



Utah Parent Center

Youth in Care/Custody & Special Education Best Practices

Acronyms and Terms

YIC- Youth in Care/Custody

LEA- Local Education Agency (district or charter)

IEP- Individualized Education Program (legal document that clearly defines how a school plans to meet a student's unique educational needs that result from a disability and is a requirement for all students in special education.)

504 Plan- A 504 plan is a legal document that protects students from discrimination based on their disability status.

Foster parent is interchangeable with proctor parent in this document.

References in this document are from the [Utah State Special Education Rules](#) and [DCFS Out of Home Care Manual](#)

["Educating Youth in State Care"](#) contains information regarding frequently asked questions.

IEP Team Membership

- There are required team members for an IEP meeting according to special education law. A "parent" is a required team member and needs to be identified. [III.E.1.a](#)
- At an IEP meeting, other members of the Child and Family Team are allowed and encouraged to attend. [III.E.1.g](#)
- DCFS/JJYS personnel should make contact with each student's school and ask to be invited to the students IEP meetings. They can attend virtually if needed.
 - If they are unable to attend the meeting they should give relevant information to the parent and LEA regarding the student and their strengths, needs and desires.

Parent Participation

- Make sure the "parent" is involved or given the opportunity and encouraged to participate in IEP meetings (in person, video call or phone call or giving useful information to the LEA). [III.G, IV.A.2](#)
- If a parent's rights have been terminated, a court ordered protective order is in place, or reasonable attempts to contact the parent have been exhausted, a foster parent can meet the definition of a parent and can sign for consent. [I.E.36](#)
- If a foster parent is not involved, the LEA should work with the caseworkers/ managers to find a way to reach the parent. If all of these efforts are fruitless and documented, then a surrogate parent should be appointed by the LEA. [IV.T.1](#)
- Give whomever is the parent a copy of the IEP and allow them to review all educational records. [III.G.6](#)

Identifying the “Parent”

- The biological/adoptive parent should be the one notified for consent to special education services unless someone else is noted on the YIC form or notes indicating that the student does not have a legal parent. [I.E.36](#)
 - Unless rights have been terminated or assigned to another individual by a judge, the biological/adoptive parent still retains educational rights.
- Others may qualify to be a special education parent for the student i.e. foster parent, grandparent, judge appointed guardian, surrogate parent, etc. Please see [I.E.36](#)
- DCFS/JJYS or any agency that is involved in the education or care of the student cannot be considered the parent for special education consent. This includes individuals working in facilities caring for the youth. [I.E.36, IV.T.5.a](#)
- Other involved parties, if not considered the parent, should still be involved in the special education process and can sign that they were in attendance at a meeting. [III.E.1.I](#)

Making Reasonable Efforts to Contact

- A meeting may be conducted without a parent if the LEA is unable to convince the parent that they should attend. The LEA must keep a record of its attempts to arrange a mutually agreed-on time and place, such as:
 - Detailed records of calls made or attempted and the results of those calls;
 - Copies of correspondence sent and any responses received; and
 - Detailed records of visits made to the parents’ home or place of employment and the results of those visits. [III.G.3.](#)
 - This does not apply when a “parent” is not identified or their rights have been terminated. In these cases a surrogate parent should be assigned.
- Sending the decision of the IEP meeting to the parent and asking for feedback could be one way to involve them, if the parent does not attend the meeting.
- Careful consideration must be made as to when it is appropriate to proceed with the meeting without a parent or when a surrogate should be assigned. e.g.
 - Has the parent responded before and is just not responding this time? Proceeding without the parent may be the best option
 - Is there no way to contact the parent (missing info, protective order, etc.) or have they never responded? A surrogate may be the best option.
- It may be OK to do initial evaluations or reevaluations after reasonable efforts to contact the parent if the child is a ward of the state. [11.C.1.b](#)
- It is NOT ok to start special education services or do psychological evaluations without consent from the parent. [11.C.1,2](#)

Protection Order

- Ensure the protection order is attached to the YIC’s school records. [303.4.B.4.a](#)
- The LEA and caseworker/case manager must discuss what is the best option for contacting the parent or if the parent should not be contacted at all regarding special education services.
- If the parent should not be contacted at all then the foster parent should be involved or a surrogate parent should be assigned to the student by the LEA.

Surrogate Parents

- If a student does not have an identified individual that can be considered a parent according to the special education rules then the LEA must assign a surrogate parent for the student. This would typically happen in a facility. [I.E.36](#)
- The surrogate parent is to ensure student rights are protected, is able to provide consent and is allowed all rights of a parent in regards to special education. [IV.T.8](#)
- If a surrogate parent is used for a student, other Child and Family Team members should attend the meeting since they may be more familiar with the student.

LEA Responsibility of Surrogate Parents

- After determining that a surrogate parent is needed a surrogate parent should be assigned by the LEA within 30 days. [I.V.T.9](#)
- LEA's can contact the caseworker/case manager as they may be a source for identifying a surrogate parent who already has a relationship with the child.
- Contact the Utah Parent Center to receive a list of trained special education surrogate parents at 801-272-1051 or email info@utahparentcenter.org.
- Make sure the surrogate parent has knowledge of special education and privacy rules. [IV.T.5.c](#)

Suspicion that a Student has a Disability

- Put in writing (email) a request to have a student evaluated if you or anyone on the Child and Family team suspects that the student has a disability. [II.B. 303.4.D](#)
- The request can be sent to multiple parties at the LEA (teacher, principal, special education team, counselor, YIC team, etc.).
- Follow up if needed after a week to ensure prompt response.
- If DCFS requests an evaluation the LEA is responsible for providing an evaluation after they receive the appropriate parental consent.

Implementing Special Education or 504 Services

- Many times the general education teacher is unaware of an IEP or 504 for a student for a variety of reasons, especially in secondary schools. Let the teacher(s) know that the student you are caring for has an IEP or 504 and what the teacher's specific responsibilities are and the accommodations, modifications and supports that need to be provided.
- Checking up and reminding every term is best.

Tips on Receiving and Sharing Information

- If the district has a YIC program make sure the [YIC student Information form](#) is filled out completely. Find all missing information. [303.4.B.5.e](#)
- If the student has an IEP, make sure the parent that should be contacted is clear with contact information.
- Caseworkers/managers should tell LEA's any information that would be helpful in creating positive supports for the student.
- Make sure all information given to the YIC Director is passed down to the teacher(s) and special education team.

Transition Aged Students 14+

- Make sure 14 yrs and older youth are invited and involved in the IEP meetings and advocating for themselves. [VII.B.4.a](#)
- Help and encourage the student to voice their interests and concerns regarding their future education, independent living, and employment.
- Help them make ambitious, achievable and measurable goals. [VII.B.5.b.1](#)
- Help the student get connected to VR counselors and/or TAL coordinators, and other post-secondary programs. Help the student meet, get contact info and understand their services.
 - This may mean getting written parental consent prior to the meeting so the agency can attend the meeting. [III.E.1.k](#)

Student Transfers Between LEAs

- Only request or send student's records if the student will be transferring to a location for two weeks or longer. [III.C.](#)
- Find out if a student has an IEP or 504 and send or request it. IEP/ 504 records are kept in separate locations and may not be sent if not requested. [303.4.B.5.f](#)
- Data managers within the LEA can quickly identify, through UTREx if a student has an IEP or 504.
- Make a copy of the students IEP/504 and share with the receiving YIC program, caseworker/manager, parent, out of home care giver and/or surrogate parent. (records may take weeks to be transferred) [303.4.B.5.g](#)
- The LEA must keep a copy of the students' records for three years after transferring. [VIII.S](#)

This document has been produced in collaboration with the Utah Parent Center and the Utah State Board of Education.

For further questions please contact the Utah Parent Center at 801-272-1051 or email info@utahparentcenter.org

