In order to ensure a prompt resolution of disputes regarding school placement for children in foster care, the Massachusetts Department of Elementary and Secondary Education (ESE) and the Massachusetts Department of Children and Families (DCF) have established the following process to resolve enrollment disputes concerning students in foster care. This dispute resolution process should be used when DCF and the involved school district(s) cannot agree about whether it is in a student’s best interest to continue to attend the school of origin[[1]](#footnote-1) or whether the student should enroll locally in the district in which the foster home or facility is located and attend a new school. DCF has the authority to make final determinations about a student’s best interest, but a school district may dispute DCF’s best interest determination as follows:

**Prior to accessing the Dispute Resolution Process:**

* The parties should reference the [ESE/DCF guidance](http://www.doe.mass.edu/sfs/foster/guidance.docx) on provisions for ensuring the educational stability of students in foster care outlined in the Every Student Succeeds Act (ESSA) and request technical assistance, as needed, from [ESE staff and/or the DCF Area Office staff (listed on ESE’s foster care page)](http://www.doe.mass.edu/sfs/foster/).
* The parties, including, but not limited to: DCF representatives, the student and student’s family, foster family, child’s attorney and the school of origin, the district of origin and the local school district (as appropriate), should engage in conversations (best interest determination) regarding the advantages and disadvantages of the student staying in the school of origin versus enrolling locally; and
* The parties should make a good faith effort to resolve any issues at the local level.

**The Dispute Resolution Process Will NOT Resolve:**

* Concerns or complaints about financial or programmatic responsibility for a student’s special education services. After the best interest determination, requests for clarification of school district responsibility for a student’s special education services can be directed to [ESE’s Office of Special Education Policy and Planning](http://www.doe.mass.edu/sped/). Upon request, ESE applies the rules set forth in 603 CMR 28.10 to assign programmatic and financial responsibility for a student’s special education services to the appropriate school district(s).
* Issues related to transportation of students in foster care. Please contact [ESE staff (listed on the foster care page)](http://www.doe.mass.edu/sfs/foster/) with questions about transportation.
* Disputes between DCF and the student, student’s family, or the foster family, or other parties advocating for a student, as to whether a student’s best interest is to continue to attend a school or origin or to enroll locally in a new district.

**Dispute Resolution Process:**

* A school district that disputes a best interest determination issued by DCF shall complete the form attached below and supply relevant documentation. All forms and relevant documentation shall be sent to ESE by email.
* ESE will notify the panel members of the dispute upon receipt.
* Upon receipt of notification of a dispute from ESE, DCF will summarize the basis for its best interest determination and, as necessary, supply any relevant supporting documentation. The DCF summary and any supporting documentation must be emailed to ESE.
* Disputes will be reviewed by a Dispute Resolution Panel consisting of the DCF Education Manager, the DCF General Counsel, the ESE Foster Care Point of Contact and the ESE Associate Commissioner for Student and Family Support.
* The panel reserves the right, as necessary, to seek clarification or additional information about the dispute the parties may not have supplied.
* Members of the panel will review all submitted materials, confer, and issue to the impacted parties, in writing, a final resolution letter. Whenever possible the review team will issue the final resolution letter within five (5) business days of receipt of all information related to the dispute.
* Decisions made through this dispute resolution process are not subject to review.

During the dispute resolution process,the student *must* attend the school selected by DCF following the local best interest determination process. Transportation must be provided for the student, if needed. Absent other agreements between school districts and DCF, the district of origin is responsible for providing transportation to and from the school of origin.

**Contact Information:**

DCF: Shirley Fan-Chan, K-12 Education Manager; 617-748-2340; shirley.fan-chan@massmail.state.ma.us

ESE: Kristen McKinnon, Foster Care Point of Contact; See the [ESE foster care webpage](http://www.doe.mass.edu/sfs/foster/) for current contact information.

| Name of Person Filing Dispute: |  |
| --- | --- |
| Title of Person Filing Dispute: |  |
| District Foster Care Point of Contact (POC)(if not the same as above) |  |

| Student’s Name: |  |
| --- | --- |
| Student’s Date of Birth: |  |
| School of Origin: |  |
| District in which the Student was enrolled at time of foster care placement change |  |
| DCF’s Selected School/District for Enrollment (if different from the school/district of origin) |  |
| If known, Student’s Educational Decision Maker: |  |
| If known, Social Worker |  |
| If known, DCF Area Office (to which the case belongs) |  |
| If known, District Foster Care POC |  |

Provide relevant details about the way in which the school selection decision was made and the reasons for disagreement.

Please attach any additional relevant information/documentation.

During the dispute resolution process,the student *must* attend the school selected by DCF following the local best interest determination process. Transportation must be provided for the student, if needed. Absent other agreements between school districts and DCF, the district of origin is responsible for providing transportation to and from the school of origin.

**Please email all documents relevant to the review process to the Massachusetts Department of Elementary and Secondary Education, as follows:**

Email to:achievement@doe.mass.edu
Note in the Subject Line: Foster Care POC– Dispute [Insert Student’s Last Name]

1. The school of origin is the school that a student was attending at the time of placement in foster care or the school a student is attending at the time of any subsequent change in a foster care placement. *Please see the* [*joint guidance issued by ESE and DCF*](http://www.doe.mass.edu/sfs/foster/guidance.docx) *for additional definitions and information about ensuring the educational stability of students in foster care under ESSA.* [↑](#footnote-ref-1)