



Surrogate Parents: Frequently Asked Questions

Federal regulations and state rules do not answer all of the questions asked about becoming a surrogate parent. Here are some questions that frequently arise:

1. How can a volunteer surrogate parent gain the confidence and knowledge needed to participate fully in planning the child’s educational program?

Once the important first step has been made (agreeing to help a child by taking the role of surrogate parent) you will have a chance to read about the child’s education background and disability. You will also have an opportunity to talk with others who work with the child who may share information with you. As your experience and knowledge increase, your confidence will not be an issue.

2. Do surrogate parents have a choice in the selection of the child?

Yes. For example, surrogates may request assignment to a child with a certain disability or in a certain age group.

3. How much does a surrogate parent need to know about the child’s disability and where can this information be found?

To be an effective surrogate parent, it is helpful to acquire some information about the child’s disability. The child’s teacher, state and national organizations and local websites may have helpful information. PACER Center has a list of disability organizations at PACER.org/parent/links.asp. Other resources are also available at PACER.org/parent/surrogate

4. Can surrogates parents receive a stipend?

There is no requirement in Minnesota that a surrogate parent receive compensation; however, the school may choose to cover the expenses, such as mileage, of the surrogate parent or offer payment for expenses.

5. Do surrogate parents have rights to the child’s educational records?

Surrogate parents have all the rights guaranteed to parents under special education laws and the Family Educational Rights and Privacy Act (FERPA). You can see, correct, obtain copies of, and approve or disapprove the right of others to see the child’s special educational records. If an agency other than the school has records that you think are relevant to special education planning, you can call that agency to discuss release of records to you and the school for educational planning. Contact surrogate@PACER.org to learn more.

6. What if the surrogate parent does not understand what is written in the child’s Individualized Education Program (IEP)?

Surrogate parents will be asked to sign all the forms relating to the child’s special education, including the evaluation and IEP. Consent should not be given to any proposal that seems inappropriate for the child’s needs. (See “Resolving Differences with the School” in the “Training for Surrogate Parents” PACER.org/publications/pdfs/SP-1.pdf.) If there is special education terminology or language you do not understand, it is your responsibility to ask questions of school staff involved or contact PACER Center.

7. What if the school will not listen to the surrogate parent’s concerns about the child’s educational needs?

School staff should respect your role as the parent on behalf of the child. The first step is always reasonable discussion with school personnel, beginning with the IEP case manager. You can also contact an advocacy organization such as PACER for assistance in deciding the best options and what steps could be taken.

8. Are a surrogate parent’s activities evaluated?

Schools are responsible for monitoring the activities of each surrogate parent to make sure that he or she is fulfilling the duties as set forth by state and federal rules.

9. How often can a surrogate visit the child’s classroom?

You may visit the child’s classroom as often as necessary to get to know the child and begin a profile of his or her needs and abilities as well as to monitor how the program is working. Check with the school about the procedures for visiting the classroom by contacting the teacher or principal. Make separate arrangements with any of the school’s other staff who may be working with the child.

10. Can a surrogate be held liable for making a wrong decision?

In Minnesota there is no legislation that specifically protects any parent, including surrogate parents, from being held liable. However, there has never been a situation in which a surrogate parent was held liable for his or her decisions.

If you have other questions, please contact PACER Center at (952) 838-9000, Toll Free in MN: (800) 537-2237.

Website: PACER.org/parent/surrogate

Email: surrogate@PACER.org

Minnesota Rule: revisor.mn.gov/rules/?id=3525.2440

I.D.E.A.: <http://idea.ed.gov/explore/view/p/%2Croot%2Cregs%2C300%2CE%2C300%252E519%2C>