

*Regulations of Connecticut State Agencies*

TITLE 10. Education and Culture

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*Agency*

**State Board of Education**

*Subject*

**Appointment of Surrogate Parents**

*Inclusive Sections*

**§§ 10-94j-1—10-94j-8**

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**Appointment of Surrogate Parents**

**Sec. 10-94j-1. Authority**

These regulations are authorized by Section 10-94j of the General Statutes, as amended by Public Act 81-247, concerning the appointment of surrogate parents.

(Effective December 1, 1982)

**Sec. 10-94j-2. Appointment**

A surrogate parent, duly appointed pursuant to the provisions of sections 10-94f to 10-94k, inclusive, of the General Statutes, as amended by Public Act 81-247, shall serve as a child's representative in the educational decision-making process in place of the child's parents or guardian. Such child shall be a child as defined in Section 10-76a (e) (1) of the General Statutes who requires special education or a child who may require special education.

(Effective December 1, 1982)

**Sec. 10-94j-3. Qualifications**

In order to be eligible for appointment as a surrogate parent, an individual shall meet the following requirements:

- (a) The individual shall be an adult;
- (b) The individual shall not be an employee of the public agency or the local board of education responsible for the education or care of that child; provided, however, that an individual shall not be deemed such an employee solely because he or she is paid to serve as a surrogate parent;
- (c) The individual shall have no other interest that may conflict with the best interests of the child;
- (d) The individual shall be knowledgeable about the educational system, special education laws, and the legal rights of the child in relation to the educational system; and
- (e) The individual shall be reasonably well acquainted with the cultural and language background of the child.

(Effective June 7, 1979)

**Sec. 10-94j-4. Training procedures**

Training procedures established by the Commissioner of Education shall include, but not be limited to, training in the following areas:

- (a) The nature and needs of different types of exceptionalities;
- (b) The availability of programs and programming options with respect to such exceptionalities;
- (c) The responsibilities and limitations of the role of the surrogate parent, including the following skills to ensure effective representation of the child:
  - (1) Becoming thoroughly acquainted with the child's history and other information

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contained in school and other reports relating to the child's educational needs;

(2) Complying with state and federal laws and regulations as to the confidentiality of all records and information pertaining to the child, to which he or she is privy;

(3) Using discretion in the necessary sharing of information with appropriate people for the purpose of furthering the interest of the child;

(4) Becoming familiar with the educational prescription for the child and, where appropriate, giving his or her approval;

(5) Reviewing and evaluating special education programs pertaining to the child as well as such other programs as may be available; and

(6) Initiating the mediation, hearing and/or appeal procedures and seeking qualified legal assistance when such assistance is in the best interest of the child;

(d) The sources and types of assistance available to the surrogate parent; and

(e) The legal rights of the child in all areas relating to the child's education.

(Effective June 7, 1979)

**Sec. 10-94j-5. Determination of a child's need for a surrogate parent**

In order to determine whether a child is in need of a surrogate parent, the commissioner of education shall undertake such investigation as may be necessary to determine that:

(A) The child is, by virtue of his or her age, entitled to receive special education;

(B) The child requires, or may require, special education; and

(C) The parent or guardian of the child is unknown or unavailable or the child is a ward of the state.

(Effective December 1, 1982)

**Sec. 10-94j-6. Reports of a child's need for a surrogate parent**

The commissioner of education shall disseminate such information as may be necessary to ensure that local and regional boards of education, and other agencies as appropriate, are informed of the surrogate parent program.

(a) Such information shall include a description of the requirements for eligibility for appointment of a surrogate parent.

(b) Such information shall include a statement of the responsibility to report to the commissioner the name of any child who may require a surrogate parent.

(c) Such information shall include a description of the type of data to be included in a report to the commissioner of a child who may require a surrogate parent. Such data shall include, but not be limited to, the following:

(1) The child's name, age and current address;

(2) If the child requires special education, a statement of the nature and severity of the child's handicapping condition as well as a copy of the child's current individualized education program;

(3) If the child may require special education, a copy of the referral form which was forwarded to the child's planning and placement team;

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(4) Such information as may be available concerning the whereabouts of the child's parents or guardian and, where appropriate, certification from the responsible agency that the child is a ward of the state; and

(5) The name and address of the agency making the report and, if different, the name and address of the agency responsible for educating the child.

(Effective December 1, 1982)

**Sec. 10-94j-7. Appointment of a surrogate parent**

Upon a determination that a child is in need of a surrogate parent, the commissioner of education shall appoint a surrogate parent in accordance with the following requirements:

(a) The individual appointed as surrogate parent shall meet such qualifications as are set forth in section 10-94j-3;

(b) The individual appointed as surrogate parent shall have successfully completed training as set forth in section 10-94j-4;

(c) Appointments shall take into consideration the places of residence of the child and surrogate parent as well as the particular expertise of the surrogate parent related to the handicapping condition, educational needs, age or other relevant factors;

(d) Written notice of the appointment shall be mailed to the child, to the surrogate parent, to the agency responsible for educating the child, and to the agency responsible for the care of the child; and

(e) The commissioner shall advise the child, the agency responsible for educating the child and the agency responsible for the care of the child that the commissioner may, not less than thirty (30) days prior to the child's eighteenth birthday, extend the appointment of a surrogate parent until such child graduates from high school or reaches age twenty-one years, whichever occurs first.

(Effective December 1, 1982)

**Sec. 10-94j-8. Revocation of the appointment of a surrogate parent**

The commissioner of education shall annually review the conduct and performance of each individual appointed as a surrogate parent. If it is found that in the performance of his or her duties the surrogate parent is not representing the best educational interest of the child, the commissioner shall:

(a) Send the individual written notice of revocation of his or her appointment as surrogate parent. Such notice shall include the following:

(1) The reason(s) for the revocation;

(2) The effective date of the revocation; and

(3) A statement informing the individual that if he or she objects to the revocation, written reasons for the objection shall be submitted to the commissioner within ten (10) calendar days of the date of the notice of revocation.

(b) Within twenty (20) days of the date of the notice of revocation and following consideration of any duly filed objections, send the individual:

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- (1) Written notice that his or her appointment as surrogate parent remains in effect; or
- (2) a final written notice of revocation.
- (c) If revocation is upheld, appoint a successor surrogate parent for the child.
- (d) In the event of revocation, written notice shall be given to the child, to the agency responsible for the education of the child and to the agency responsible for the care of the child.

(Effective December 1, 1982)