

Moberly School District Dispute Resolution Process-Foster Care

In a case where a dispute occurs for a child or youth in foster care, the following Dispute Resolution process must be used:

If the educational decision-maker or parent disagrees with the Best Interest Determination (BID), the LEA shall inform them in a language and format understandable, of their right to appeal the BID. They shall also be provided the following:

1. The contact information for the Local Education Agency (LEA) foster care point of contact.
2. An explanation of the Best Interest Determination.
3. A step-by-step description of how to dispute the BID (Level I procedure).
4. A statement ensuring the student shall remain in the school of origin, receiving all appropriate educational services, until the dispute reaches its final resolution.
5. Timelines for resolutions of the dispute at each level.
6. Notice of the right to appeal to the State Education Agency (SEA) if the local-level resolution is not satisfactory.

Level I: LEA Superintendent or Designee

1. To dispute a decision, an educational decision-maker or parent must request a dispute resolution in writing by submitting a dated appeal letter within ten (10) days of receiving from the LEA written notice of the right to dispute the decision specifying the school in which enrollment is sought and the basis for seeking enrollment. The submission of the appeal letter by email or delivered initiates the dispute. If appeal is submitted by email, the subject "Foster Care Appeal" should be in the subject line and must include the requestor's name and contact information.

Regardless of how the appeal letter is submitted, the school or LEA shall ensure the LEA's superintendent or designee receives it immediately.

Students attending their school of origin during the dispute process will be entitled to receive transportation according to the local transportation procedures developed collaboratively between the LEA(s) and local child welfare agencies.

2. The superintendent or superintendent's designee will arrange for a personal conference to be held with the educational decision-maker or parent, the student (if appropriate), and the child's case manager or point of contact. The superintendent must have all documentation from the Best Interest Determination meeting. The conference will be arranged within ten (10) days of the LEA's receipt of the appeal letter and will take place as expeditiously as possible.

Within five (5) days of the conference, the superintendent or superintendent's designee will inform the educational decision-maker or parent and all parties who attended the conference with the superintendent of the decision in writing, using the contact information provided in the appeal letter.

The written decision provided to the educational decision-maker must include:

1. A copy of the complete Level I appeal packet.
2. The decision rendered at Level I by the superintendent or designee and an explanation of the decision.
3. Instructions regarding how to file a Level II dispute, including the name, phone number and email address of the SEA foster care point of contact and all documentation should be dated.

If the educational decision-maker or parent disagrees with the Level I decision and wishes to appeal to Level II, the educational decision-maker or parent shall inform the LEA superintendent or designee of the intent to appeal to Level II within five (5) days of receipt of the LEA's Level I decision. If the educational decision-maker does not appeal within five (5) days, the child shall be enrolled and provided all appropriate educational services in the school determined by the LEA.

Level II: SEA

If the student's educational decision-maker or parent disagrees with the decision rendered by the LEA's superintendent at Level I, he/she may appeal the decision to the SEA point of contact. To appeal to Level II, an educational decision-maker or parent must request an appeal in writing by submitting a dated appeal letter, which must include:

- The school in which enrollment is sought and the basis for seeking enrollment in that school.
- The name and contact information (phone, email, and mailing address) for the educational decision-maker or parent.
- Best Interest Determination meeting notes and reports.
- A copy of the previous appeal letter submitted by the educational decision-maker or parent.
- A copy of the decision rendered by the LEA at Level I.

The letter must be submitted in writing to the SEA foster care point of contact, with the subject "Foster Child Appeal". The letter must also be submitted to the LEA superintendent via email or delivered to any building in the LEA's district, to the attention of the superintendent. The appeal letter must be submitted to both the SEA and LEA superintendent within five (5) days of receiving the Level I appeal decision from the LEA.

The LEA has an additional five (5) days, from its receipt of the educational decision-maker or parent's appeal, to submit its response to the appeal letter to the SEA foster care point of contact, via email with the subject "Foster Child Appeal". Documents submitted by either party after the applicable deadlines will not be considered.

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 LEA(s) and local child welfare agencies.

The Level II decision will be made by a three-person panel including the SEA foster care point of contact, another SEA staff member, and a representative of the state child welfare agency. The panel shall make a final decision within thirty (30) days of receipt of the dispute. **Although the standard procedure allows thirty (30) days for a response, every effort will be made to resolve the complaint in the shortest possible time.

The SEA foster care point of contact will forward the final written decision to the educational decision-maker or parent and the LEA superintendent. The written decision must include:

1. A copy of the complete Level II packet.
2. The decision rendered at Level II and an explanation of that decision.

The LEA must implement the SEA's decision in full, immediately.

The SEA 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 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 and/or local child welfare agencies 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.