



## Division of Special Education/Early Intervention Services

### Child Find Homeless Children and Wards of the State

The reauthorized Individuals with Disabilities Education Act (IDEA) was signed into law on December 3, 2004, by President George W. Bush. The provisions of the Act take effect July 1, 2005 with the exception of some elements of the definition of “highly qualified teacher” that took effect upon the signing of the Act. This is one in a series of documents, prepared by the Division of Special Education/Early Intervention Services, Maryland State Department of Education (MSDE) that cover a variety of high-interest topics to support local school systems, local Infants and Toddlers Programs, and other public agencies in preparing to implement the new requirements. This document only addresses the changes in the provisions that take effect July 1, 2005 regarding Child Find, specifically the issue of children identified as homeless and wards of the State. This document does not address any changes that may be made in the final federal regulations or potential changes to State statutes or regulations.

#### 1. What is Child Find?

Child Find is an ongoing process through which all children with disabilities, from birth through 21 years of age, in the State who are eligible for early intervention or in need of special education services are identified, located and evaluated. The Child Find process is mandated in Parts B and C of the Individuals with Disabilities Education Act (IDEA) and in the State regulations that govern Maryland’s early intervention and special education systems.

Maryland implements policies and procedures to ensure all children with disabilities residing in the State, including children with disabilities attending private schools, regardless of the severity of their disability, and who are in need of special education and related services, are identified, located, and evaluated; and utilizes a practical method to determine which children are currently receiving needed special education and related services. This requirement includes:

- Highly mobile children, such as migrant and homeless children;
- Children who are wards of the State; and
- Children who are suspected of being a child with a disability under IDEA and in need of special education, even though they are advancing from grade to grade.

[Sec. 612(a)(3); Education Article §8-401(b); State Plan IIIB(3); COMAR 13A.05.01.01-.02; 13A.13.01.05]

## **2. How should local school systems inform the public of the availability of Child Find?**

Local school systems may use a wide range of public awareness activities to publicize the availability of services. Examples of these activities include:

- Dissemination of public awareness materials to hospitals, physicians, child care centers, private schools, and community organizations;
- Public service announcements on radio and television;
- Exhibits at health fairs and other community activities;
- Presentations at PTA meetings and family support group meetings;
- Meetings with community leaders representing traditionally underserved and minority populations;
- Establishing liaisons with private school administrators; and
- Including referral information on local web-sites.

[Sec. 612(a)(3); 34 CFR §§300.125; 300.451; 303.321; Education Article §8-401(b); State Plan IIIB(3); COMAR 13A.05.01.01-.02; 13A.13.01.04-.05]

## **3. What are the responsibilities of public agencies relative to Child Find of children who are considered homeless?**

Under IDEA 2004 the Child Find section of the Statute has been expanded to include “homeless children” as a specific subset of children who must be included in Child Find outreach activities. Section 602 (11) homeless children has the meaning given the term “homeless children and youth” in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a).

The McKinney-Vento Homeless Assistance Act defines homeless children as:

- Children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placements;

- Children and youths who have a primary residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;
- Children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
- Migratory children, as defined in section 1309 of the Elementary and Secondary Education Act of 1965 who qualify as homeless.

Therefore, a child who is homeless and may also be eligible for special education and related services must be considered for Child Find outreach efforts.

[Sec. 602(11)]

#### 4. **Who is a “ward of the State” and what is our responsibility toward these children?**

IDEA 2004 defines a ward of the state as “a child who, as determined by the State where the child resides, is a foster child, is a ward of the State, or is in the custody of a public child welfare agency” unless that foster child has a foster parent who meets the definition of a parent. In accordance with Sec. 602(23), the term 'parent' means:

- A natural, adoptive, or foster parent of a child (unless a foster parent is prohibited by State law from serving as a parent);
- A guardian (but not the State if the child is a ward of the State);
- An individual acting in the place of a natural or adoptive parent (including a grandparent, stepparent, or other relative) with whom the child lives, or an individual who is legally responsible for the child's welfare; or
- An individual assigned under sections 615(b)(2) and 639(a)(5) to be a surrogate parent.

Although the statute includes a foster parent in the definition of “parent,” the definition of parent in Education Article §8-412, Annotated Code of Maryland does not include a foster parent, unless the foster parent is a relative or stepparent. Therefore, individuals serving as foster parents who are not relatives or stepparents, must be appointed as the student’s parent surrogate in order to represent the child in the educational decision making process.

[Sec. 602 (23) and (36); Education Article §8-412]

**5. For students with disabilities in foster care, may the foster parent serve as the parent or is the local school system required to appoint a parent surrogate?**

The foster parent may not serve as the parent unless the foster parent is a relative or stepparent. Education Article §8-412, Annotated Code of Maryland does not include a foster parent in the definition of parent. Therefore, individuals serving as foster parents who are not relatives or stepparents, must be appointed as the student's parent surrogate in order to represent the child in the educational decision making process.

[Education Article §8-412]

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