

**SB 1677 (Alpert) – Education Surrogate Parents for Foster Children , SUPPORT
Status: Assembly Education on 06/12/02**

SB 1677 Increases the Access to Education for Foster Children

Current law permits the juvenile court to limit the right of the parent/guardian to make educational decisions for the child. (W.I. 361) However, current law does not provide for the appointment of someone else to make those decisions, once this right is removed. SB 1677 clarifies the issue by requiring the juvenile court to appoint a “responsible adult” to make educational decisions after the court limits the right of the parent/guardian to make those decisions. The persons appointed by the juvenile court will have the authority to make decisions on behalf of children who are in either regular or special education programs. (Sections 3, 5 & 7 of the bill.)

When the juvenile court limits the rights of a parent/guardian and adjudges the minor a ward/dependent of the court, the LEAs can appoint a surrogate parent¹ for special education purposes (Gov.Code 7579.5). Surrogate parents are crucial for foster children requiring special education. Existing law tries to protect foster children that need an individual education plan (IEP) by requiring LEAs to assign a relative caretaker, foster parent, or court-appointed special advocate (CASA) as the designated person that makes educational decisions for the child.

SB 1677 provides that the surrogate parent statute does not apply if the juvenile court has appointed a responsible adult to make educational decisions for the child. However, should the court not appoint a responsible adult, and the child has no one representing his/her educational interests, then the LEA will be required to appoint a surrogate parent.² (Section 1 of the bill)

Current law requires the social worker to include relevant health and education information in the child’s case plan and court reports (W.I. 16010). SB 1677 requires the social worker, when appropriate, to include a recommendation in his/her report as to whether the education rights of the parent should be limited, and, if so, who should have the authority to make educational decisions on behalf of the child. The juvenile court judge will look to the social worker’s recommendations whenever he/she is considering removing the rights of the parents to make education decisions. (Sections 2, 4 & 6 of the bill.)

¹ A surrogate parent has the same authority as a parent with respect to educational decisions concerning the child however the requirement for education surrogate parents for group home children is only applicable for those children in special education.

² The orders of preference for naming a surrogate parent are a relative caretaker, foster parent, or court-appointed special advocate (CASA) as the designated person that makes educational decisions for the child.

Many Group Home/LCI Children Require an IEP But Don't Have Anyone to Represent Them

Finally, SB 1677 enhances the surrogate parent statute by suggesting duties and training to help the surrogate parent become a more informed advocate for the child. (Section 1 of the bill)

15% of group home/LCI children have education surrogate parents whereas 65% of them are eligible for special education. While some parents/guardians may properly represent the needs of the foster child, most of the 18,416 group home/LCI children have become wards/dependents of the court because their parents are unable or unwilling to serve in this role. Group home/LCI children typically do not have a relative caretaker or foster parent that can act as a surrogate parent because education is often ignored as a factor when placing children in foster care.³ They are termed “the state’s most vulnerable and at-risk population”⁴ because 46% of group home children require special education but may not be receiving it.⁵

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Many Don't Meet with the Child or Review Education Records Prior to Making Decisions

When a surrogate parent cannot be found, a district surrogate is appointed. District surrogates are usually former employees of the school district and do not have a relationship with the child. Responsibility and accountability for assuring that group home children are actually in school receiving appropriate education is elusive. Because there are currently no standards related to surrogate parents, many district surrogates do not meet with the child or review the child’s educational records prior to making crucial decisions regarding the child’s education. Of the 39 surveyed group homes, only 37% of education surrogate parents had ongoing communication with a child’s legal guardian.⁶

...many district surrogates do not meet with the child or review the child’s educational records prior to making crucial decisions regarding the future of the child’s education.

Persons that have never met with the child should not be making important education decisions without first meeting with the child, and reviewing her/his records. Over half of all group home/LCI children believe they are not getting the educational services they need.⁷

SB 1677 is an important step in meeting the educational needs of foster children in group homes and LCIs. They don't have anyone. Courts, who are with them at every step in the foster care system, are in a better position to identify persons that may want to serve as a surrogate parent for a child in a group home or LCI.

³ Children placed in a foster family home and/or with a foster family agency generally rely on a relative caretaker or the foster parent as the surrogate parent.

⁴ *Education of Foster Group Home Children, Whose Responsibility is it Anyway? Study of the Educational Placement of Children Residing in Group Homes.* (American Institute for Research, SRA Associates and the University of California at Berkeley Child Welfare Research Center, January 2001).

⁵ *Ibid, Abstract.*

⁶ *Ibid, page 3-13.*

⁷ *Ibid, page 3-26 and 4-5.*