

Who is the legal parent for Special Education students?

	CHILD LIVES WITH:	LEGAL PARENTS:	WHAT TO DO ON THE IEP COVER SHEET	PARENT INVOLVEMENT NEEDED	DOCUMENTATION NEEDED:
A	Child lives with both parents	Both Parents.	Both parents' names. Primary Parents (<i>ex. Tom and Mary Jones</i>).	Per Problem Solving Manual	None Needed
B	Child lives with parents but in two homes. Parents are divorced and have joint legal custody and both have physical custody.	Both Parents.	Lists parents as (<i>Tom Jones and Mary Jones</i>). Put one parent's address on the IEP as (primary parent) and the other parent's address as (second parent).	Invite both parents to all meetings. See if just one parent can get notices and share with other.	None needed
C	Foster parent, grandparent, relative, other adults AND parent is unavailable or unknown or rights terminated (TPR) or requests a surrogate.	Surrogate Parent: But natural parent must request this unless parent is unknown or unavailable or TPR.	Complete Surrogate Parent forms - list person child lives with on IEP as Guardians(s)/Second Parent.	Remember that surrogate performs all duties and has all rights of parents but not interagency release rights..	Surrogate documentation in file including signed parent request for surrogate if parent is unavailable
D	Foster parent, grandparent, relative, other adults but parents are available.	Parent(s).	List one or both parents on IEP as Primary/Secondary Parent.	Invite parent(s) to all meetings. Parent must sign all permissions	None needed
E	Child lives mostly with one parent. Parents are divorced and have joint legal custody. One has physical custody.	Both Parents.	List both parents as (<i>Tom Jones and Mary Jones</i>). List parent's address child does not live with on IEP as Second Parent.	Notice only to parent with physical custody. Notice to other parent only if requested.	None needed
F	Child lives with one parent. Parents are divorced and one parent has custody and the other parent is unknown to school staff.	Parent with whom the child lives.	List parent as (<i>Mary Jones</i>). If other parent requests involvement, list address on IEP as Second Parent.	Notice only to parent with physical custody. Notice to other parent only if requested.	None
G	Child lives with one parent and there is a restraining order against the other.	Parent with whom the child lives.	List parent of custody but do not list address on IEP only on database and in your file.	Notice only to parent, with physical custody.	Copy of court order should be requested and placed in child's file.
H	Termination of parent rights.	Surrogate parent must be approved.	Leave parent blank. Complete surrogate forms and list surrogate on IEP.	Notice to surrogate parent.	Copy of order in file or letter from social worker.

* If child lives with a parent and another adult (i.e., parent's partner, spouse, other biological parent) refer to items E and F.