

QUOTES ABOUT THE EDUCATIONAL SURROGATE PARENT PROGRAM

“It is both unnerving and exciting to know what an influential role you can fill in your child’s life as an educational surrogate parent. Legal Aid Center staff has given me all the contacts I need to advocate for my child and has helped me to prepare before every meeting I have attended on behalf of my child. The ongoing support opportunities allowed me to ask questions, share stories and learn so much more about procedures that will benefit my child.”

– *Educational Surrogate Parent*

“Several of my children have needed educational surrogate parents. As most of my children’s home lives and living situations are unstable, the educational surrogate parents I have worked with have provided educational consistency for my children and have gotten them needed services and support they might not have had otherwise. I am very thankful that a program like this exists for our children.”

– *Clark County Department of Family Services Caseworker*

“My experience as an educational surrogate parent has been amazing. Legal Aid Center staff is so knowledgeable about special education law, policies and procedures. Legal Aid Center is always there to answer my questions and address my concerns. This is a great program!”

– *Educational Surrogate Parent*

Contact us at 386-1070, ext. 170 or at surrogates@lacs.nv.gov for more information about becoming an educational surrogate parent.

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EDUCATIONAL SURROGATE PARENT PROGRAM

Since 1958
LEGAL AID CENTER
of Southern Nevada

Providing civil legal advice and representation
to low-income Nevadans

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The law requires that local school systems include parents in decisions regarding their child's need for special education services. However, under certain circumstances when a parent is unavailable to advocate for a child's special education needs and rights, a surrogate parent is assigned to represent the child and protect the child's special education rights. According to the Individuals with Disabilities Education Act (IDEA) (34 CFR § 300.519) and the Nevada Administrative Code (NAC § 388.283), a school district or a judge must assign a surrogate parent in the following cases when:

- 1) *the child is a ward of the state,*
- 2) *the child's parents are unknown,*
- 3) *the child's parents are unable to be located, or*
- 4) *the child is an unaccompanied homeless youth.*

Legal Aid Center of Southern Nevada provides training and support to volunteers who are willing to become educational surrogate parents for children with disabilities, ensuring that their schools are meeting their disability-related needs.

WHAT ARE THE DUTIES OF AN EDUCATIONAL SURROGATE PARENT?

An educational surrogate parent represents a child in special education matters related to:

- *identifying children with suspected disabilities,*
- *evaluating children with suspected disabilities to determine if they need special education services,*
- *providing support for children eligible for special education services in the least restrictive educational placement, and*
- *providing children with disabilities a free and appropriate public education.*

Educational surrogate parents have the same rights as natural parents in all aspects of the special education process and can make all of the decisions that are made by a child's parents. These rights include initiating and attending Individualized Education Program (IEP) meetings, disciplinary meetings and due process hearings.

Educational surrogate parents must be notified of all educational decisions for their child and all meetings that pertain to their child's special education services. They are required to keep in touch with the child's Child and Family Team (CFT) (support team for children in the foster care system), the child's school and Legal Aid Center to ensure their child's disability-related needs are being met.

Educational surrogate parents have no responsibility for the care, maintenance, financial support or physical care of the child and are not liable for actions taken in good faith on behalf of the child in protecting the educational rights of the child.

WHAT IS THE TIME COMMITMENT OF AN EDUCATIONAL SURROGATE PARENT?

On average, the time commitment of an educational surrogate parent is 25 hours a year. The educational surrogate parent must be able to commit the time necessary to adequately represent the best interests of the child in the special education process.

HOW DO I BECOME AN EDUCATIONAL SURROGATE PARENT?

Interested volunteers are required to attend a three-hour training, where they learn about the special education process, the local school district and how to effectively advocate for a child with disabilities. Trained volunteers are then contacted by Legal Aid Center regarding a child in need of an educational surrogate parent.

If a volunteer is interested in becoming an educational surrogate parent for a child after attending the training, Legal Aid Center will submit a court order to be signed by a judge giving the volunteer the authority to be the educational surrogate parent for the child. Legal Aid Center then provides ongoing training and support to educational surrogate parents, including support meetings and topic-led discussions regarding special education policies and procedures.

WHAT ARE THE CRITERIA FOR BECOMING AN EDUCATIONAL SURROGATE PARENT?

Special education law only recognizes a parent, foster parent, relative or surrogate parent as parties who may advocate for a child's special education needs. A person employed by an agency who is involved in the child's care or education (i.e., anyone working for the local school district, the Department of Education or child welfare agencies) or who cannot represent a child's best interests may not make special education-related decisions for that child, nor become an educational surrogate parent.