

ANCHORAGE SCHOOL DISTRICT
ANCHORAGE, ALASKA

MEMORANDUM

September 2, 2008

TO: SPECIAL EDUCATION AND RELATED
SERVICES ADMINISTRATORS, STAFF AND TEACHERS,

FROM: JERRY SJOLANDER, EXECUTIVE DIRECTOR
SPECIAL EDUCATION



SUBJECT: ASD SURROGATE PARENT PLAN CHANGES

This memo is written to explain the very substantial changes that occur this year with the appointment of surrogate parents for students in need of special education services or 504 plans.

Over the last two years, the guidelines from the Alaska court system and the Department of Education have been contradictory regarding the application of the federal IDEA statutory language within our state. The IDEA clearly defines a "parent" to include "foster parent" and the Alaska Superior Court determined, in at least one case, that in the event that a special education student had a foster parent, then no surrogate parent was to be appointed.

Late in May of 2008, the Alaska State Board approved a regulation change that allows school district teams to seek a written "affirmation" from a foster parent to "act as a parent" for the purpose of making special education decisions. In light of this regulation change and the subsequent changes to the Alaska Special Education Handbook, we have rewritten all of our surrogate parent procedural guidance and forms. Attached to this memorandum is a guidance document designed specifically to assist special education and 504 teams to determine whether a student in state custody requires the appointment of a surrogate parent or an "Affirmation" document.

These are substantial changes to the prior procedures; in the event of questions, please feel free to contact your teacher consultant, special education department chair or the Special Education division office at 742-4272.

I am hopeful that the "affirmation" process will assist our district to address special education issues in a timelier manner than the prior requirement of a surrogate parent for each affected student.

Surrogate Parent vs. "Acting as a Parent" Guidance

This procedural guidance is designed to assist teams to decide whether to request a surrogate parent appointment or seek an affirmation from the foster parent to "act as a parent".

****Always check the IEP program for existing surrogate parent appointment.**

- Q. Is this foster parent a natural family member? (ex: parent, grandparent, aunt, uncle, extended family or family related by marriage)
- A. If **yes**, pursue an affirmation to "act as a parent".
If **no**, continue to next question.
- Q. How long has student been with foster parent?
- A. If **less than six weeks**, pursue surrogate parent appointment by completing the necessary paperwork. Please call the Surrogate Parent Program at 742-4272 with any questions.
If **more than six weeks**, continue to next question.
- Q. Is foster parent willing to be special education decision maker and is it likely that student will be with foster parent for foreseeable future? (ex: social worker or probation officer has not indicated plan to move student in foreseeable future)
- A. If **yes**, complete affirmation by foster parent, provide a copy to the foster parent, retain a copy in school's special education folder, fax a copy to the Surrogate Parent Program at 742-4289, and send original to special education records. Send an email to bertino_nancy@asdk12.org once fax has been sent.
If **no**, pursue surrogate parent appointment by completing the necessary paperwork. Please call the Surrogate Parent Program at 742-4272 with any questions.