

(1.67) Who makes decisions for a special education student whose parents' rights have been terminated or who has no parent involved in her life?

When there is no one to act as a parent for a student with disabilities, the school district or the juvenile court must appoint a responsible adult to make educational decisions. Under AB 3632, the responsible adult is known as a “surrogate parent.”

The district must make “reasonable efforts” to appoint a surrogate within 30 days of determining that a parent surrogate is necessary. In addition, the responsible adult appointed by the district cannot have any conflict of interest with the student. A conflict means any interest that might restrict or bias the ability to advocate for all of the services required to ensure that the student is provided FAPE. [Cal. Gov. Code Secs. 7579.5(a) & (i).]

If the student is subject to the authority of the juvenile court, the judge appoints someone to make educational decisions for a dependent or ward of the court. The court may leave decision-making authority with the parent if that parent is still part of the student's life. However, it has the power to limit the parent's authority regarding educational decisions through a court order, but only to the extent necessary to protect the student.