juvenile justice facilities, and students ages 14 and above.

School districts and DOE contract agencies may freely duplicate this guide for training purposes.

Inside…

Page 32: List of training objectives keyed to training script; description of evaluation procedure

Page 32: List of equipment and supplies needed to present training

Page 33: List of handouts to be distributed to training participants

Page 34: List of additional resources for facilitators and surrogate parents

Page 35: Training attendance log

Page 37: Participant self-evaluation form

Page 39: Surrogate parent follow-up self-evaluation form

Page 41: Script for training

Training Objectives and Evaluation Procedure

The purpose of this training is to familiarize eligible surrogate parents with:

- The conditions under which an exceptional student needs a surrogate parent (page 43)
- The specific activities and decisions that are the responsibility of a surrogate parent (pages 48)
- Basic information about students with special needs and how to get more information about specific disabilities (pages 44–45)
- Services for students with disabilities, including accommodations and modifications (page 46–47, 52–42)
- The elements of the ESE process (referral, evaluation, eligibility determination, IEP development, provision of services, IEP review, re-evaluation, and dismissal) (pages 49–56)
- District-specific forms used in the ESE process (pages 49–56, 60)
- The procedural safeguards afforded to surrogate parents, including the rights to receive notice, participate, and give or withhold consent (pages 56–60)
- Formal methods of conflict resolution, including mediation, formal written complaint, and due process hearing (pages 60–64)
- The elements of effective teamwork between parents and school staff, including teamwork and problem-solving (pages 64–67)
- How surrogate parents can obtain information and assistance through the local school and district (pages 67, 68)

Participants' attainment of these training objectives will be assessed through a written self-evaluation that they will complete at the conclusion of the training session and a follow-up self-evaluation that they will be asked to complete three months after they have been assigned as a surrogate parent to an exceptional student. It is recommended that districts provide a stamped, self-addressed envelope for surrogate parents to use to return the follow-up self-evaluation form to the district ESE administrator.

Equipment and Supplies

The following materials are needed to present this training:

- Participant sign-in sheet, such as the one provided on page 35
- Name tag for each facilitator and participant
- Copy for each participant of self-evaluation form provided on page 37
- Surrogate parent follow-up self-evaluation form on page 39
- Pen or pencil for each participant
- Note pad for each participant
- Chart paper and/or dry erase board and markers
- Computer with Windows or Macintosh operating system; Microsoft PowerPoint software; LCD projector; PowerPoint presentation entitled "Slides for Surrogate Parent Introductory Training" (which is available on CD from the CIC or may be downloaded from **www.myflorida-education.com/commhome/clerhome.htm**)

or

Overhead projector and transparencies printed by facilitator from the PowerPoint presentation referenced above.

Handouts for Participants

Each participant needs two types of handouts during the training session: **publications** available through the Florida Department of Education's Clearinghouse Information Center (CIC) or the National Dissemination Center for Children with Disabilities (NICHCY) and **district-specific forms**. Needed handouts are listed below. All handouts may be distributed at the beginning of the session, or each one may be distributed when it is first referred to during training.

Publications

- Samples of the information sheets on characteristics and educational needs of children with disabilities, available in English and Spanish for free download from NICHCY at the website **www.nichcy.org** [click on "Our Publications" and then "Disability Info"].

- Free publications available in English and Spanish from the CIC (see inside front cover of this handbook):

    * "Get in the Game: Join the ESE Team as a Surrogate Parent for an Exceptional Student"
    * *For Parents of Florida's Students with Disabilities: An Introduction to Exceptional Student Education*
    * *For Parents of Florida's Students with Disabilities: Parents' Educational Records*
    * "Getting Ready for Your Child's IEP Meeting"
    * "Summary of Procedural Safeguards for Students with Disabilities" (also available in Haitian-Creole)
    * *Accommodations and Modifications: What Parents Need to Know*

District-Specific Forms

Distribute to training participants copies of local school district versions of the forms listed below. It may be appropriate to have participants keep the forms, or you may ask participants to return the sample forms to you for re-use.

- Notice and Consent for Evaluation
- Notice of Meeting: Evaluation Review, Eligibility, IEP, Placement
- Eligibility Staffing Form
- Consent for Placement
- Individual Educational Plan
- Notice of Change in Placement or Eligibility
- Notice of Re-evaluation
- Notice of Dismissal from ESE Services
- Notice of Ineligibility
- High School Diploma Options Form
- Release of Confidential Information

References for Training Facilitator

The facilitator will find it helpful to be familiar with and have on hand for reference during the training session the following documents available from the CIC:

- "Technical Assistance Paper FY 2007-23: Surrogate Parents for Exceptional Students"
- Surrogate Parents, Assurances, Part IV, C in "Special Programs and Procedures for Exceptional Children with Disabilities"
- *Florida Statutes and State Board of Education Rules—Excerpts for Special Programs (Volume I-B)*
- *Federal Laws and Regulations Pertaining to the Education of Students with Disabilities (Volume I-C)*

Optional Materials to Make Available to Surrogate Parents

It is recommended that the coordinator of the district's surrogate parent program have available on an as needed basis additional materials that will be relevant only for surrogate parents who are assigned to certain students. Many appropriate materials are available from the Clearinghouse Information Center (CIC) and can be identified using the Publications Index and ordered or downloaded through the CIC. The documents listed below may be particularly appropriate. Most are available in English and Spanish; some are also available in Haitian-Creole.

For surrogate parents of gifted students:

- *For Parents of Florida's Students Who Are Gifted: An Introduction to Gifted Education*
- "Procedural Safeguards for Students Who Are Gifted"

For surrogate parents of middle and high school students:

- "High School Diploma Options for Students with Disabilities: Getting the Right Fit"
- *Diploma Decisions for Students with Disabilities—What Parents Need to Know*
- *Transition Planning for Students with Disabilities: A Guide for Families*

For surrogate parents of children ages three to five years:

- "Transition: A Booklet to Help Children and Families in Moving from the Infants & Toddlers Early Intervention Program at Age Three to Other Community Programs"

Training Script

The script for this training begins on page 41. Facilitators are not required to present the script exactly as written; they may adjust the language and format to be compatible with their own presentation style and the needs of the participants. It is important, however, that the content included in the training script be covered in each training session.

The script includes questions and discussion topics printed in italics. The script is annotated in the left column with the following information:

- Actions for the facilitator to take (in bold)
- Handouts to distribute or refer to (in a box)
- The number and content of the relevant slide in the accompanying PowerPoint presentation (If the facilitator needs to advance a particular slide more than once to reveal all its content, this character (⇛) appears.

Surrogate Parent Training Attendance Log

page ___ of ___

Date of training: _____Facilitator: _____

Participant's Name:_____
Mailing Address: _____
Phone Number:_____E-mail: _____
If you are the child's foster parent, child's name:_____

* * *

Participant's Name:_____
Mailing Address: _____
Phone Number:_____E-mail: _____
If you are the child's foster parent, child's name:_____

* * *

Participant's Name:_____
Mailing Address: _____
Phone Number:_____E-mail: _____
If you are the child's foster parent, child's name:_____

* * *

Participant's Name:_____
Mailing Address: _____
Phone Number:_____E-mail: _____
If you are the child's foster parent, child's name:_____

* * *

Participant's Name:_____
Mailing Address: _____
Phone Number:_____E-mail: _____
If you are the child's foster parent, child's name:_____

* * *

Participant's Name:_____
Mailing Address: _____
Phone Number:_____E-mail: _____
If you are the child's foster parent, child's name:_____

* * *

Surrogate Parent Introductory Training Self-Evaluation Form

Please complete this self-evaluation form to help us meet your ongoing needs and improve this training program.

Date of Training: _____Facilitator: _____
Your Name: _____

1. Below is a list of topics that were introduced during this training. Place a check mark by a topic if you feel that you now have a basic understanding of it.

- ☐ Why an exceptional student might need a surrogate parent
- ☐ The activities and decisions that surrogate parents are responsible for
- ☐ Types of disabilities and the educational needs that exceptional students may have
- ☐ How I can learn about my student's educational needs and participate in the process of educational decision making for my student
- ☐ The ESE process (referral, evaluation, eligibility determination, IEP development, provision of services, IEP review, re-evaluation)
- ☐ Forms used in the ESE process
- ☐ How I can get help to become an effective surrogate parent
- ☐ My rights as a surrogate parent, including the rights to receive notice, participate, and give consent
- ☐ How to solve problems through effective communication, mediation, formal written complaint, and due process hearing

2. Indicate any topics that you plan to learn more about when you are appointed as a surrogate parent.

3. Indicate any information that you would like the school district to provide to you as soon as possible.

Surrogate Parent Follow-Up Self-Evaluation Form

Thank you for becoming a surrogate parent for an exceptional student. Please complete this follow-up self-evaluation to help us meet your needs and improve our program.

Date of Training: _____
Your Name: _____

1. Below is a list of topics that were covered during your introductory training. Place a check mark by each topic that the introductory training covered well enough to get you ready to begin your role as a surrogate parent.

- ☐ The activities and decisions that surrogate parents are responsible for
- ☐ Types of disabilities and the educational needs that exceptional students may have
- ☐ How to learn about your student's educational needs and participate in the process of educational decision making for your student
- ☐ The ESE process (referral, evaluation, eligibility determination, IEP development, provision of services, IEP review, re-evaluation)
- ☐ Forms used in the ESE process
- ☐ How you can get help to become a more effective surrogate parent.
- ☐ Your rights as a surrogate parent, including the rights to receive notice, participate, and give consent
- ☐ How to solve problems through effective communication, mediation, formal written complaint, due process hearing

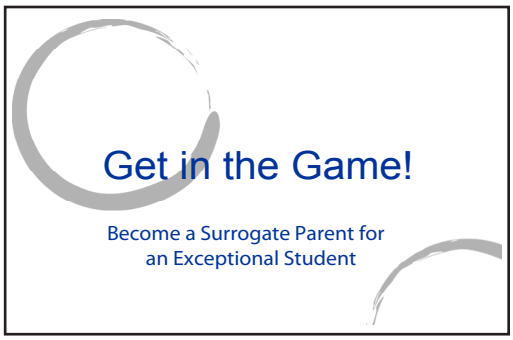
2. Indicate any topics that you would like to learn more about in order to become a more effective surrogate parent.

3. Indicate any information that you would like the school district to provide to you as soon as possible.

Please return this form to _____
_____
_____

Training Script—90 minutes

#1



- **Have participants sign in. (See page 31.)**
- **Give each participant a name tag.**

Distribute

- Pamphlet: "Get in the Game"
- Book: *For Parents of Florida's Students with Disabilities: An Introduction to Exceptional Student Education*
- Book: *Parents' Educational Records*

#2



Welcome/Introduction

Welcome to this introductory training session for surrogate parents. My name is _____. On behalf of the superintendent of schools, I thank you for becoming a surrogate parent. Our community has a responsibility to protect the interests of exceptional students who don't have a parent to represent them. Your help will allow us to meet our obligation.

This training session will take about 90 minutes. We'll spend about an hour talking about exceptional student education and your role as a surrogate parent. That will leave about 30 minutes for you to ask questions.

I want to warn you that when you leave this training you probably will *not* feel like an expert on exceptional student education, or ESE, as it is called. You may even feel like you have more questions than you started with. However, once you become a surrogate parent, you will learn a lot through experience, just as parents do. I also want to assure you that our teachers and staff understand your position and will give you the help and information you need to be an effective surrogate parent.

Meeting the needs of exceptional students takes teamwork, and you will be an important member of the team!

- **Have participants introduce themselves.**

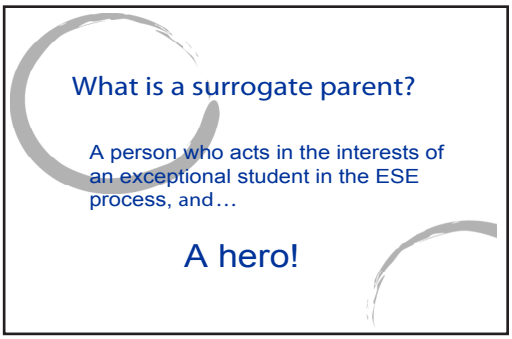
- *Let's get the ball rolling with some introductions. Would each of you please tell us your name and what led you to become a surrogate parent?*

Surrogate Parents: Definition and Duties

- "Get in the Game": page 1.

I've handed out several publications. This one, called "Get in the Game," is designed to go with this training, so you may want to follow along in it. You can also take it home and use it as your basic guide to surrogate parenthood.

#3



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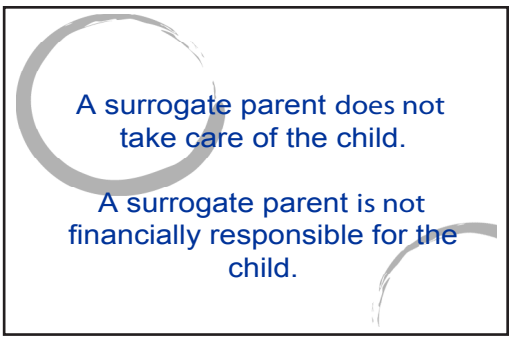
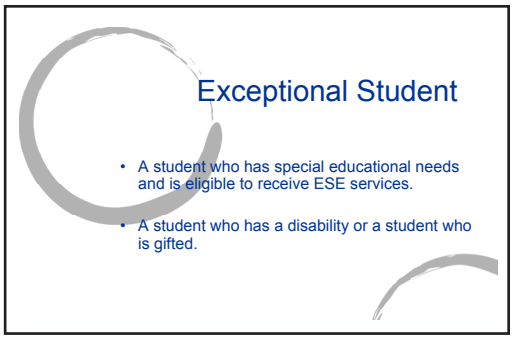


Page 1 of the pamphlet explains the meaning of the term "surrogate parent." A surrogate parent does not actually take care of the child and is not financially responsible for the child. A surrogate parent is a person who acts in the interests of an exceptional student who does not have a parent to represent him or her in the ESE process. The surrogate parent works with the school to make sure that the exceptional student receives a free and appropriate public education, which we call "FAPE."

- **Listen to responses.**

- *Can anyone tell me what I mean by the term "exceptional student"?*

#5

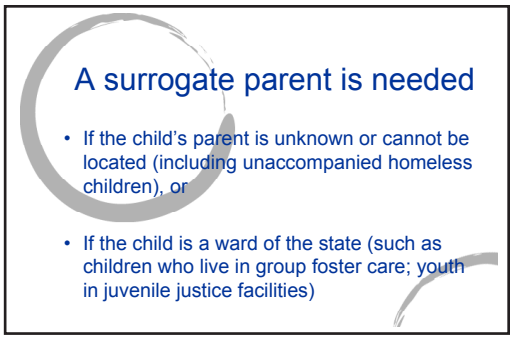


An exceptional student is a student who has special educational needs. Exceptional students include students who have disabilities and students who are gifted.

ESE students receive special education services that are designed to help them make progress in school. The teachers and the parents decide together which services the student needs. This involves steps such as evaluating the student and developing a written plan for the help the student will receive at school.

As you can imagine, an exceptional student really does need an adult to participate in these meetings and decisions. However, some exceptional students do not have a parent or guardian to represent them. In that case, a surrogate parent must be appointed for the child.

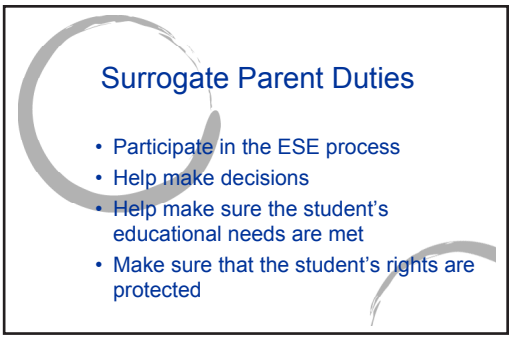
#6



An exceptional student needs a surrogate parent when the child's parent is unknown or cannot be located—for example, a homeless youth who is not accompanied by a parent or guardian. A child who is a ward of the state may also need a surrogate parent. Wards of the state include children who live in group foster care, children in juvenile justice facilities, and other children for whom the state is the official guardian.

Even if the child does not yet receive ESE services, but is suspected of being an exceptional student, the child needs a surrogate parent.

#7



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⇛

- Optional: Give participants 5 minutes to review definitions on page 11 of pamphlet.

- "Get in the Game": page 2.

Surrogate parents have a very important role. Every exceptional student needs someone like you who will help make education decisions and help make sure that the student's needs are met and that the student's rights are protected.

In the next section, you will learn more about ESE and exceptional students. You will also hear more about the meetings and decisions you will participate in as a surrogate parent. By the way, page 11 of your pamphlet defines some of the words we will use in this training. You may want to scan it now or review it after the training session.

About Exceptional Students

Page 2 of the pamphlet talks about exceptional students. As I mentioned, an exceptional student is a student who has special learning needs. The student you are assigned to represent may be as young as 3 or as old as 21. This training focuses on students with disabilities. The student may have what you would think of as a mild disability, or the student may have severe disabilities that affect all areas of learning.

In order to receive ESE services in Florida, a student must meet the eligibility criteria for one of the program areas listed on page 2 of your pamphlet.

The eligibility criteria are defined in State Board of Education rules, which are based on Florida law. The criteria are very specific, but even if you look them up, you may not get a clear idea of the types of disabilities and special needs that children have.

For example, you probably have a pretty good idea what I mean when I say that a student has a visual impairment or is autistic. On the other hand, some terms may be unfamiliar, such as "other health impaired" or "dual sensory impaired."

- **Respond to questions.**

- *We're not going to go over these in detail, but does anyone have a specific question they would like to ask about these eligibility areas?*

Distribute

- Samples of a few NICHCY fact sheets—perhaps ones on high-incidence disabilities.

Please take a moment to glance at these handouts called "Disability Fact Sheets." I downloaded them from the National Dissemination Center for Children with Disabilities at their website, **www.nichcy.org**. NICHCY has published fact sheets on many different disabilities. All the NICHCY handouts are set up in the same way, so let's take a look at just one of them.

- **Give participants 3 minutes to review one of the NICHCY fact sheets.**

- *Would one of you quickly walk us through the types of information that you see on the fact sheet?*

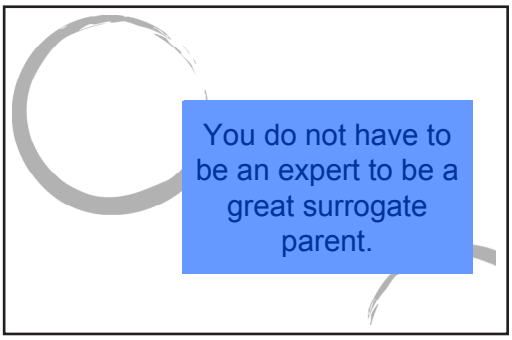
- **Add to responses as needed for accuracy and completeness.**

- *How might this type of information might be helpful to you as a surrogate parent?*

#8



#9



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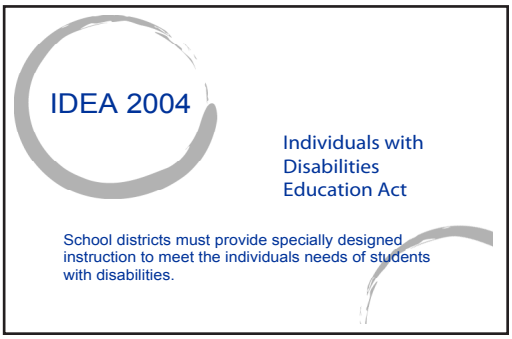


#11



You do not need to be an expert on disabilities to be a surrogate parent. However, once you are assigned to represent a particular student, it would be helpful for you to learn more about that student's special needs. These NICHCY handouts are a good place to start.

Services for Students with Disabilities

The important *federal* law called the Individuals with Disabilities Education Improvement Act, or IDEA 2004, says that school districts must provide special education to students with disabilities who need ESE services.

Florida law says that gifted students are also eligible for certain special education services; however, the process for gifted students is different. In this training, we are going to focus on students with disabilities. If you are appointed to represent a gifted student, the school can give you more information about gifted education.

IDEA says that special education must be designed to meet the student's individual needs. Special education includes services such as:

- Special teaching methods and materials
- Specially trained teachers
- Assistive technology

- *Accommodations* to the general curriculum, including changes in *how* material is taught and tested
- *Modifications* to the general curriculum, including changes in *what* is taught and tested or the amount and level of the material
- Behavior intervention plan
- Speech, occupational, or physical therapy, and
- Special transportation

Listen, record, and respond.

- *From your own experience as a student, parent, or teacher, please tell me what impressions you have of special ed.*

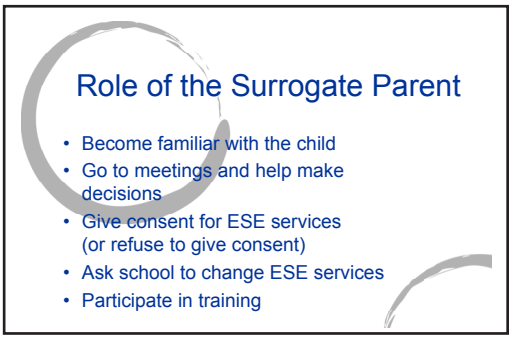
These days, most exceptional students spend most of the school day in a general education classroom. Others spend some of the day in an ESE classroom, often called a resource room. A small number of exceptional students attend special schools.

Some exceptional students are incarcerated in juvenile justice facilities and receive their special education services there.

The law spells out a very specific process that schools must follow to make decisions about services for students with disabilities. Parents have a very important role in that process. That's where *you* come in for students who don't have parents who can fulfill that responsibility.

- "Get in the Game": pages 2, 3.

#12



Role of the Surrogate Parent

Page 2 of your pamphlet describes the process that is used to appoint a person as a surrogate parent. Since you are here at this training, you have already gone through most of these steps. After this training, you will just be waiting to be assigned to a particular student. So it's time for you to get an idea about what you will actually be doing as a surrogate parent.

Page 3 of the pamphlet explains the duties of a surrogate parent. They include all the things that a parent would typically do as part of the ESE process, such as:

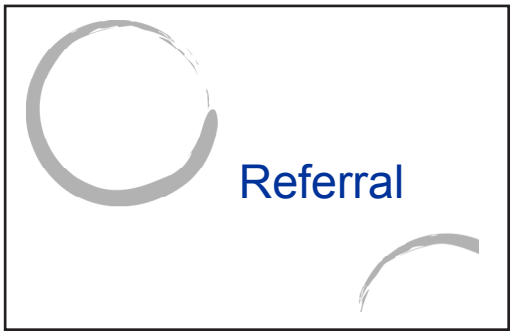
- Becoming familiar with the child's abilities, disabilities, educational needs, current services, and short- and long-term goals
- Going to meetings and helping the rest of the team make decisions about the special services the child will receive
- Signing papers, such as a consent for evaluation form or a consent for placement form—or refusing to sign if you think consent should not be given
- Asking the school to hold a meeting or to change the identification, evaluation, placement, or services for the student, and
- Attending training sessions

- "Get in the Game": pages 6, 7.

- **As you work through the steps of the ESE process, let participants look over related forms used in the local school district. Suggested forms are listed below; supplement them with additional forms used in the district. At this time, you may want to go ahead and distribute all the forms that you will use throughout this section.**

  Briefly discuss each form, focusing on the purpose of the form and what the surrogate parent will be asked to do (e.g., *read* the notice, *sign* for consent, help *write* the IEP).

#13



In order to fulfill these responsibilities, you will need to know more about the ESE process and the terminology that you will hear in meetings and see on forms. You will get most of your understanding through first-hand experience, as you go to meetings and talk to teachers. However, pages 6 and 7 of the pamphlet provide a brief overview of the process, including the meetings that are held and the decisions that are made. You may want to follow along as I review.

The ESE Process for Students with Disabilities

Decisions about a child's ESE services are made by a team. The child's parents, or the surrogate parent, are part of this team. The team also includes teachers and an administrator. The student may be a member of the team, if he or she wants to and is able to.

As I describe this process, remember that everywhere that I mention the parent, the same thing will apply to you as a surrogate parent.

Referral for Individual Evaluation

A **referral** is a request for an individual evaluation of a child who is suspected of needing ESE services. Some children are referred because they have an obvious disability or because they do not do well on group tests such as hearing or vision screenings.

Distribute District Form

- Referral Notice and Consent for Evaluation Form

#14



#15



Distribute District Forms

- Notice of Meeting: Evaluation Review, Eligibility, IEP, Placement
- Eligibility Staffing Form
- Notice of Ineligibility

However, when a child is having difficulty in school, several kinds of help are usually tried before a referral for evaluation is made. For example, the school's child study team may suggest specific teaching or behavior management methods to the teacher. These are called **interventions.** If the interventions do not solve the problem, the parent or the school staff will then refer the child for an individual evaluation. The parent must be given **notice** of the referral.

Individual Evaluation

Individual evaluation is the process of collecting information about a child's learning needs, strengths, problems, and interests. The evaluation may look at the student's cognitive ability, communication skills, social and behavior skills, motor skills, or hearing and vision. The evaluation may include tests, observations, interviews, or other information-gathering activities. In order for a child to be individually evaluated, the parent must give written **consent.**

Eligibility Determination

After the evaluation, the school holds a meeting called an **eligibility staffing.** The parent is invited to **participate** in the eligibility staffing to discuss the information collected about the child's educational strengths and needs. Then the team determines whether the child is eligible to receive ESE services.

#16



Distribute District Form

- Consent for Placement Form

#17



Distribute District Forms

- Blank IEP form
- Sample completed IEP containing no personally identifiable information

As I said earlier, to be eligible the child must meet the criteria for one of the special programs listed on page 2 of your pamphlet. The process of determining which special program the student is eligible for is called **identification**. The parent must be notified about the results of the eligibility determination.

Consent for Placement

If the child is eligible, the parent is asked to give written **consent** for the child to receive ESE services. A child cannot receive ESE services for the first time until the IEP is written and the parent has given **consent for placement.**

Development of the First IEP

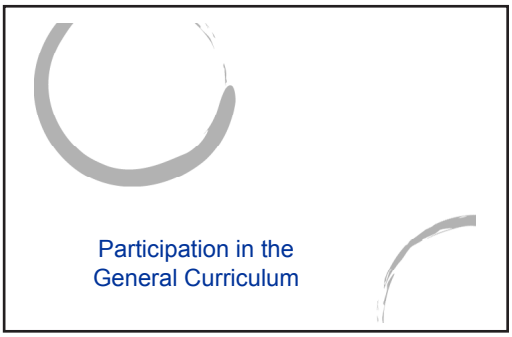
If the parent gives consent for placement, the next step is to hold a meeting to write an **individual educational plan, or IEP**. Parents are invited to **participate** in this meeting because they are part of the IEP team. The IEP team determines which special services and supports the child needs in order to make progress toward his or her educational goals.

Some exceptional students receive one service, such as special instruction in reading, for a short time. Other students have severe disabilities and receive several services delivered by different teachers and therapists. Some students have a special plan designed to help them manage their behavior so that they can focus on learning.

Sometimes IEP meetings are short and team members agree on most issues. However, some meetings do get long and complicated, especially when team members disagree about the child's needs and services. This is true whether the child is represented by a parent or by a surrogate parent.

The IEP team decides what kind of classroom setting the child will receive services in. This is called the child's **placement**. As I mentioned earlier, most children with disabilities spend most of their school day in general education classrooms. Some children leave the general education classroom for part of the day to receive services in an ESE resource class. A few children spend all day in a special class or in a special school.

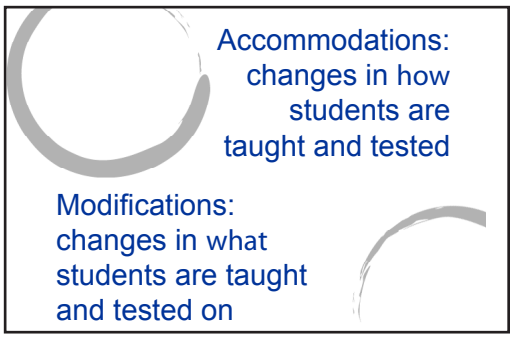
#18



IDEA supports the practice of "inclusion," which means educating students with disabilities in the general education setting as much as possible. IDEA says that a child with a disability should not be removed from the general education setting unless the child cannot make progress in the general classroom or unless the child's participation in the general classroom significantly interferes with the ability of other students to benefit from their education.

The purpose of inclusion is to give students with disabilities the opportunity to participate in the general curriculum. By this I mean that the student with a disability will be taught

#19



the same things that nondisabled students are taught. Most students with disabilities do participate in the general curriculum with *accommodations*, which are changes to *how* they are taught and tested. Examples of accommodations include:

- Large print books for a student who has a visual impairment
- Extra time to complete an assignment or fewer math problems for a student who has difficulty manipulating a pencil, and
- Taking a test in a quiet place for a student who is easily distracted

Some students with disabilities are not able to succeed in the general curriculum, even with such accommodations. To meet their needs, these students are taught a modified curriculum. *Modifications* are changes in *what* is actually taught and tested, such as:

- Being taught below-grade-level material, such as working on basic reading skills in the 9th grade, or
- Being taught different material, such as independent living skills like dressing or using public transportation, instead of the academic skills that are part of the general curriculum, such as world geography or algebra

Distribute

- Book: *Accommodations and Modifications for Students with Disabilities: What Parents Need to Know*

Distribute

- Booklet: "Getting Ready for Your Child's IEP Meeting"

The book called *Accommodations and Modifications for Students with Disabilities: What Parents Need to Know* gives lots of examples of accommodations and modifications. You may find it useful when you are preparing for an IEP meeting. Another helpful tool is this little booklet called "Getting Ready for Your Child's IEP Meeting."

All accommodations and modifications are decided on by the IEP team and written on the IEP. Of course the IEP team includes the parent—or the surrogate parent. The IEP team also may include the ESE teacher, the general education teacher, therapists who work with the child, and a representative of the school district, such as the school principal.

You may be surprised to learn that students may be members of their own IEP team—especially older students who are ready to start planning for their life after high school, such as college, work, and living arrangements. Schools are teaching students how to be effective self-advocates—to understand their own abilities and disabilities and how to get the services they need to reach their goals. You can help with this, too, by sharing what you have learned about planning, making decisions, working with others, and communicating effectively.

#20



Distribute District Form

- Notice of Change in Placement or Eligibility

Distribute District Form

- High School Diploma Options

Yearly Development of New IEP

At least once every 12 months, the IEP team meets to talk about the child's progress and to develop a new IEP. Of course, the child's needs may change at any time, so the parent or any other team member may ask for an IEP meeting at any time. The child's services can only be changed during an IEP meeting. Parents must be invited to **participate** in decisions about services and they must be given **notice** of any changes in services. However, a parent's consent for changes in services is *not* required.

One very important task of the IEP team is to decide what type of diploma the student will be working toward. Most ESE students work toward a standard high school diploma. However, students who are unable to make progress in the general curriculum and who need those modifications we discussed earlier, work toward a special diploma instead. Students who work toward a special diploma generally have significant cognitive disabilities. I am not going to go into detail about diploma options now, except to make one point:

Because there are some disadvantages to a special diploma, students with disabilities should work toward a standard diploma unless and until it is clear that they cannot succeed in the general curriculum. The IEP team can change the diploma choice later if necessary.

#21



Distribute District Form

- Notice of Re-evaluation/Consent for Re-evaluation

Distribute District Form

- Notice of Dismissal from ESE

#22



Re-evaluation

The purpose of **re-evaluation** is to find out how a student's needs have changed over time. The school district may determine that a re-evaluation is needed, or the parent or teacher may request a re-evaluation. However, the student must be re-evaluated at least once every three years—unless the parent and the school district agree otherwise. The school must make reasonable efforts to obtain parental **consent** for re-evaluation.

The IEP team determines whether any new tests or observations are needed as part of the re-evaluation process. In some cases, the team may decide to use existing test results, but reconsider that information in light of the student's recent educational performance.

In some cases, as a result of the re-evaluation, the IEP team may determine that the child no longer needs ESE services. In that event, the parent will receive a notice that the student is being dismissed from ESE services.

Rights of Surrogate Parents

In the ESE process, the rights of a surrogate parent are the same as the rights of a parent. You may have noticed that as I described the ESE process, I mentioned times when the parent is given written notice of a meeting, action, or decision; or is invited to

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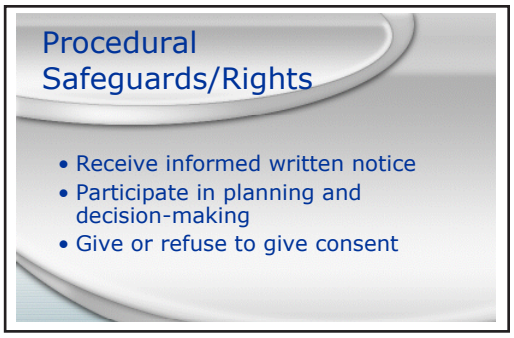

- "Get in the Game": page 8.

participate in a meeting; or is asked to give consent. IDEA gives parents the rights to receive notice, participate, and give consent during the ESE process. The purpose of these rights is to make sure that the parent or surrogate parent is a true member of the team and contributes to decisions about the child's education.

The book I gave you called *An Introduction to Exceptional Student Education* includes a whole chapter about parental rights. Page 8 of your pamphlet gives just a quick overview. You may want to follow along in it as I talk about each of these rights.

Informed Written Notice: A notice is usually something like a form, a letter, or an invitation to a meeting. The term "informed written notice" means that the notice must clearly explain what action the school district has taken, proposes to take, or refuses to take. The notice must be written in the native language of the surrogate parent, unless it is not clearly feasible to do so.

The surrogate parent must be given written notice any time the school proposes or refuses to begin or change the student's ESE identification, evaluation, educational placement, or services. For example, if the surrogate parent requests that the student be given an additional 45 minutes a week of speech therapy and the team refuses, the school must give written notice of the refusal.

The surrogate parent will also receive a notice of any IEP meeting or other formal meeting related to the student's identification, evaluation, placement, or services . There are other rules about notices; for example; the notice and invitation to an IEP meeting must be given to the surrogate parent a reasonable length of time before the meeting is scheduled to occur.

Participation: The surrogate parent has the right to participate in making decisions about the child's education. This includes participating in the eligibility staffing and IEP meetings, where many decisions are made. The surrogate parent should have the opportunity to participate in a *meaningful* way. This means that the team must consider and respond to information, concerns, suggestions, and requests raised by the surrogate parent. It does not mean that the team has to agree to everything the surrogate parent requests.

Informed Written Consent: *Consent* means *permission*. In the ESE process, requests for consent must be clearly explained in writing. The surrogate parent has the right to give or refuse to give written consent at two very important times. First, the parent is asked to give consent for the student to be individually evaluated for the first time. Second, the surrogate parent is asked to give consent for initial ESE placement—before that first IEP is developed and the student receives ESE services for the first time.

The district must also make a reasonable attempt to obtain consent before re-evaluating the student. Of course, your student may already be receiving ESE services with the permission of a parent or guardian, when one was still available.

Distribute

- Pamphlet: "Summary of Procedural Safeguards for Students with Disabilities."

The rights of parents and surrogate parents in the ESE process are referred to as "procedural safeguards." I have given you a copy of the procedural safeguards, which you may want to review later. Parents and surrogate parents are also given a copy of the procedural safeguards at these times:

- When the child is first referred for individual evaluation
- With the notice of an IEP meeting
- When the child is to be re-evaluated, and
- When a request for a due process hearing is filed

Educational Records

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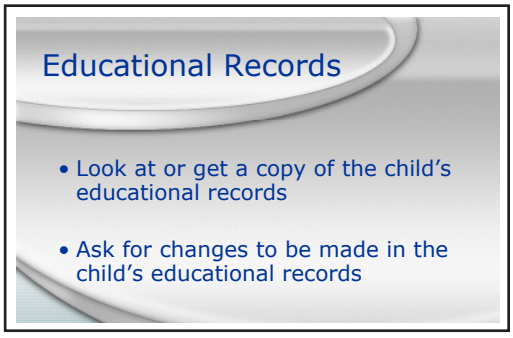

When you look over the procedural safeguards, you'll find several other types of rights mentioned, including your rights related to the educational records of the student you will be assigned to. Having access to the student's records is very important, of course, if you are going to get up to speed about the student's educational performance, needs, and services.

As a surrogate parent, you will be able to review all educational records that relate to the identification, evaluation, and placement of the student or the provision of FAPE to the student. Educational records include things like report cards and discipline reports. As the surrogate parent, you will have the right to:

- Look at or get a copy of the child's educational records, and to
- Request changes in the child's educational records

However, the school must protect the confidentiality of students' records by allowing you to see only the information that relates to your assigned student. The school also must keep a record of people who obtain access to educational records.

Distribute

- Release of Confidential Information Form

Mediation, Due Process, Formal Complaint

The procedural safeguards also describe how conflicts between parents and schools districts will be resolved. If steps such as holding more IEP meetings don't resolve the conflict, then it may be appropriate to turn to formal methods such as mediation, written complaint, or a due process hearing.

Chapter 4 of *Introduction to Exceptional Student Education* gives detailed information on these procedures, but I'll describe them briefly.

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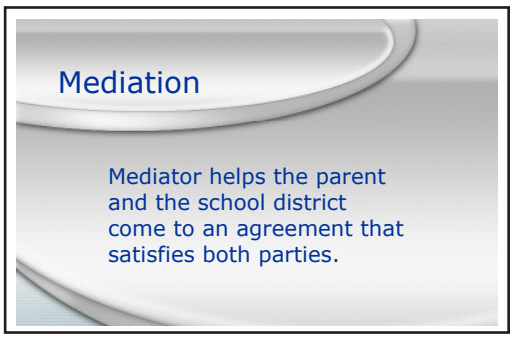

Mediation

The first formal step to consider is **mediation**. Mediation can be a good way to resolve conflicts. Mediation does not involve a legal hearing; it is more like a meeting. It can involve one session or several sessions. During the session, a mediator meets with the parent and the school district representative and helps them come to an agreement that satisfies both parties.

Mediation can be a relatively quick and simple way to solve a problem. Mediation services are free. However, both the surrogate parent and the school district have to agree to try mediation before the session can be held.

If mediation does not solve the problem, the surrogate parent can still file a complaint or request a due process hearing.

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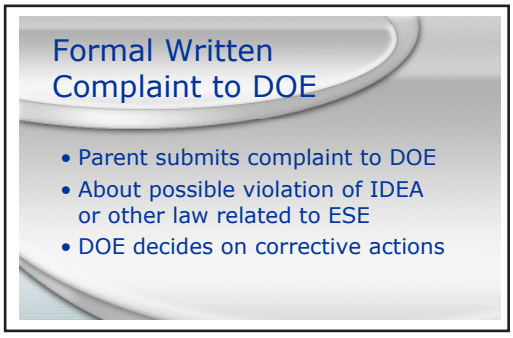

Formal Written Complaint

A surrogate parent may file a formal written complaint with the Florida Department of Education if he or she believes that the school district has violated a law related to the education of students with disabilities, such as IDEA. For example, the parent may believe that the school district:

- has not been providing the services required by the student's IEP
- did not evaluate the child in a timely matter

- did not give proper notice of a change of placement
- did not allow the parent to participate in a meaningful way in IEP meetings
- did not provide properly trained teachers, or
- did not develop an IEP that contained all the required elements

As you can see, these are procedural matters, where the parent is saying that the district didn't follow the rules. In contrast, a due process hearing may also address a disagreement between the district and the parent about what evaluation, placement, or services are actually needed to allow the student to benefit from his or her education.

The Florida Department of Education, or DOE, will investigate the complaint and determine whether the school district complied with the law. If the school district did not comply with the law, DOE can order corrective actions. This usually means that the district will be required to act correctly the next time.

Due Process Hearing

#28



Either the surrogate parent or the school district may ask for a due process hearing. Most due process hearings are initiated by parents.

A due process hearing must be about the identification, evaluation, or placement of the student or the provision of a free appropriate public education

to the student—in other words the student's ESE services. For example, suppose the surrogate parent is convinced that the child needs a tutor in math, or should be in a full inclusion setting, or is eligible for ESE services because of a learning disability. Now suppose that the school district disagrees and refuses to do what the surrogate parent requests, and they just can't come to an agreement. The surrogate parent may decide to request a due process hearing.

In a due process hearing, an administrative law judge, or ALJ, considers evidence presented by both parties and decides whether the school district has acted properly. If not, the ALJ can order the district to take corrective actions. Again, this usually means that the district will be required to act correctly the next time. Sometimes the district is required to provide additional services to the student to make up for services the student should have received but did not.

A due process hearing can take a lot of time, and lawyers may be involved. The court may award reasonable attorney's fees to the surrogate parent if he or she is the prevailing party in the hearing.

Due process hearings and formal complaints are sometimes necessary. However, it is in the best interest of everyone involved—the school, the surrogate parent, and especially the student—to resolve conflicts as soon as

possible, right there at the school level. We are all on the same team, even if sometimes we disagree on the best strategy to use. The key to effective teamwork and to avoiding conflicts is good communication. So let's spend some time communicating about how to develop a great teamwork relationship. Your pamphlet discusses teamwork on pages 4 and 5.

- "Get in the Game": pages 4, 5.

Teamwork & Communication

The school staff want the best for the child, just like the surrogate parent does. When teachers and parents work as a team, it's easier to meet the child's needs.

- *What types of behaviors are important to any type of teamwork?*

- **Record responses on chart paper or other shared medium.**

This slide reviews some of the basics of successful teamwork:

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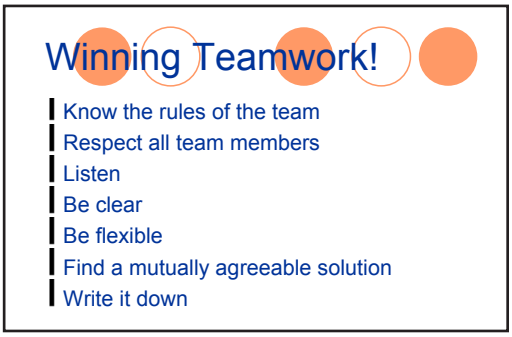


- Knowing the rules of the team
- Respecting the important role of each team member
- Listening to each other
- Communicating clearly about concerns and requests
- Being flexible and open to finding alternative ways to reach a goal or solve a problem
- Looking for solutions that all team members can agree on, and

- Writing things down to be sure everyone understands

You may want to use the book called *Parents' Educational Records* to write down important information about evaluations, meetings, and decisions.

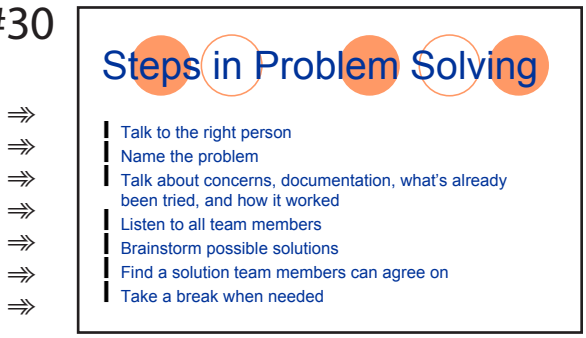
There may be a time when you feel that something is going wrong with the student's education or that the student is not making progress. It is a surrogate parent's right to express such concerns. However, by using good communication skills and a positive approach, you will be more likely to achieve good results for the student.

Begin by making sure that you are talking to the right person—in other words, the person who can solve the problem. For example, if you think that the child needs to sit closer to the front of the room in math class in order to pay better attention, talk to the child's teacher directly. Bring the matter up in the IEP meeting if you think the child needs that accommodation in all his classes. On the other hand, if you disagree with a school board policy about field trips, the teacher will probably not be able to solve that problem.

If your concern does relate directly to the individual child's education, here are steps you might take to solve the problem. They are listed on page 5 of your pamphlet.

- "Get in the Game": page 5.

#30



- First, talk to the person who provides the instruction or service, such as the teacher or therapist. Ask to see documentation that will shed light on the problem. When there is conflict, it is important to have as much information as possible to base a decision on.
- Next, request a meeting so you can bring your concerns to the full IEP team. Use good problem-solving strategies in the meeting, including:
  - Describing the problem clearly
  - Talking about concerns, documentation, what's already been tried and how it worked.
  - Listening
  - Brainstorming solutions
  - Finding a solution team members can agree upon

  If it becomes very difficult to agree on a solution, it may help to take a break. Suggest that the team meet again in a few weeks. Ask team members to think about what they have heard in the meeting and use the time to come up with alternative solutions.
- If the IEP team is not able to resolve the problem, meet with the school principal.
- Finally, if you and the school staff cannot come to agreement, contact the ESE administrator in the local school district.

It really is in the student's interests for all of us to work together. When we stay focused on the needs of the student, it is easier for us to come to agreement and make decisions. I hope you will not think of surrogate parents and schools as adversaries.

Display or Distribute

- Added slide or handout listing contact information for trainer, ESE administrator, or other appropriate local contact.

The staff of the school and the school district appreciate your willingness to serve as a surrogate parent. They are ready to listen; answer questions; and help you understand student records, learn more about ESE, make decisions, and solve problems.

#31



Another source of help is the Florida Diagnostic and Learning Resources System (FDLRS). There are 19 FDLRS centers around the state. Each center offers services to teachers and parents of exceptional students, including surrogate parents. To find out more about FDLRS, visit the website **www.fdlrs.com**. You'll find FDLRS listed on the back page of your pamphlet.

Display or Distribute

- Added slide or handout that provides contact information for local FDLRS associate center.

Our local center is called FDLRS/_____ _____ and it is located at _____ __. You can visit the FDLRS center, call them, or visit their website. You may want to note this contact information in the blanks on page 10 of your pamphlet. FDLRS can give you more information about the ESE process and services for exceptional students. FDLRS also provides training that may interest you.

- **Listen and respond.**

#32



Display or Distribute

- Added slide or handout providing contact information for local parent support and/or advocacy organization(s).

#33



- *Have any of you visited the FDLRS center? Would you be willing to tell us briefly about your experience?*

Information about children with disabilities is available from many sources, including NICHCY, which you see on this slide. NICHCY is also listed on the back page of your pamphlet.

Parent advocacy organizations and other sources of information and assistance are listed in chapter 5 of An Introduction to Exceptional Student Education.

The Florida Department of Education operates a resource center that can provide you with more free information about ESE. It is called the Clearinghouse Information Center. The Clearinghouse publishes many books and brochures; some of them are listed on the back page of your pamphlet, along with the contact information. For a complete list, you can visit the Clearinghouse website and look at the latest "Publications Index." Then you can order materials by phone or e-mail. You can also download many of the publications directly from the website.

You will find it helpful to learn more about ESE; however, you do not need to be an expert in order to represent a child's interests. The keys to being an effective surrogate parent are:

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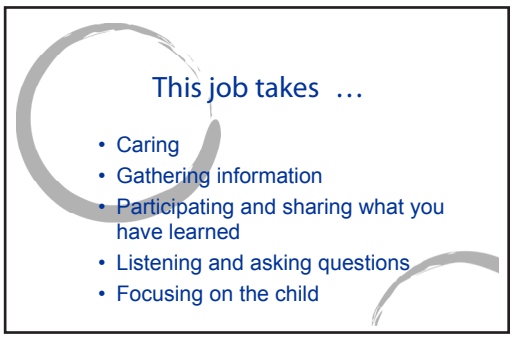

#35



- Caring and wanting to do a good job
- Gathering and reviewing information from written records and from interviews with teachers and other people who work with the child
- Participating in meetings
- Listening and asking questions at meetings and whenever you need more information, and
- Sharing what you have learned
- Focusing on the child's needs, abilities, and goals

We've covered all the topics on our agenda. Now we have time for your questions.

Questions and Answers

▸ **Answer participants' questions or arrange to get back to them with the response after you research it.**

Distribute

▸ Self-evaluation form from page 37 to each participant. Collect when completed.

Closing

I appreciate your questions and I hope that my answers have been helpful.

To help you identify what you have learned and to help us understand what additional training surrogate parents may need, I would like you to fill out this self-evaluation form and return it to me before you leave.

Optional Follow-up

- 3 months after training, send follow-up self-evaluation form (page 39) to each participant. Review responses, offer further information or support as requested by surrogates, and use data collected to improve future training activities for surrogates.

Thank you for coming to this training, and most of all thank you for joining the ESE team as a surrogate parent. We appreciate your decision to help a child, a school, and our whole community. In turn, we are ready to give you whatever help you need to be an effective surrogate parent. Please call on us.

#36

