

TENNESSEE PUBLIC CHARTER SCHOOL COMMISSION		
SURROGATE PARENT		6506
ADOPTED:	REVISED:	MONITORING: Review: Annually

The Commission recognizes the importance of providing all children with disabilities access to a free and appropriate public education. Under state and federal special education laws, there are additional mandates for the parents of children with disabilities to have the opportunity to actively participate in the educational decision-making process. The Commission also recognizes the need to appoint a surrogate parent at times to fulfill this mandate and shall work with authorized charter schools to ensure they are properly recruiting, training, and assigning surrogate parents when needed.

A child with a disability requires a surrogate when¹:

- (1) the parent (as defined in § 300.519) or guardian cannot be identified;
- (2) the public agency, after reasonable efforts, cannot discover the whereabouts of a parent;
- (3) the child is a ward of the State; or
- (4) the child is an unaccompanied homeless youth as defined in section 725 (6) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(6)).

Responsibilities of a Surrogate Parent.² The surrogate parent may represent the child in all matters relating to:

- (1) The identification, evaluation, and educational placement of the child; and
- (2) The provision of FAPE (Free Appropriate Public Education) to the child.

Qualifications and Assignment of a Surrogate Parent.³ Assignment of a surrogate parent will follow the rules and regulations outlined by the Tennessee State Board of Education including ensuring a person selected as a surrogate:

- (1) Is not an employee of the SEA, the LEA, or any other agency that is involved in the education or care of the child;
- (2) has no personal or professional interest that conflicts with the interest of the child he or she represents; and
- (3) has knowledge and skills that ensure adequate representation of the child.

In the case of a child who is a ward of the State, the surrogate parent may be appointed by a judge.⁴

In the case of a child who is an unaccompanied youth experiencing homelessness, appropriate staff of emergency shelters, transitional shelters, independent living programs, and street outreach programs may be appointed as temporary surrogate parents.⁵

Responsibilities of the School. Each school shall adopt a policy and procedures outlining the recruitment, training, and assignment of surrogate parents. It is the responsibility of each authorized charter school to determine whether a child needs a surrogate parent and, if so, to assign a qualified individual to act as a

surrogate parent to the child. Any authorized charter school who has assigned a qualified individual to act as a surrogate parent to a student shall notify the Commission of the point of contact within fourteen (14) calendar days of the assignment.

Legal References

¹ 34 C.F.R. § 300.519

² 34 C.F.R. § 300.519(g)

³ TRR/MS 0520-01-09-.20(5)(a)

⁴ 34 C.F.R. § 300.519(c)

⁵ 34 C.F.R. § 300.519(f)