



INDIANA DEPARTMENT OF CHILD SERVICES

CHILD WELFARE POLICY

Chapter 8: Out-of-Home Services

Section 21: Special Education Services

Effective Date: March 1, 2025

Version: 6

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POLICY OVERVIEW

Collaboration between the Indiana Department of Child Services (DCS), the child's school, and the Child and Family Team (CFT) is essential to ensure the development and success of an appropriate plan to provide special education services to address identified needs of a child in out-of-home care.

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PROCEDURE

DCS will request a copy of any existing Individualized Education Plan (IEP) or Section 504 Plan (504 Plan) (see Definitions) and ensure the child is receiving the services outlined in the plan. When a concern is identified, field staff will coordinate with DCS Education Services to gather information to determine if an education evaluation is necessary to provide support to the child in the academic setting.

Note: A 504 Plan will be requested for a child who does not qualify for an IEP yet has a medical or mental health diagnosis and a suspected need.

DCS will utilize the CFT Meeting or Case Plan Conference process to assist the child's parent, guardian, or custodian and/or resource parent with making decisions related to disabilities and/or educational needs that may impact the child's education.

In the event that the child's parent, guardian, custodian and/or resource parent is unable to perform the decision-making role, DCS will collaborate with the Court and the Indiana Department of Education (DOE) to ensure the child is appointed an Educational Surrogate Parent (ESP) to represent the child in matters relating to education. **When the need for an ESP is identified, DCS will communicate the need for an ESP with the child's school.**

Note: The local school corporation holds the responsibility of appointing an ESP when appropriate.

DCS will invite the child's school to provide information and participate in the case planning process and ensure educational goals, needs, and efforts to enable the child's school to provide appropriate support and to protect the safety of the child are included in the Case Plan/Prevention Plan.

When the Family Case Manager (FCM) has reason to believe that an educational need may

exist, the FCM will:

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

Note: Consider making a referral to DCS Education Services to review identified educational needs and/or concerns to help the family determine if an evaluation should be requested.

2. Attend the child's IEP or 504 Plan conference and participate in the development and implementation of an appropriate plan for the child;
3. Obtain a copy of the IEP or 504 Plan and ensure the copy is uploaded into the case management system;
4. Discuss the need to monitor the IEP or 504 Plan with the child's parent, guardian, or custodian and/or resource parent, and ensure the IEP or 504 Plan is enforced and the overall educational needs of the child are being met;

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

5. Discuss the need for an ESP with the local DCS Education Services team member, if there are concerns regarding the parent, guardian, or custodian's ability to advocate for the child's educational needs;

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 and/or resource parent to invite the ESP, if applicable, to participate as a member of the CFT and in the development of the Case Plan/Prevention Plan (see policies 5.07 Child and Family Team Meetings and 5.08 Developing the Case Plan/Prevention Plan);
7. Ensure all youth 14 years of age and older receive the Indiana DCS Bill of Rights for Youth in Foster Care and are informed of their rights before signing the completed Case Plan/Prevention Plan;
8. Encourage the child's parent, guardian, or custodian; resource parent; or ESP to work with the school to coordinate the development of a Transition IEP (see Definitions), and attend all educational meetings and reviews; and
9. Document all participants, decisions, plans, and actions in the case management system.

The FCM Supervisor will:

1. Discuss the identified educational needs with the FCM during regular case staffing;
2. Assist the FCM with the completion of all special education-related service referrals for the child, including referrals for evaluations and the need for an ESP; and
3. Ensure all referrals are submitted timely; and
4. Attend CFT Meetings, Case Plan Conferences, and/or IEP or 504 Plan Conferences, when applicable.

DCS Education Services will:

1. Provide support to FCMs in identifying educational barriers and developing effective solutions; and
2. Communicate the need for an ESP with the child's school if the need for an ESP is identified.

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RELEVANT INFORMATION

Definitions

Case Staffing

Case staffing is a systematic and frequent review of all case information with safety, stability, permanency, and well-being as driving forces for case activities.

Educational Surrogate Parent (ESP)

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.

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.

Individualized Education Program (IEP)

An IEP is a written statement developed for a child that describes:

1. How a student will access the general education curriculum, if appropriate; and
2. The special education and related services needed to participate in the educational environment.

Section 504 Plan (504 Plan)

The 504 Plan is a federal law that prohibits disability discrimination by recipients of federal financial assistance. The qualified student is entitled to receive regular or special education and related aids and services that are designed to meet their individual educational needs as adequately as the needs of students without disabilities are met. The 504 Plan requires, among other things, that a student with a disability receives an equal opportunity to participate in athletics and extracurricular activities and to be free from bullying and harassment based on disability.

Transition Individualized Education Program (IEP)

The Transition IEP is an IEP transition plan that begins at the start of ninth (9th) grade or 14 years of age, whichever comes first, or earlier if determined appropriate. The Transition IEP identifies annual goals and services for a student. Additionally, it will help the student prepare for the transition from school to adult life.

Forms and Tools

- Case Plan/Prevention Plan (SF 2956) - available in the case management system
- [Indiana DCS Bill of Rights for Youth in Foster Care](#)

Related Policies

- [5.07 Child and Family Team Meetings](#)
- [5.08 Developing the Case Plan/Prevention Plan](#)

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LEGAL REFERENCES

- [IC 20-18-2-9: "Individualized Education Program"](#)
- [IC 20-35-1-4: "Division"](#)
- [IC 20-35-6: General Provisions](#)
- [IC 31-34-15-4: Form; contents](#)
- [511 IAC 7: Indiana Board of Special Education Rules](#)

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PRACTICE GUIDANCE- DCS POLICY 8.21

Practice Guidance is designed to assist DCS staff with thoughtful and practical direction on how to effectively integrate tools and social work practice into daily case management in an effort to achieve positive family and child outcomes. Practice Guidance is separate from Policy.

Evaluation Process for Special Education and Related Services

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 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, the Individuals with Disabilities Education Act (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.

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