



Together, We Can Make A Difference
Office 770-577-7771 Toll Free 1-800-322-7065
www.peppinc.org

Surrogate Parents

1) Appointment: In order to provide every student eligible for a public education With the protection of procedural due process, a surrogate parent shall be appointed By the local school system/state-operated program (LSS/SOP) when:

- No parent can be identified
- The LSS/SOP, after reasonable efforts, cannot discover the whereabouts of the parents.
- The student is ward of the state under the laws of the state.

2) Responsibilities

- Each LSS/SOP shall have procedures to address the determination that a student needs a surrogate parent and the assignment of an individual to act as a surrogate for the parent/guardian of the student.
- Surrogate parents may represent the student in all matters relating to the identification, evaluation, educational placement and the provision of a free appropriate public education (FAPE) for the student.

3) Selection: Each LSS/SOP shall ensure that persons selected as surrogate parents:

- Have no interest that conflicts with the interests of the student he or she represents.
- Have received in-service training in regard to provisions of a FAPE.
- Have knowledge and skills that ensure adequate representation of the student.
- Are not persons employed by the state agency, LSS/SOP, or any other agency or entity that is involved in the education or care of the student.

4) Exceptions

- The LSS/SOP may select persons to serve as surrogates who are employed by a nonpublic agency that only provides non-educational care for the student and who meet the standards in paragraphs 3 of this rule.
- A person who otherwise qualifies to be a surrogate parent under paragraph 3 of this section is not an employee of the LSS/SOP solely because he or she is paid by the LSS/SOP to serve as a surrogate parent.

5) Maintenance of eligibility list: Each LSS/SOP responsible for educating students with disabilities shall maintain a list of eligible persons to serve as surrogate parents.

6) Liability: Any individual appointed to act as a surrogate parent for a student with a disability under the Individuals with Disabilities Education Act shall not be liable for any civil damages for any action or actions done while performing duty as a surrogate parent, except for acts or omissions to act constituting gross, willful, or wanton negligence.

Reprinted from the
Georgia State Board of Education Rules
Rules pertaining to Special Education
Adopted: August 10, 2000

