

Rule 6A-6.0333 is substantially rewritten to read (see Florida Administrative Code for present text).

6A-6.0333 Surrogate Parents. A surrogate parent is an individual appointed to act in the place of a parent in safeguarding a student's rights in the exceptional education decision-making process, when the student's parent, after reasonable efforts, cannot be located by the school district, the student is a ward of the state under State law, or the student is an unaccompanied homeless youth.

(1) Minimum qualifications of a surrogate parent. The person qualified as a surrogate parent shall, at a minimum:

(a) Be a citizen of the United States, a resident of the State of Florida, and above the age of eighteen (18);

(b) Not be an employee of any agency involved in the education or care of the student;

(c) Have knowledge and skills acquired by successfully completing training and utilizing training materials developed and approved by the Department of Education to ensure adequate representation of the student; and

(d) Have no personal or professional interest which conflicts with the interest of the student that the surrogate represents.

(2) Appointment of surrogate parent.

(a) Surrogate parents for students who are eligible for or who are suspected of being eligible for special programs made available through a school district or agency under contract with the school district shall be appointed by the district's school superintendent not more than thirty (30) days after the school district determines that the student needs a surrogate parent. Surrogate parents for students who are eligible for or who are suspected of being eligible for special

programs made available through a contract from the Department of Education shall be appointed by the individual specified in the contract. In the case of a student who is a ward of the State, the surrogate parent alternatively may be appointed by the judge overseeing the student's case, provided the surrogate meets the qualifications in subsection (1) above.

(b) The surrogate parent shall continue in the appointed role until one of the following circumstances occurs:

1. The student is determined to no longer be eligible or in need of special programs, except when termination of special programs is being contested;

2. The legal guardianship for the student is assigned to a person who is able to carry out the role of the parent;

3. The parent, who was previously unknown becomes known; or the whereabouts of a parent which was previously undiscovered, is discovered;

4. The appointed surrogate parent no longer wishes to represent or is unable to represent the student;

5. The superintendent or Department of Education contract designee determines that the appointed surrogate parent no longer adequately represents the student; or

6. The student moves to a geographic location which is not reasonably accessible to the appointed surrogate.

(c) The appointments and termination of appointments of surrogate parents shall be in writing. Terminations initiated by the superintendent or Department of Education contract designee or a request for termination initiated by the surrogate shall list the reasons for such request.

(d) Either party may request a hearing under Chapter 120, Florida Statutes, regarding the

termination of a surrogate.

(e) Nothing in this rule shall prohibit the continuance of a surrogate parent appointment when the responsibility for the student's educational placement moves among and between public and private agencies.

(3) Responsibilities of a surrogate parent. The person appointed as a surrogate parent:

(a) Must become acquainted with the student and be knowledgeable about his or her disability and educational needs;

(b) May represent the student in all matters relating to the identification, evaluation, and educational placement of the student and the provision of FAPE to the student; and

(c) Represent the interests and safeguard the rights of the student in educational decisions which affect the student. .

(4) Limits to the surrogate parent's responsibilities. The responsibilities of a person appointed as a surrogate parent shall not extend to the care, maintenance, custody, residential placement or any other area not specifically related to the education of the student .

(5) Rights of the surrogate parent. A person appointed as a surrogate parent shall enjoy all of the procedural safeguards afforded a parent with respect to the identification, evaluation and placement of a student with a disability or a student who is suspected of having a disability as prescribed in Rule 6A-6.0331, FAC.

(6) Liability of the surrogate parent. A person appointed as a surrogate parent shall not be held liable for actions taken in good faith on behalf of the student in protecting the special education rights of the student.

(7) Compensation of surrogate parent. A school district may compensate persons appointed as surrogate parents. A person acting as a surrogate parent is not an employee of the district or

Department of Education contracted program solely because he or she is paid by the district or Department of Education contracted program to serve as a surrogate parent.

(8) Unaccompanied homeless youth. In the case of a student who is an unaccompanied homeless youth, appropriate staff of emergency or transitional shelters, independent living programs, and street outreach programs may be appointed as temporary surrogate parents without regard to the requirements in subsection (1), until a surrogate can be appointed that meets all of the requirements in subsection (1).

Specific Authority 1001.02(1), 1003.01(3), 1003.57, 1006.09, F.S. Law Implemented 1001.03(8), 1001.42(4)(1), 1003.01(3), 1003.57, F.S. History - New 6-28-83, Formerly 6A-6.333, Amended