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|  | INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE POLICY | |
| | Chapter 8: Out-of-Home Services | Effective Date: May 1, 2016 |
| | Section 21: Special Education Services | Version: 3 |

STATEMENTS OF PURPOSE

[REVISED] The Indiana Department of Child Services (DCS) will work with the Indiana Department of Education (DOE) to ensure that each child in out-of-home care receives educational services to meet his or her individual needs. A plan will be developed to address identified educational needs of each child in out-of-home care at the initial Child and Family Team (CFT) Meeting or Case Plan Conference.

[REVISED] DCS will ensure that a child with identified special education needs who has an Individualized Education Program (IEP) on file is receiving the services outlined in the IEP. DCS will refer each child who displays signs that a disability may exist, but has not been identified as requiring special education services, for appropriate testing.

DCS will utilize the CFT to assist the child's parent, guardian, custodian, and/or resource parent(s) with making decisions related to disabilities that may impact the child's education. In the event that the child's parent, guardian, custodian, and/or resource parent(s) is unable to perform this role, DCS will collaborate with the Court and DOE to ensure that the child is appointed an [Educational Surrogate Parent \(ESP\)](#) to represent him or her in matters relating to education.

Code References

1. [IC 20-18-2-9: Individualized Education Program](#)
2. [IC 20-35-1-4: Division](#)
3. [IC 20-35-6: General Provisions](#)
4. [511 IAC 7: Special Education](#)

PROCEDURE

The Family Case Manager (FCM) will:

1. Assist the child's parent, guardian, custodian, and/or resource parent(s) in requesting that the child's school complete an initial educational evaluation to determine if any disability exists that could impact the child's education and if special education and/or related services are needed;

[NEW] Note: Consider making a referral to your local Education Liaison (EL) to review prior IEPs or educational documents to help determine if an evaluation should be requested by the family.

2. Participate in the development and implementation of an appropriate IEP for the child if indicated by the educational evaluation;
3. Obtain hardcopies of any IEP for the child's file;
4. Discuss the need to monitor the IEP with the child's parent, guardian, custodian, and/or resource parent(s), ensure that the IEP is enforced, and ensure the overall educational needs of the child are being met;

5. Evaluate the need for an ESP for a child in a residential placement. If one is needed, work with the DCS Local Office Attorney and the child's current school for appointment of an ESP.

Note: Employees of DCS are prohibited from serving as an ESP for any child involved in an open DCS case.

6. Encourage the child's parent, guardian, or custodian to invite the ESP, if applicable, to participate as a member of the CFT. For further guidance, see separate policy [5.7 Family Team Meetings](#);
7. Encourage the child's parent, guardian, custodian, resource parent(s), or ESP to work with the school to coordinate the development of a Transition IEP (see Related Information), as well as, attend all educational meetings and reviews;
8. Attend the child's IEP conference and provide relevant input;
9. Obtain a copy of the finalized IEP for the child's case file; and
10. **[NEW]** Document all participants, decisions, and actions in MaGIK.

PRACTICE GUIDANCE

[NEW] Utilization of DCS Education Liaisons

ELs provide support to FCMs in identifying educational barriers and developing effective solutions. FCMs should submit a referral for the educational liaison through KidTraks when educational needs or concerns have been identified.

FORMS AND TOOLS

N/A

RELATED INFORMATION

Annual Review of Individualized Education Program

The IEP must be updated annually. It may also be updated more frequently if a need arises. If the student is not making expected progress toward the annual goals and in the general curriculum, the school's case conference committee must meet and revise the IEP.

Educational Surrogate Parent

An ESP is a specially appointed advocate, who has been trained to assume the responsibility of representing the child in the special education decision-making process.

When to Request an Educational Surrogate Parent

An ESP should be requested if the child's parent, guardian, custodian, and/or resource parent(s) is unable to adequately represent the child.

Individuals with Disabilities Education Act (IDEA)

IDEA guarantees that persons between the ages of three (3) and 22 with disabilities receive appropriate public education through the development and implementation of an IEP. The IEP is designed to meet the assessed educational needs of each student within the least restrictive environment. It ensures that testing and evaluation materials, procedures, and interpretation of results are not biased.

Evaluation Process

In order for a child to be eligible for special education and related services, the child must first be

determined to have a disability. Parents, teachers, or other school officials who suspect that the child may have a disability would request that the child be evaluated by a multi-disciplinary team to determine if the child has a disability and needs special education or related services as a result of the disability. Generally speaking, IDEA requires that a child be evaluated within 50 days once the parent has made the request or given consent. Exceptions to the timeline exist if the child moves from one (1) district or state to another after the evaluation was requested or if the parent refuses to make the child available for the evaluation. Under those circumstances, districts are required to make sufficient progress to ensure that a timely evaluation is conducted.

Transition Individualized Education Program

IDEA requires that transition planning begin at age 14 or younger, if determined appropriate by the school's case conference committee. The school's case conference committee, in identifying annual goals and services for a student, must determine what instruction and educational experiences will help the student prepare for the transition from school to adult life. The IEP must include a statement of the student's transition service needs that focuses on the student's course of study (such as advanced academic courses, technical training, or intensive employment preparation). The statement of transition service needs should relate directly to his or her goals and show how planned activities are linked to these goals.

ARCHIVED- Effective 5/1/16- 6/30/18- Legislative Changes