

## **Special Education Surrogate Parent VOLUNTEER Training Protecting the Student Voice in the Special Education Process**

Welcome to the Special Education Surrogate Parent Program!

Thank you for your important role in the life of a student with disabilities.

We offer this training to guide you in your understanding of the role of the Special Education Surrogate Parent and the circumstances of the students we serve, along with providing useful information about our program.

Special Education Surrogate Parents (SESPs) are VOLUNTEERS who are charged with protecting the student voice in the special education process.

What is a Special Education Surrogate Parent?

SURROGATE PARENTS ARE VOLUNTEERS who serve as “parent” for students with disabilities who are under state guardianship, or whose parents are unknown or otherwise unavailable.

They serve in the “parent” role ONLY in special education decisions.

Special Education Surrogate Parents or SESP agree to be responsible to act as special education decision-makers for students who may:

- Be in state custody;
- Have a need for special education services;
- Reside in a variety of living situations, including residential schools, group homes, hospitals or pediatric nursing homes, state institutions, diagnostic placements, shelters, and foster homes; and
- Receive their educational services in a variety of settings, including the regular setting at a local public school, a highly-structured day school program, or in a private residential facility.

It is also possible that a SESP will be assigned to a student who qualifies under the McKinney-Vento Act for unaccompanied homeless youth.

Children and adolescents in the custody of the state have often experienced:

- Numerous traumatic losses and stressful upheavals;
- Typically, have very few family supports available to help them; and
- An uphill battle for success every day of their lives.

For a student with a disability, accessing his or her special education services as well as access to general education programs, is critical to ensure a positive future for them.

So, welcome aboard.

We are always in need of volunteers to join us in this important work in our community. Invite your FRIENDS, NEIGHBORS, AND COLLEAGUES! We thank you for the time, knowledge, skill and devotion that you bring to the children in our program.

A Special Education Surrogate Parent is a unique volunteer position that comes with specific rights, responsibilities, and some limitations.

But keep in mind—it is also a very rewarding position!

When is a special education surrogate parent needed?

A child with a disability requires a Surrogate Parent when:

- No parent can be identified;
- The parent cannot be located;
- The child is a ward of the state, and the parents' rights have been terminated; or
- The child is an unaccompanied homeless youth.

An SESP:

- Is assigned by the Local Education Agency (LEA/school district) to act in the place of the student's parents.
- Must be trained to assist students with disabilities through the special education process.
- Participates in IEP (Individualized Education Program) meetings to ensure the student obtains a free and appropriate education (FAPE).
- Needs to have access to information, training, and support so that he or she may develop the knowledge, skills, and confidence necessary to advocate effectively for students with disabilities.

The special education surrogate parent has rights and will be involved in several aspects of the students' special education program.

These are rights you will be involved in:

- Access all regular and special education records of the student
- Review all education evaluations
- Attend all special education team meetings for the student
- Review educational placements that are being considered
- Participate in the development of the student's Individualized Education Program (IEP)

You will be supported in other areas as well. It is imperative to have the student's voice represented in each of these areas of their special education program.

These are rights you may be involved in: (as needed)

- Provide written permission for special education evaluations
- Request an IEP Team meeting as appropriate
- Rights to Due Process if necessary
- Request additional special education evaluations as appropriate.
- Right to participate in Manifestation Determination hearings.

If you have further questions about your rights as an SESP, please contact the school.

Your responsibility as an SESP volunteer is to represent THE BEST INTERESTS OF THE STUDENT(S) you are appointed to regarding all aspects of their special education services.

An SESP must be willing to represent the student when decisions about his/her special education services are made regarding:

- Identification of the need for the child to receive special education services
- Evaluation to determine his/her individual needs
- Design of his/her IEP (Individualized Education Program), including placement
- Ongoing reviews of educational progress
- Procedural Safeguards (Due Process, Mediation, and Complaints)

Let's check it off! The Responsibilities of the SESP include:

- Receive SESP training from a knowledgeable provider.
- Act as a "parent" by fulfilling all rights associated with the role of the SESP.
- Advocate for FAPE (Free Appropriate Public Education) for the student.
- Attend all special education and related meetings for student.

Additional responsibilities include:

- Monitor the student's progress and special educational services provided.
- Maintain regular communication with the student's providers.
- Maintain student records in your possession in an organized fashion.
- Maintain and respect the confidentiality of all records/information related to the student.
- Return student records in your possession in an organized fashion.

SESPs are not responsible for other educational duties!

SESPs:

- Cannot sign classroom/school documents --such as permission slips.
- Cannot provide transportation to school or school functions.
- Are not expected to attend school functions.
- As a special education surrogate parent, you should:
- Work together with the school as an IEP (Individualized Education Program) Team member.
- Consider both the long and short-term needs of the student.
- Advocate for FAPE for the student.

This chart is found in the Handbook for SESP Volunteers. It informs you about your role as an SESP. It also identifies some responsibilities of the school and the Department of Social Services social worker or designee.

Please ask questions! No one expects a volunteer to understand all the terminology related to the process. If you have questions about evaluations, procedures, or policies, the school has a responsibility to answer them and help you support the student in this process.

It is imperative that ALL SURROGATE PARENT VOLUNTEERS maintain and respect the confidentiality of all records and information related to the student.

You should safely maintain a file of the student's records that you will receive throughout your assignment.

If you are no longer needed or are unable to serve as the SESP for the student, please return all records to the school.

An SESP cannot:

- Have an interest that conflicts with the interests of the child, or
- Be an employee of the state education agency, local education agency or any other agency responsible for, or involved in, the education or care of the child, such as the Department of Social Services.
- If at any time, your situation creates a conflict of interest for you to continue serving as an SESP for a student, you must notify the school immediately.

## **WHAT YOU NEED TO KNOW**

The IEP is often referred to as an 'individual education PLAN, but it is actually a PROGRAM that encompasses many procedures.

So, what do you need to know as a special education surrogate parent?

### **The Special Education Process**

#### **What is an IEP (Individualized Education Program) Team meeting?**

#### **Discipline for Students with Disabilities**

#### **Procedural Safeguards and Due Process**

You may hear the words 'Child Find' which is the district's obligation to locate students who are suspected to have a disability.

Districts are also responsible for identifying students with disabilities. When a disability is suspected, they must take action to address the student's needs.

For the purposes of this training, we will follow the special education process as outlined in this slide with an example of a child who is identified with a disability.

- REFERRAL
- INITIAL EVALUATION
- ELIGIBILITY DETERMINATION
- IEP DEVELOPMENT/PLACEMENT
- IEP IMPLEMENTATION/PROGRESS MONITORING
- ANNUAL REVIEW
- RE-EVALUATION

**Please note that not all evaluations end with a recommended IEP.**

**Not all students who are evaluated through this process will be determined eligible for special education services.**

Let's follow the process using an example:

Joey has been placed in a foster home, and you have been assigned as his SESP.

When you read his file, it states that his teachers have been tracking his progress.

Although they have been providing interventions, few gains have been noted and it is suspected that Joey has deficits in learning and communication.

Joey was referred by the IEP team for formal evaluations. This is his first or "initial" referral for special education services.

Parental (SESP) consent is required for the LEA to:

- Conduct an initial evaluation
- Provide special education services
- Conduct a reevaluation

(Let's suppose Joey's consent for formal evaluations occurred prior to your SESP appointment.)

Joey was evaluated in each area of suspected disability.

For this example, we will say he was evaluated for a potential learning disability in reading, as well as language deficits.

He received a psychological evaluation by a school psychologist, as well as a speech and language assessment, conducted by a speech/language pathologist.

The initial evaluation process and eligibility determination must be completed within 90 days from the referral date.

You will be invited to meet and discuss all of Joey's data, including the formal evaluation results, as part of his IEP team.

Members of the IEP team include:

- The "parents" by state definition (The Special Education Surrogate Parent will serve in the role of "parent" for the student to which they are assigned.)
- Regular Education Teacher(s)
- Special Education Teacher(s)
- A representative of the Local Education Agency
- An individual who can interpret the instructional implication of the evaluation results (who may also serve as another member described here)
- Other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate
- The child with a disability, when appropriate

At the meeting, the following decisions will be determined by the IEP team:

- Do the results indicate Joey meets criteria for an identified disability?
- Does this disability adversely affect his educational performance?
- Does Joey require specially designed instruction?

Other considerations are that the team concludes:

Eligibility is:

- Not due to lack of appropriate instruction in reading;
- Not due to lack of appropriate instruction in math; and
- Not the result of Limited English Proficiency.

Joey must meet all 6 of these requirements in order to be determined eligible for special education services.

Joey was found eligible and now he needs an IEP!

The IEP team will meet to develop the IEP based on his unique strengths and needs.

**The Individualized Education Program (IEP)** is a written plan for a student with a disability that includes:

- A statement of Joey's Present Level of Academic Achievement and Functional Performance (PLAAFP);
- Annual goals (Where Joey can be expected to be in one year and, when applicable, short-term objectives/benchmarks as to how we will get there.);
- How progress toward meeting the goals will be measured
- Any area that is identified as a special factor must be addressed in the IEP.

In our example, if Joey was identified as having communication deficits that impact his academic progress, the team would consider his need for specially designed speech therapy.

The IEP Team must know how Joey is doing before they decide where he needs to go!

PLAAFP describes the student's strengths and needs and is the basis for goals, accommodations, modifications, specially designed instruction, and the least restrictive environment.

Members of the IEP team should use data.

For example, the PLAAFP should indicate the specific reading ability rather than just stating that he is "doing well in reading."

**ACCOMMODATIONS AND MODIFICATIONS** may be provided in the classroom (general education, special education, and non-academic services and activities), State assessments, and district-wide assessments.

For example, accommodations and modifications may include, but are not limited to:

- Preferential seating

- Modified assignments
- Extended time on tests
- Teacher's notes
- Scribe

If applicable, an Alternative Assessment instead of a particular State or district-wide assessment of student achievement is required for students who are instructed on the Extended Content Standards.

These accommodations and modifications should be available throughout the life of the IEP--not solely for standardized testing purposes.

The IEP team determines the special education and/or related services and the frequency, duration, and location of specially designed instruction based on any area(s) of need identified in the IEP.

Related Services are developmental, corrective, and other supportive services required for the student to benefit from special education and are determined by the IEP team.

Related services may include, but are not limited to:

- Transportation
- Speech-Language Therapy
- Audiology Services
- Interpreting Services
- Psychological Services
- Physical Therapy
- Occupational Therapy
- Assistive Technology
- Counseling Services
- School Nurse Services

Beginning at 14 years of age, students MUST be invited to attend their IEP team meetings.

It is important for SESP's to understand that students with disabilities, age 14 and older, are required to have a transition component to their IEP, which includes post-secondary goals.

For students 16 and older, transition activities should be written to support the student's post-secondary goals.

They should focus on improving the academic/ functional achievement of the child to facilitate his/her movement from school to post-secondary goals.

For any student, whose behavior is impeding his/her learning, regardless of disability category, the IEP team must address the behavior either through:

- an annual goal (what the student will learn),
- a Behavior Intervention Plan - BIP (interventions/instruction adults provide on behalf of the student), or
- both.

In the U.S. Individuals with Disabilities Education Act (IDEA), least restrictive environment (LRE) means that a student who has a disability should have the opportunity to be educated with non-disabled peers, to the greatest extent appropriate.

The discussion up to this point leads the IEP team to the question of placement.

LRE refers to the educational setting or environment that would best provide the services as outlined in the IEP.

After discussing Joey's needs and the type of service (specially designed instruction) that he requires, the team must determine where those services are best delivered for his optimum success in meeting his goals.

Districts must offer a continuum of services, and not fit the child to the programs they already have in place.

This slide outlines the continuum for school-aged students.

If JOEY will be removed from his non-disabled peers for any part of the day (regular class, extracurricular activities non-academic activities), the team should explain WHY.

For example, if Joey's speech/language service is intensive, the team may feel a separate, distraction-free setting is necessary for him to make progress on his speech goals.

Therefore, he would be removed from the classroom for the duration of that specially designed instruction.

### **Prior Written Notice**

The LEA must give the "Parent" (SESP) information BEFORE they make or refuse to make any changes in the student's identification, evaluation, placement of the student, or the provision of a free appropriate public education.

This information must be given to you in writing.

Many educators of students with disabilities put emphasis on reporting progress in a positive, encouraging manner.

The focus of measuring true growth should be approached using authentic data.

"Joey is doing a great job with his reading" is good to hear, however, "Joey has made clear gains as demonstrated by an 8-point increase in his benchmark test results" is clearer.

Good data points also indicate if Joey is reaching his goals as stated, and helps the team make solid future goals for Joey.

Progress toward the annual goals and short-term objectives/benchmarks may be measured by:

- Progress reports



- Teacher-made tests
- Observations
- Portfolios

The IEP team must review the IEP at least annually.

The “Parent” (SESP) can request an IEP team meeting at any time to discuss the student’s progress.

Must be conducted in a timely manner:

- If the LEA determine the need for additional evaluation data.
- If the Parent or teacher requests additional evaluation data.
- May not occur more than once a year unless the Parent and the LEA agree otherwise.
- Must occur at least once every three years.

For children identified Developmentally Delayed, reevaluation must occur:

- At least once every 3 years following placement; and
- Prior to turning 8 years of age; or prior to entering 3rd grade (whichever comes first).

## **Discipline**

In regards to discipline, there are some protections that apply to a student with a disability.

However, it is important to understand the factors that must be considered.

For example, school personnel may remove a child with a disability who violates a code of student conduct for a REMOVAL OF 10 SCHOOL DAYS OR LESS and the student may be treated the SAME as a student without a disability.

So, what is a removal?

A Disciplinary Removal is usually called an out-of-school suspension, but it also includes any time the school calls and asks that the student be picked up before the end of the school day because of disciplinary reasons.

It also includes in-school-suspension (ISS) if services are not provided to the student, and suspension from the bus, IF transportation is a related service for the student’s IEP.

All students with disabilities have a right to continue receiving services after the 10th day of removal.

On the 11th day of removal in a school year:

- The student is entitled to continue receiving education services.
- These services must allow participation in general education and progress toward IEP goals.

There are other rights that depend on whether there was a change in placement.

What constitutes a change in placement?

A single removal for more than 10 consecutive school days in a school year is a change in placement.

Multiple removals totaling more than 10 school days in a school year are also considered a change in placement IF there is a pattern to the removals.

Factors that should be considered include:

- Is the behavior leading to the current removal similar to behavior in other removals?
- What is number of days for each removal?
- How many total days has the student been removed this school year?
- How close were the removals to each other? For example, was the student removed for fighting on Tuesday and pushing a classmate on Thursday?

All of these factors may indicate a pattern in the removals.

IF there is a change in placement, a Manifestation Determination Review (MDR) meeting is held to determine if the behavior was caused by, or had a direct and substantial relationship to the student's disability, and/or the behavior was the direct result of the school's failure to implement the IEP.

At the MDR meeting, all relevant information in the student's file, including the student's IEP, any teacher observations, and any relevant information provided by the parent is used to determine if the behavior was a manifestation of the student's disability.

If the behavior IS A MANIFESTATION of the student's disability:

- The school must either:
  - Conduct a functional behavior assessment (FBA) and implement a behavior intervention plan (BIP) or
  - If a BIP has already been developed, review the plan and modify as needed; and
  - The student returns to the placement from which the student was removed.
- IF the behavior is NOT A MANIFESTATION of the student's disability:
  - The student may receive the same discipline for behavior as students without a disability.

There are some special circumstances regarding discipline that may result in the student being placed in an Interim Alternative Educational Setting (IAES) for up to 45 school days.

An IAES placement may occur in another educational setting, if the student:

- Carries or has a weapon;
- Has, uses, solicits the sale of, or sells illegal drugs; or
- Causes serious bodily injury to another person.

Just remember that on the 11th day of disciplinary removal in a school year, students with disabilities are entitled to continue receiving education services.

These services must allow participation in general education and progress toward IEP goals.

## **Procedural Safeguards and Due Process**

The IDEA requires schools to provide parents of a student with a disability notice containing a full explanation of the legal rights available under the IDEA and federal regulations.

It is critical for parents to understand both their rights and responsibilities in the special education process

You should be provided with the Notice of Procedural Safeguards:

- At least one time each school year;
- When the student is first referred or when you request an evaluation;
- When you request a copy;
- When the student is removed for disciplinary reasons and the removal results in a change in placement;
- Upon the receipt of the first state complaint or first due process petition in the school year; and
- Upon any revision of the content of the notice.

As a SESP, IF you have questions and/or concerns regarding the student's special education services, please:

- Talk to the student's teacher about your concerns.
- Talk to the principal at the school.
- If you still have concerns, contact the EC Director/Coordinator of the school district.

## **Dispute Resolution Options**

In the event of a disagreement between the school and the Special Education Surrogate Parent, the same due process rights apply to SESP as the "parent" of the student with a disability.

An informal means of problem solving is provided through the Exceptional Children Division's Facilitated IEP Program for school systems, charter schools, state operated programs, and parents.

Formal means for dispute resolution are also available through the Department of Public Instruction, Exceptional Children Division.

These options are requirements of federal and state laws governing special education – Individuals with Disabilities Education Act (IDEA), and Policies Governing Services for Children with Disabilities.

When there is an unresolved disagreement over identification, evaluation or educational placement of a child with a disability or the provision of free appropriate public education, the options for dispute resolution are mediation, formal written complaint, and due process hearing.

More information about dispute resolution options are also included in the Notice of Procedural Safeguards and on the DPI website at [ec.ncpublicschools.gov](http://ec.ncpublicschools.gov) under the Parent Resources tab.

You are about to play an important role collaborating and advocating for a student's special education program.

You will be a vital member of the student's Individual Education Program (IEP) Team.

You and the district will work together to understand and address the student's unique needs.

If you have any questions regarding your rights and responsibilities as a Special Education Surrogate Parent, please contact the EC Director/Coordinator for your school/district.

Thank you for participating in the online training module for Special Education Surrogate Parent volunteers.

You can make a difference! Thank you.