

Meeting the Needs of Students with Disabilities Living in Temporary Housing

Webinar: April 4, 2024

Q&A

Q: I am confused as to who can be appointed as a surrogate parent. Is it a staff member? Does the parent have to agree with the appointment?

A: The school district must appoint a person to serve as a “surrogate parent” for students who do not have someone to act as a parent on matters related to special education. 20 U.S.C. § 1415(b)(2)(A)(ii). Surrogate parents cannot be employees of the school district or any agency caring for the student (like department of social service caseworkers). Surrogate parents cannot have a conflict of interest with the student, and they must have the knowledge and skills to represent the student. Please note that the definition of parent in the IDEA is very broad and includes a foster parent or other individual with whom the student lives and who is acting in the place of a natural parent. 20 U.S.C. § 1401(23).

School districts must keep a list of available surrogate parents in the school district. N.Y.C.R.R. § 200.5(n)(1).

The National Association for the Education of Homeless Children and Youth (NAEHCY) put this together *Surrogate Parents and Unaccompanied Homeless Youth under the Individuals with Disabilities Education Act* to help school districts ensure that unaccompanied youth who are homeless and who have disabilities are able to access special education services.

<https://secureservercdn.net/198.71.233.148/0va.b42.myftpupload.com/wp-content/uploads/2017/12/uhysurrogateparents.pdf>

NCHE recommends the following steps to appoint a temporary surrogate for unaccompanied youth. Recommended procedures include:

- talking with the youth about the process;
- asking the youth to suggest someone appropriate to serve as a temporary surrogate;
- talking with that candidate to ensure that he/she feels comfortable participating, has a basic understanding of the process, and does not have interests that conflict with those of the youth;
- expediting the process: Federal regulations require the appointment of surrogate parents within 30 days, while temporary surrogates should be appointed much more quickly and ideally, within seven days; and
- developing a pool of surrogate parents trained on the challenges unaccompanied homeless youth face and positive youth development strategies. Retired teachers and professionals working with local homeless youth service programs may be appropriate volunteers.