



Educational Surrogate Parent Program and Schools

Working together for children in foster care

Parent Information Center (PIC) is the new home of the Educational Surrogate Parent (ESP) Program.

The Delaware Department of Education (DOE) contracts with PIC to administer the ESP Program.



The appointment of Educational Surrogate Parents was established to ensure that children with special education needs who are in foster care, have the same protections as all other children eligible for special education services. This is outlined in both the federal IDEA (Individuals with Disabilities Education Act) and DE State Special Education Regulations.



Who are the Educational Surrogate Parents (ESPs)?

Foster Parents and Community Volunteers serve as Educational Surrogate Parents.





Which children are eligible for an ESP?

Children eligible for an Educational Surrogate Parent are children:

In need of or receiving special education services AND who do not have parents who can assume parental special education rights



Children in foster care - children in the custody of DSCYF (Division of Services for Children, Youth and their Families)



What are the qualifications of an Educational Surrogate Parent (ESP)?

- Participate in annual *training* conducted by Parent Information Center;
- Complete an *application* with Parent Information Center;
- Be at least *18 years of age* and a legal resident of the U.S.;
- *Not be an employee* of any public or private agency or school involved in the care or education of the child;
- Not have a professional or personal *conflict of interest*;
- Be able to communicate in the primary *communication mode* of the child whenever possible; and
- Have *knowledge and skills* to adequately represent the child



What is the role of the ESP?

An Educational Surrogate Parent is considered the “parent”

for special education purposes.

The ESP is to be included in all decisions related to special education.





What are some rights of an ESP?

- Provide consent for educational evaluations
- Work with a school team to determine eligibility for special education services
- Attend IEP (Individualized Education Program) meetings
- Agree or disagree with special education services
- Agree or disagree with placement
- Sign documents as the “parent”
- Review school records
- Receive progress reports
- Observe a classroom (as appropriate)
- Visit a school placement (as appropriate)



ESPs must abide by established school rules, policies and/or codes of conduct.



Who is a parent under IDEA?

All of the following are considered to be a parent under the IDEA:

- A **biological or adoptive** parent of a child;
- A **guardian** authorized to act as a child's parent or authorized to make educational decisions for the child BUT not the State if the child is a ward of the State;
- An **individual acting in the place of a biological or adoptive parent and with whom the child lives** – A Relative Caregiver's School Authorization is needed;
- An individual who is legally responsible for the child's welfare; or a
- A **surrogate parent** who has been appointed by the Dept. of Education (The appointment occurs after the individual participates in training with PIC and is recommended to be an ESP by PIC.)



Guardian

- Possession by non-parent of powers, rights and duties necessary to protect, manage and care for child
- Included in Guardianship Order is Custody Order
- Guardian authorized to act as a child's parent
- Has legal authority to take care of child as if he/she were child's parent until child turns 18 (shelter, food, education, medical, finance)
- Youth in care of Dept. of Services for Children, Youth and their Families (DSCYF) are said to be in their "custody" – A Div. of Family Services (DFS) worker is not considered a "guardian".





Relative Caregiver

- Individual acting in place of biological or adoptive parent
- Includes: grandparent, stepparent or other relative with whom child lives
- Delaware Relative Caregiver's School Authorization Affidavit
- Required when raising child without legal custody or guardianship



DE Health and Social Services/Division of
for Aging and Adults with Physical Disabilities

<http://dhss.delaware.gov/dhss/dsaapd/sample.html>



Educational Surrogate Parent

Individual who represents a child who may be in need of or receives special education and related services when

- Parents cannot be located;
- Parental rights terminated;
- Child is unaccompanied homeless youth;
- Child in custody of DSCYF; or
- Parents voluntarily consent to have ESP appointed



*The ESP is to be included in all **special education** decision making related to the identification, evaluation, and educational placement of a student and the provision of special education and related services.*



How does a child get an ESP?

- Identify and locate children who may be in need of an ESP
- Referral – School or DFS
- Eligibility
- Appointment - DOE





Referrals from DFS for ESPs

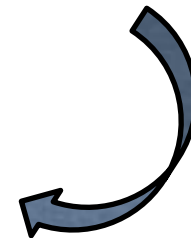
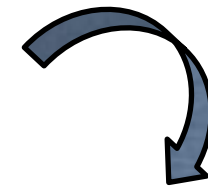
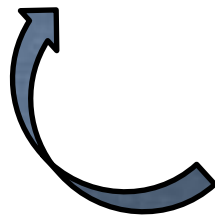
*#1 Gather information
& review for eligibility*

**DFS worker
&
School**

#2 Look for ESP

*#3 Make decision &
recommendation to
DOE*

*#4 Appointment
letter from DOE*





What happens...?

- When a child shows up at your school prior to an ESP referral even being made?
- When an ESP is not appointed and a transfer IEP needs to be agreed upon?
- When an ESP is not appointed and the team wants to have an IEP meeting?





Who are the Support Team Members?

- **DFS/DSCYF**
- **PBHS/DSCYF**
- **YRS/DSCYF**



- **Foster Parent**
- **Guardian Ad Litem**
- **CASA**



What do these support people do?

- **DFS/DSCYF** – Division of Family Services/Dept. of Services for Children, Youth & their Families – investigates complaints of child abuse and neglect – provides child and family oriented services
http://kids.delaware.gov/fs/fs_iseethesigns.shtml
- **PBHS/DSCYF** – Prevention & Behavioral Health Services – provide prevention & early intervention services, mental health and substance abuse treatment programs for children and youth (formerly Child Mental Health)
- **YRS/DSCYF** – Youth & Rehabilitative Services – for youth who have been adjudicated delinquent and ordered by the court system to receive rehabilitative services (NCCDC, Stevenson House, Ferris School, Mowlds Cottage, Grace/Snowden Cottages)



What do these support people do?

- **Foster Parent** – a person who provides care in their home for a child who has been removed from his/her home due to abuse, neglect or dependency
- **Guardian Ad Litem** – An individual appointed by Family Court to represent the best interests of a child who is the subject of a custody, visitation, guardianship, termination of parental rights, adoption or other related proceedings in which the Division of Family Services is a party – GAL through Office of the Child Advocate is an attorney <http://courts.delaware.gov/childadvocate/>
- **CASA** – Court Appointed Special Advocate - appointed by Family Court – volunteer <http://courts.delaware.gov/family/casa/about.stm>



Questions to Ask

- *Who is a parent under IDEA?*
- *What is the action you are planning to take?*
- *Is the action IDEA related?*
- *What is that definition of an IDEA “parent” again?*
- *Where can I get more information?*



Where can you find answers to questions about a child in foster care?

- *Contact the Educational Surrogate Parent Program*
- *Contact the individual DFS worker*
- *Call Child Abuse Report Line 1-800-292-9582*
- *Contact your district's Homeless Liaison*
- *Contact Dept. of Education (DOE)*

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Contact Information

Educational Surrogate Parent Program
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Parent Information Center of DE (PIC)
5570 Kirkwood Highway
(302) 999-7394 voice, (302) 999-7396 fax
<http://www.picofdel.org/resources/index.asp>
www.picofdel.org

