

Educational Surrogate Parent (ESP)

Regulations: 511 IAC 7-17-57, 7-17-30, 7-24-1, 7-24-2

We protect the rights of a student by assigning a trained volunteer to act in the place of a parent when:

- no parent can be identified;
- we cannot discover the whereabouts of a parent, after reasonable efforts; or
- the student is a ward of the state under the laws of Indiana and the court has issued an order restricting or terminating the rights of the student's parent. However, if the court order creating the wardship permits the student to remain in the home or expressly reserves to a parent the authority to make decisions regarding the student's education or upbringing, then an ESP is not needed.

The ESP may represent the student in all educational matters, as if the ESP is the student's parent. This includes identification and eligibility, evaluation, educational placement, and provision of a FAPE to the student. Thus, an ESP is authorized to:

- attend CCC meetings;
- give (or refuse to give) consent for evaluation, services and placement;
- have access to the student's educational record;
- request mediation or a due process hearing, or file a complaint; and
- exercise any of the rights described in this *Notice of Procedural Safeguards*.

If the juvenile court has placed the student in a foster home or in the home of a relative, we will assign the foster parent or relative as the ESP, if the foster parent or relative is eligible, has received training, and is willing to serve. To be eligible to serve as an ESP, an individual:

- cannot be an employee of a school corporation or public agency involved in the education or care of the student (but may be an employee of a private agency providing noneducational care for the student);
- cannot have an interest that conflicts with the interest of the student;
- matches the student's cultural and linguistic background, to the extent possible; and
- has knowledge and skills that ensure adequate representation of the student.

Disciplinary actions

Regulations: 511 IAC 7-17-3, 7-17-13, 7-17-25, 7-17-38, 7-17-43, 7-17-45, 7-29, 7-30-5

If your child's behavior is interfering with his/her learning or the learning of other students, the CCC will consider strategies, including positive behavioral interventions and supports, to address the behavior. The CCC may plan (and in certain situations, must plan) for a Functional Behavioral Assessment (FBA), which is a collection of information and an analysis of your child's unacceptable behaviors. An FBA helps the CCC design a Behavioral Intervention Plan

(BIP) that will teach your child new behaviors so that the unacceptable behavior(s) will not recur.

We are authorized to use a range of disciplinary actions if your child violates school rules or our code of conduct. Some disciplinary actions require that we continue to provide educational services to the student; other disciplinary actions do not.

- We may suspend your child for up to 10 school days at a time. No educational services are provided during the first 10 school days that a student is suspended.
- We may suspend your child more than once for a total of more than 10 school days in a school year. Beginning on the 11th day of suspension, we must provide educational services, as determined by the principal and your child's special education teacher. We must also call a meeting of the CCC, within 10 business days, to plan an FBA and to develop or modify your child's BIP.

There are 4 disciplinary actions that constitute a change of placement for a student, and we must provide educational services in each of the following situations:

- If a series of suspensions totaling more than 10 school days forms a pattern (as determined by an IHO), we may continue to use suspensions only if we take all steps required for a disciplinary change of placement. The CCC must meet, within 10 school days, for a manifestation determination as well as to plan an FBA and develop or modify your child's BIP. The CCC will also make decisions regarding the educational services that will be provided during the student's removal from school.
- We may move your child to an interim alternative educational setting (IAES) for up to 45 calendar days, if your child's behavior involves a weapon or illegal drugs. The CCC will meet to select the IAES and other matters described under Manifestation Determination.
- We may seek an IHO's ruling (or a court order) to move your child to an IAES for up to 45 calendar days, if we believe that maintaining your child in the current placement is likely to result in injury to your child or others.
- We may expel your child for the balance of the semester or the remainder of the school year, or if a weapon is involved, for a calendar year. In addition to taking the steps described under Manifestation Determination, we must follow all of the usual expulsion procedures including the appointment of a local expulsion examiner.

We may use 2 or more of these disciplinary actions in combination. For example, the principal may suspend a student immediately, until our superintendent decides whether to initiate an expulsion. We may also suspend a student before moving that student to an IAES.