

Administrative Procedure IGBE-1-AP(1): STUDENTS IN FOSTER CARE - (Dispute Resolution Process)

Status: ADOPTED

Original Adopted Date: 05/22/2023 | **Last Reviewed Date:** 05/22/2023

EXPLANATION

This is a NEW procedure for district consideration. MSBA previously included a dispute resolution process in policy IGBE because at the time the policy was released, it was unclear what type of process auditors would be looking for. This new procedure is based on the sample dispute resolution procedure from the Department of Elementary and Secondary Education (DESE), which can be viewed at:

<https://dese.mo.gov/quality-schools/federal-programs/foster-care>

MSBA has moved dispute resolution language from policy IGBE into this procedure. Districts should discuss this dispute resolution process with local representatives of the Children's Division (CD) of the Department of Social Services.

NOTE: The following statement was included in the DESE sample dispute resolution procedure ("Dispute Resolution Procedures Foster Care"). It is a reminder to districts and local CD agencies that DESE expects most disputes to be settled at the local level.

The SEA [DESE] shall maintain a record of all disputes related to children in foster care. For every type of dispute regarding a child in foster care, the LEA [local school district] and local child welfare agency must make every effort to resolve the dispute collaboratively at the local level. Documented patterns of excessive disputes to the SEA from particular LEAs [districts] and/or local child welfare agencies [CD] will be reviewed by the SEA and State child welfare agency and appropriate measures will be taken to ensure compliance by both agencies. All parties are encouraged to seek assistance from the Foster Care Point of Contact at the State Educational Agency [SEA] and the Education Coordinator at the State Child Welfare Agency (or similar personnel) prior to any dispute. [Emphasis added.]

Definitions

Parent – A legal, putative or biological parent.

Disputant – A parent, as defined in this procedure, or the educational decision maker.

Dispute Resolution Process

A disputant may appeal placement and transportation decisions pertaining to foster care students by using the following procedure:

1. Any disputant who does not agree with the district's decision regarding the placement of or transportation for a foster care student may initiate the dispute resolution process by notifying the foster care liaison (liaison) designated in policy IGBE.

The liaison will provide the following information in writing:

- An explanation of the basis for the best-interest determination, transportation decisions or any other disputed issue.
- An assurance that the student will continue to attend the school of origin, receiving all appropriate educational services, including transportation, until the dispute reaches its final resolution.
- A copy of this procedure that details the district-level dispute resolution process.
- Notice that the disputant may appeal the district's decision to the Department of Elementary and Secondary Education (DESE).

2. The disputant must file a written appeal by email or by delivering the complaint to any building in the district within ten days of receiving the information from the liaison. The written appeal will specify the nature of the

complaint and will include the name and contact information of the disputant. If the appeal is submitted by email, the subject line should include the words "Foster Care Appeal." All documents submitted in the dispute process must include the date of the document. Any building that receives a complaint will immediately forward the complaint to the foster care liaison.

3. Upon receiving the written appeal, the liaison will arrange a conference between the disputant and the superintendent or designee as soon as possible, but no later than ten days after the complaint is received. The student's case manager or point of contact will attend the conference, and the student will be included if appropriate. The superintendent or designee will be provided all documentation pertinent to the dispute. The superintendent or designee will provide the disputant and others who attended the conference a written decision, using the contact information provided in the appeal letter, within five days of the conference. The decision will include a copy of everything considered in the appeal, a written explanation of the decision and notice about appealing the decision to DESE.

Appealing the District's Decision to DESE

The disputant may appeal the district's decision to DESE.

1. The disputant must inform the district liaison of the intent to appeal the superintendent's or designee's decision to DESE within five days of receipt of the decision. If the disputant does not provide notice of the appeal within five days, the student will be enrolled and provided all appropriate educational services as determined by the district.
2. The disputant may submit an appeal of the district's decision to the State Foster Care Coordinator (coordinator) for DESE at:

State Foster Care Coordinator/Point of Contact

Federal Programs
P.O. Box 480
Jefferson City, MO 65102-0480

The appeal must be in the form of a dated letter that includes the school in which enrollment is sought, the basis for seeking enrollment in that school and the name and contact information (phone, email and mailing address) for the disputant. The letter must be submitted with a subject line that reads "Foster Child Appeal." The letter must also be submitted to the district superintendent via email or delivered to any building in the district to the attention of the superintendent. Both letters must be submitted within five days of receiving the district's decision.

In addition to the letter, the disputant must provide DESE with the best-interest determination meeting notes and reports, a copy of the previous appeal letter submitted by the disputant and a copy of the district's decision.

3. The district has an additional five days from its receipt of the disputant's appeal to submit its response to the appeal letter to the coordinator via email with "Foster Child Appeal" in the subject line.
4. Documents submitted by either party after the applicable deadlines will not be considered.
5. The student shall remain in the school of origin until the dispute reaches its final resolution. The student shall be provided with all appropriate educational services for which the student is eligible during the dispute process. Students attending their school of origin during the pendency of the dispute will be entitled to receive transportation pursuant to the local transportation procedures developed collaboratively between the district and local child welfare agencies.
6. The appeal to DESE will be decided by a three-person panel that includes the coordinator, another DESE staff member and a representative of the Children's Division of the Missouri Department of Social Services. The panel will make a final decision within 30 days of receipt of the dispute, although every effort will be made to resolve the complaint in the shortest possible time.
7. The coordinator will forward the final written decision to the disputant. The written decision will include a copy of all the information considered by the panel and an explanation of how the panel reached that decision.

8. The panel will also notify the district superintendent, who will begin implementing the panel's findings immediately.