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SURROGATE PARENTS AND RESOURCE FAMILY PARENTS

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

1.   The parent cannot be identified;

2.   The parent cannot be located after reasonable efforts;

3.   An agency of the State of New Jersey has guardianship of the student or the student is determined a ward of the State and, if the student is placed with a resource family parent, the resource family parent declines to serve as the student's parent; or

4.   The student is an unaccompanied youth as that term is defined in section 725(6) of the McKinney-Vento Homeless Assistance Act (42 USC §11434.(a)6) and N.J.A.C. 6A:17-1.2.

Qualifications and Selection

The district shall make reasonable efforts to appoint a surrogate parent within thirty days of thedetermination that a surrogate parent is needed for a student. If the district fails to appoint a surrogate parent for a ward of the State, a judge may appoint a surrogate parent if the judge determines a surrogate parent is necessary for such student.

The district shall establish a method for selecting and training surrogate parents.

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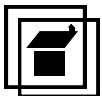2467/Page 2 of 5
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The person serving as a surrogate parent shall:

1.	Have no interest that conflicts withthe interest of the student they represent;

2.	Possess knowledge and skills that ensure adequate representation of the student;

3.	Not be replaced without cause;

4.	Be at least eighteen years of age; and

5.	Complete a criminal history review pursuant to N.J.S.A. 18A:6-7.1 if the person serving as the surrogate parent is compensated.

The person(s) serving as a surrogate parent may notbe an employee of the New Jersey Department of Education, this district, or a public or nonpublic agency that is involved in the education or care of the child.

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

When a student who is or may be a student with a disability is in the care of a resource family parent, and the resource family parent is not the parent of the student, the district where the resource familyparent resides shall contact the student's case manager at the Division of Child Protection and Permanency (DCP&P) in the Department of Children and Families to determine whether the parent retains the right to

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make educational decisions and determine the whereabouts of the
parent.

If the parent retains the right to make educational decisions and the parent's whereabouts are
known to the school district, the Superintendent or designee shall obtain all required consent
from, and provide written notices to, the parent.

If the district cannot ascertain the whereabouts of the parent, theresource family parent shall serve
as the parent unless that person is unwilling to do so. If there is no resource family parent, or if
the resource family parent is unwilling to serve as the student's parent, the Surrogate Parent
Coordinator shall consult with the student's case manager at DCP&P to assist in identifying an
individual to serve as a surrogate parent, appointing a surrogate parent, and obtaining all required
consent from, and providing written notices to, the surrogate parent.

Training

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

1.	Providing the surrogate parent a copy of:

	a.	Parental Rights in Special Education booklet;

	b.	N.J.A.C. 6A:14;

	c.	The Special Education Process;

	d.	AdministrativeCode Training Materials from

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the Department of Education website; and

e.   Other relevant materials.

2.   Providing the surrogate parent an opportunity to meet with the Surrogate Parent Coordinator to discuss the rights of the surrogate parent and the applicable statutes, administrative codes, and Federal laws. The Surrogate Parent Coordinator shall provide the surrogate parent the opportunity to review and to become familiar with the State and Federal requirements for assessment, individualized educational program development, and parental rights with respect to the referral and placement process, including their rights with respect to seeking a due process hearing if they disagree with the local procedure or decisions;

3.   Providing the surrogate parent adequate time to become familiar with the student and the nature of the student's disability through a review of the student's record;

4.   Providing the surrogate parent an opportunity to confer with the student's case manager to discuss the student; and

5.   Other information and resources to provide the surrogate parent the knowledge and skills to ensure adequate representation of the student.

Rights of the Surrogate Parent

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

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

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