

Iowa IDEA Parent Guidelines

Iowa Administrative Code:

- [Early ACCESS Definition of Parent](#)
- [Special Education Definition of Parent](#)

The following Iowa IDEA Parent relationship types will be eligible to create an account in the ACHIEVE Family Portal once their contact information has been validated and an active *Consent for Early ACCESS Services* or *Consent for Special Education & Related Services* has been approved by an IDEA Parent.

The preference is to give priority to biological or adoptive parents in decision-making unless the established parent does not have authority to make educational decisions for a child or is not available (e.g., location is unknown).

Each IDEA Parent **must** have a unique email address entered in the ACHIEVE Family Contact Information table in order to receive an invitation to create an account in the ACHIEVE Family Portal.

ACHIEVE Relationship Type	Definition
Parent (Biological or Adoptive)	The biological or adoptive parent of a child. Note: A stepparent is not an IDEA parent unless they are also an adoptive parent OR serving as a relative acting in the place of a biological or adoptive parent.
<u>Legal Guardian of a Minor</u>	An individual authorized to act as the child’s parent or authorized to make early intervention, educational, health or developmental decisions for the child.
<u>Legal Guardian of a Protected Person</u>	An individual person appointed by the court to make decisions regarding the care, maintenance, health, education, welfare, and safety of the protected person except as otherwise limited by the court.
Relative Placement: <u>Relative Acting as Parent (IDEA)*</u>	If a child is placed with an adult, such as a relative, and that adult is “acting in the place of a biological or adoptive parent” that adult may act as the child’s parent. This may include a grandparent, stepparent, <u>or</u> other relative with whom the child lives, or an individual who is legally responsible for the child's welfare.
<u>Court Designee</u>	A court order may name a particular person to make educational decisions for a child. That person cannot be a DHS employee or educator. That person may be the child’s foster parent.
<u>Surrogate</u>	Appointed in accordance with rule 281–120.422(34CFR303) or Section 639(a)(5) of the Act; rule 281– 41.519(256B.34CFR300) or 20 U.S.C. 1439(a)(5) .

Releases of Information. Persons who meet the IDEA definition of parent may sign for releases of information. Please note that there may be additional persons who are eligible to sign releases of information under the Family Educational Rights and Privacy Act (FERPA), which provides similar but not identical protections for student and family privacy. See [34 C.F.R. pt. 99](#).

Parents with Limited Rights. Biological or adoptive parents of children with disabilities whose parental rights have not been terminated but whose rights to make educational decisions have been limited are still entitled to involvement in their children’s education, unless a court specifically directs otherwise. Unless specifically ordered by a court, all parents are entitled to notices, to educational records, and to participate in meetings; however, only one parent’s consent is required under the IDEA. If the established parent and another person who meets the IDEA definition of parent disagree (see [Item I](#)), follow the direction of the established parent, unless their educational decision-making authority has been eliminated or limited.

Relative Acting as Parent (IDEA)*. Neither HHS placement nor legal documentation is required to appoint a Relative acting as Parent (IDEA). However, the biological or adoptive parent must be presumed to be the IDEA parent, unless the biological or adoptive parent does not retain the legal authority to make education decisions for the child, even if another individual meets the definition of the parent as well. Reasonable efforts must be made to reach and involve the biological/adoptive parent for educational decisions. If these attempts have failed, the district may then identify a relative or adult with whom the child is residing as the IDEA parent. (All reasonable efforts to involve the biological/adoptive parent should be documented and saved.)

Proper Use of Surrogate Parents. The surrogate parent process is used in limited circumstances. It is not used when a parent’s location is known but the parent is not able to personally attend a meeting (e.g., incarceration, military deployment); in those situations, the law allows for alternative forms of meeting participation (e.g., telephone calls, videoconferences). It is also not used when a more “agreeable” parent would make the jobs of DHHS or educators easier.

The following relationship types may be listed as family contacts in ACHIEVE, but will not be eligible to provide consent or create an account in the ACHIEVE Family Portal.

- **Parent (Other):** This may include stepparents who are not an adoptive parent NOR serving as a relative acting in the place of a biological or adoptive parent.
- **Relative:** This may include other relatives of the learner who are not acting in the place of a biological or adoptive parent.
- **Friend:** This may include non-relatives of the learner who are not acting in the place of a biological or adoptive parent.
- **Foster Parent:** Based on Iowa law, **a foster parent may not serve as a child’s parent under the IDEA.**
 - **Note:** A foster parent may act as a parent if appointed as a surrogate or if serving as a relative acting in the place of a biological or adoptive parent. In this case, the corresponding IDEA Parent relationship type must be assigned to allow foster parent access to the ACHIEVE Family Portal.