

Identification of a Parent Under IDEA and Section 504

The Cherokee County School District ("School District") is required under both state and federal law to locate and identify parents as defined by the Individual with Disabilities Education Act ("IDEA"). Parents identified under Individual with Disabilities Education Act ("IDEA") have certain right, starting with the right to make decisions and participate in their child's education.

The Individual with Disabilities Education Act ("IDEA") defines a parent as:

1. A biological or adoptive parent of a child.
2. A foster parent, unless state law, regulations, or contractual obligations with a state or local entity prohibit a foster parent from acting as a parent.
3. A guardian generally authorized to act as the child's parent, or authorized to make educational decisions for the child (but not the state if the child is a ward of the state).
 - a. This is a legal guardian as determined by the Probate Court.
 - b. A Guardian ad Litem (GAL) is **NOT** a guardian under this definition.
 - i. The GAL's role is specifically set forth in the court order appointing the child's GAL, which is to advocate for the child's best interest during court proceedings.
 - c. If the child is a ward of the state, the state is **NOT** considered a guardian for purposes of this definition of parent.
4. An individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the child lives, or an individual who is legally responsible for the child's welfare.
5. A surrogate parent who has been appointed in accordance with 30 CFR 300.519 of the IDEA.

Under IDEA, biological or adoptive parents are presumed to be the primary decision-makers for their child even if their child is in foster care unless this decision-making ability has been limited or terminated by a Court Order.

Therefore, in compliance with IDEA, the School District may ask a series of questions to help it determine the "parent" under IDEA. The School District may also request court documents, orders, or documentation in order to diligently search for any individuals who may fall into the categories above. Foster parents may not have the same legal rights as biological or adoptive parents.

The School District appreciates your cooperation and assistance.