

Dispute Resolution Procedures

Youth in Care – Best Interest Determinations

The Local Education Agency (LEA) shall inform the educational decision maker of the Best Interest Determination (BID) in a language and format understandable, along with information on their right to appeal the BID. All parties to the conference shall be provided the following:

- The contact information for the LEA foster care point of contact.
- An explanation of the BID.
- A step-by-step description of how to dispute the BID.
- A statement ensuring the student shall remain in the school of origin, while receiving all appropriate educational services, until the dispute reaches its final resolution.
- Timelines for resolutions of the dispute at each level.
- Notice of the right to appeal to the SEA if the local-level resolution is not satisfactory.

If the educational decision-maker or parent disagrees with the BID, the submission of an appeal letter by certified mail initiates the dispute. During the dispute process, the student will be entitled to attend the school of origin and receive transportation. The student shall be provided with all appropriate educational services the student is eligible for. Transportation will be provided pursuant to the local transportation procedures developed collaboratively between the LEAs and the Child Welfare Agency (CWA). ([Every Student Succeeds Act](#))

Initiating the Level I Dispute

An educational decision-maker or parent must request a dispute resolution by submitting a certified and dated appeal letter.

- Appeal letter must be sent to the BID district superintendent. Superintendent immediately
- Appeal must be certified within ten (10) days of receiving LEA written notice of the right to dispute the decision.
- Appeal letter must include the requestor's name, phone number, email address, and mailing address.
- Appeal must specify the school in which the enrollment is sought and the basis for seeking enrollment.

Level I Dispute

The LEA will arrange for a personal conference to be held with the educational decision-maker or parent and all parties who attended the initial conference.

- Conference must be arranged within ten (10) days of the LEAs receipt of the appeal letter.
- Copy of the documentation from the Best Interest Determination meeting for the district liaison.
- Within five (5) days of the conference, the district liaison or district superintendent will inform the educational decision-maker or parent and all parties who attended the conference. Certified letter will be mailed using the contact information provided in the appeal letter.
- The written, certified decision provided must include:
 - A copy of the complete Level I appeal packet.
 - Dated, written decision rendered at Level I along with an explanation of the decision.

- Instructions regarding how to file a Level II dispute which includes the name, phone number and email address of the State Education Agency (SEA) foster care point of contact.
- If Level I dispute is not appealed, the youth shall be enrolled and provided all appropriate educational services in the school determined by the LEA.

Initiating the Level II Dispute

If the educational decision-maker or parent disagrees with the Level I decision, they must request an appeal by submitting a certified and dated appeal letter.

- Certified appeal letters must be sent to the BID district superintendent and the SEA point of contact.
- Appeal must be certified within five (5) days of receipt of the Level I decision.
- Appeal letter must include the requestor's name, phone number, email address, and mailing address.
- Appeal must specify the school in which the enrollment is sought and the basis for seeking enrollment.
- Best Interest Determination (BID) meeting notes and reports.
- A copy of the previous letter submitted by the educational decision-maker or parent.
- A copy of the decision rendered at Level I dispute.

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 the student is eligible for. Transportation will be provided pursuant to the local transportation procedures developed collaboratively between the LEAs and the CWAs.

Level II Dispute

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 CWA. The panel shall make a final decision within thirty (30) days of receipt of the dispute.

- Documents submitted by either party after the applicable deadlines will not be considered.
- SEA point of contact will send the final written decision to the educational decision-maker and the district superintendent.
- The written, certified decision must include:
 - A copy of the complete Level II packet.
 - The dated decision rendered at Level II and an explanation of the decision.
- LEA must implement the SEAs decision in full, immediately.

Note:

During every dispute regarding a child in foster care, the LEA and the CWA must make every effort to resolve the dispute collaboratively at the local level. All parties are encouraged to seek assistance from the Foster Care Point of Contact at the SEA prior to any dispute.