

	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL	
	Chapter 8: Out-of-Home Services	Effective Date: February 1, 2010
	Section 21: Special Education Services	Version: 2

POLICY

The Indiana Department of Child Services (DCS) will ensure that that a plan is developed to address any identified educational needs of all children in out-of-home care at the initial Child and Family Team (CFT) Meeting or at the Case Plan Conference.

DCS will work with the Indiana Department of Education (DOE) to ensure that all children in out-of-home care receive educational services to meet their individual needs.

1. DCS will ensure that all children that have identified special education needs and have a developed Individualized Education Program (IEP) on file are receiving the services outlined in the IEP;
2. DCS will ensure that all children who have not been identified as requiring special education services, but display signs that a disability may exist are referred for appropriate testing; and
3. **[NEW]** The child's parent, guardian, or resource parent will utilize the CFT to assist with making decisions related to disabilities that may impact the child's education. In the event that the child's parent, guardian, or resource parent 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 the child in matters relating to education.

[REVISED] 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, or resource parent in requesting the child's school to complete an initial educational evaluation to determine if any disability exists that could impact the child's education, and if the child is in need of special education and/or related services;
2. **[NEW]** If the educational evaluation indicates the need for a new or modified IEP, participate in developing and implementing the appropriate IEP for the child and obtain a hardcopy for the child's file;
3. **[NEW]** Discuss the need to monitor the IEP with the child's parent, guardian, or resource parent, ensure that the IEP is enforced, and ensure that the overall educational needs of the child are being met; and

4. **[NEW]** If the child is in a residential placement, identify the need for an ESP and, 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.

5. Encourage the child's parent, guardian, or custodian to invite the ESP if applicable to participate as a member of the CFT. See separate policy, [5.7 Family Team Meetings](#); and
6. Attend the child's IEP Conference and provide relevant input:
 - a. The FCM must obtain a copy of the finalized IEP for the child's case file,
 - b. Encourage the child's parent, guardian, or ESP to work with the schools to coordinate the development of a Transition IEP, and
 - c. Encourage the child's parent, guardian, or custodian and resource family to attend all educational meetings and reviews.

PRACTICE GUIDANCE

N/A

FORMS AND TOOLS

N/A

RELATED INFORMATION

[REVISED] What is an 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 a Surrogate Parent

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

Individuals with Disabilities Education Act (IDEA)

IDEA guarantees that persons ages 3-22 with disabilities receive appropriate public education through the development and implementation of an individualized IEP. The IEP is designed to meet the assessed educational needs of each student. It assures that testing and evaluation materials, procedures, and interpretation of results are not biased, and that every student with disabilities will be educated within the least restrictive environment appropriate to meet the student's needs.

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 given consent for the evaluation. Exceptions to the timeline exist if the child moves from one district or state to another district or state 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.

[NEW] Transition IEP

IDEA requires that transition planning begin at the earliest age appropriate. For each student with a disability, beginning at age 14 (or younger, if determined appropriate by the school's case conference committee), 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). Thus, beginning at age 14, 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. A statement of transition service needs should relate directly to the student's goals after high school and show how planned activities are linked to these goals.

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.