

	<b>INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE POLICY</b>	
	<b>Chapter 8:</b> Out-of-Home Services	<b>Effective Date:</b> July 1, 2021
	<b>Section 21:</b> Special Education Services	<b>Version:</b> 5

**POLICY OVERVIEW**

Collaboration between the 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 which address identified needs of children in out-of-home care.

**PROCEDURE**

DCS will request a copy of any existing Individualized Education Plan (IEP) or Section 504 (504 Plan) Plan and ensure the child is receiving the services outlined in the plan. DCS will refer each child who displays signs that a need may exist in an educational setting but has not been identified as requiring special education services, for appropriate testing.

**Note:** A 504 Plan will be requested for a child who does not qualify for special education services yet has a medical diagnosis and an identified 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 this 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.

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 (see policy 5.08 Developing the Case 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 initial 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 the Education Services Team 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; ensure the IEP or 504 Plan is enforced; and the overall educational needs of the child are being met;
5. Discuss the need for an ESP with the local Education Services Team member, if there are concerns regarding the parent, guardian or custodian's ability to advocate for the child's education.

**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 (see policy 5.07 Child and Family Team Meetings);
7. 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, as well as attend all educational meetings and reviews; and
8. 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.

The Education Services Team will provide support to FCMs in identifying educational barriers and developing effective solutions.

The local school corporation will hold the responsibility of appointing an ESP when appropriate.

## 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](#)

## 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 (504 Plan)

Section 504 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 (9<sup>th</sup>) 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

### **Related Policies**

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