

Foster Parents as Special Education Decision-Makers in MA

<http://www.doe.mass.edu/sped/advisories/2013SurrogateParent.html>

When a child is placed in a foster home and DCF determines that the child's parent will not continue as the special education decision-maker, the child's special education decision-maker will be the child's foster parent, if the foster parent agrees to assume this role and has no conflict of interest.

Examples of circumstances when a foster parent has a conflict of interest include:

- the foster parent is an employee of a placement agency, in addition to being a foster parent for that agency (e.g., Jane is a caseworker for Valley Services and is also a foster parent for that agency); or
- the child is being considered for enrollment in a collaborative or day school program operated by the same agency that licensed the foster home (e.g., the student has been referred to Valley Services' Day School and is living in Jane's Valley Services' foster home).

A foster parent may act as a child's special education decision-maker without having to be appointed by the SESP Program or a court (see 34 CFR 300.30). Since the foster parent has the right to act as special education decision-maker without appointment, the DCF social worker should only need to make referrals to the SESP Program on behalf of a child in a foster home for an SESP in limited circumstances. The DCF social worker should discuss with the foster parent the responsibilities attached to assuming the role of special education decision-maker and document the decisions from that conversation, in writing, ***in the Child Placement Agreement*** and in the electronic record.

Foster parents may obtain information and other assistance regarding special education decision-making by contacting their local school district, the district's Parent Advisory Council (PAC) on special education or the Federation for Children with Special Needs (FCSN) at 800-331-0688.