Need for an Educational Surrogate: Decision Making Flow Chart

Is the child his or her own legal guardian or an emancipated youth?

- **NO**
  - Is the child a ward of the State?
    - **NO**
      - Is the child living with someone who can act as the educational decision maker as defined in IDEA?
        - **YES**
          - Surrogate appointment needed.*
            - Note that appropriate staff at the emergency shelter, the transitional shelter, the independent living program or the street outreach program may serve in the role of temporary educational decision maker until a parent can be located or an educational surrogate is appointed.
        - **NO**
          - Can the child’s parents be identified and located?
            - **YES**
              - No surrogate needed. Child lives with someone who can act as the educational decision maker as defined in IDEA.
            - **NO**
              - Surrogate appointment needed.*
                - Note that parent may attend IEP meetings at the request of the educational surrogate because the parent is someone who has knowledge of the child, but the educational surrogate is the educational decision maker.
    - **YES**
      - Is the child living with foster parents?
        - **NO**
          - Is the child living with a grandparent, step-parent or other relative, or some other individual over 18 that is Legally responsible for the child’s welfare?
            - **YES**
              - Has parent retained parental rights and provided evidence of this?
                - **YES**
                  - Surrogate appointment needed.*
                    - Note that parent may attend IEP meetings at the request of the educational surrogate because the parent is someone who has knowledge of the child, but the educational surrogate is the educational decision maker.
                - **NO**
                  - No surrogate needed. Child lives with someone who can act as the educational decision maker as defined in IDEA.
            - **NO**
              - No surrogate needed. Foster parents are the educational decision maker as defined in IDEA.
      - **YES**
        - Is the child living in a group home or staffed private residential setting?
          - **YES**
            - Surrogate appointment needed.*
              - Note that appropriate staff at the emergency shelter, the transitional shelter, the independent living program or the street outreach program may serve in the role of temporary educational decision maker until a parent can be located or an educational surrogate is appointed.
          - **NO**
            - No surrogate needed. Child lives with someone who can act as the educational decision maker as defined in IDEA.

- **YES**
  - No surrogate needed. Child is his/her own educational decision maker as defined in IDEA.

* Request a surrogate using the Surrogate System Web Application.

For more information about the Surrogate System, visit our website at: http://dese.mo.gov/se/compliance/EdSurrogate