

Dispute Resolution Process:

Background

The McKinney-Vento Homeless Assistance Act guarantees rights and services to remove educational barriers for homeless children and youth. The law requires states and school districts to follow a dispute resolution process when parents, guardians, or unaccompanied youth and schools, disagree on the eligibility, enrollment, or educational placement of homeless children and youth. The McKinney-Vento Act includes dispute resolution among the required duties of the district's liaison. The department has developed a dispute resolution process as required by the act.

The dispute resolution process is intended to represent each party's views for objective consideration so that disagreements can be brought to closure expeditiously. During the dispute process, the law requires that the school district allow the child or youth to attend the school that the parents or guardians wish their child or youth to attend or that the unaccompanied youth wishes to attend in order to minimize educational disruption.

Eligibility, Enrollment, or School Selection

When a dispute arises over eligibility, enrollment, or school selection, the child or youth shall be immediately admitted to the school in which enrollment is sought, pending resolution of the dispute. In the case of an unaccompanied youth, the homeless liaison shall ensure that the youth is immediately enrolled in the school in which enrollment is sought, pending resolution of the dispute.

Students identified as homeless shall be provided services comparable to other students of the district, which includes, but not limited to, Special Education services for which the student meets eligibility criteria, such as education programs for disadvantaged students, students with disabilities, gifted students, vocational and technical programs, preschool programs, and programs for students with limited English proficiency.

Transportation services will be comparable to those provided other students within the school district.

During dispute process, students shall receive comparable services and have the right to fully participate in school activities.

Written Explanation

The district must provide a written explanation of the decision to the parent or, in the case of an unaccompanied youth, to the unaccompanied youth. The written explanation must include a description of the parent's or unaccompanied youth's right to appeal the decision.

Local Homeless Liaison

The designated district homeless liaison is assigned to carry out the dispute resolution process in an expeditious manner.

Overview

In a case where a dispute occurs regarding eligibility, enrollment, or school selection of a homeless child or youth, the following process must be used:

- Level 1: If a parent or unaccompanied youth wishes to appeal a school district's decision related to a student's placement, the case is appealed to the district's homeless liaison or the school where the dispute is taking place.
- Level 2: If the appeal is unresolved, the case is appealed to the school district's superintendent.
- Level 3: If the appeal continues to be unresolved, the case is appealed to the McKinney-Vento state coordinator.

Every effort must be made to resolve the complaint or dispute at the local level before it is brought to the Department of Education.

Initiation of the Dispute Resolution Process

The parent or the unaccompanied youth shall be informed of their right to appeal the decision made by the school district and be provided the following information:

- Written contact information for the district's homeless liaison and state coordinator with a brief description of their roles
- A simple, written form that parents, guardians, or unaccompanied youth can complete and turn in to the school to initiate the dispute process
- A copy of the form for the parent, guardian, or youth for their records when it is submitted
- Written step-by-step instructions on how to object to the district's decision
- Written notice of the right to enroll immediately in the school of choice pending resolution of the dispute
- Written notice of the right to appeal to the state if the district-level resolution is not satisfactory
- Written timelines for resolving district and state level appeals

Level 1: District Liaison Communication

If a parent or unaccompanied youth wishes to appeal a school district's decision related to a student's placement:

1. The parent or unaccompanied youth must file a request for dispute resolution with the district's homeless liaison by:
 - a. submitting a form that initiates the dispute resolution process;
 - b. the request for dispute resolution must be submitted by the parent or the unaccompanied youth to the district liaison within five (5) days of receiving notification that the

district intends to enroll the student in a school other than the one requested by the family or the unaccompanied youth;

c. the parent or unaccompanied youth may submit the request directly to the homeless liaison or they may submit the request to the school where the dispute is taking place;

d. if the request is submitted to the school where the dispute is taking place, the school shall immediately forward the request to the district's homeless liaison;

e. in the event that the district's homeless liaison is unavailable, a school district designee may receive the parent's or unaccompanied youth's request to initiate the dispute resolution process;

2. The homeless liaison must log their receipt of the complaint, including the date and time, with a written description of the situation and the reason for the dispute, and a copy of the complaint must be forwarded to the liaison's immediate supervisor and the district's superintendent.

3. Within five (5) days of their receipt of the complaint, the liaison must make a decision on the complaint and inform the parent or unaccompanied youth in writing of the result. It is the responsibility of the district to verify the parent's or unaccompanied youth's receipt of the written notification regarding the homeless liaison's Level 1 decision.

4. If the parent or unaccompanied youth disagrees with the decision made and wishes to move the dispute resolution process forward to Level 2, the parent or unaccompanied youth shall notify the district's homeless liaison of their intent to proceed to Level 2 within five (5) business days of receipt of notification of the level 1 decision.

5. If the parent or unaccompanied youth wishes to appeal the liaison's level 1 decision, the district's homeless liaison shall provide the parent or unaccompanied youth with an appeals package containing:

a. a copy of the parent's or unaccompanied youth's complaint which was filed with the district's homeless liaisons at level 1;

b. the decision rendered at level 1 by the school district's liaison; and

c. any additional information from the parent, unaccompanied youth, and/or homeless liaison.

Level 2: District Superintendent Communication

If a parent disagrees with the decision rendered by the district's homeless liaison at level I, the parent or unaccompanied youth may appeal the decision to the local school district's superintendent, or the superintendent's designee using the appeals package provided at Level 1. The designee shall be someone other than the district's homeless liaison.

1. The superintendent, or superintendent's designee, will arrange for a personal conference to be arranged within five (5) business days of the parent or unaccompanied youth's notification notifying the district of the intent to proceed to Level 2 of the dispute resolution process. Once

arranged, the meeting between the superintendent, or superintendent's designee, and the parent or unaccompanied youth is to take place as expeditiously as possible.

2. The superintendent, or superintendent's designee, will provide a decision in writing to the parent or unaccompanied youth with supporting evidence and reasons. It is the responsibility of the district to verify the parent's or unaccompanied youth's receipt of the written notification regarding the superintendent's Level 2 decision.

3. A copy of the appeals package, along with the written decision made at Level 2, is to be shared with the district's homeless liaison.

4. If the parent of unaccompanied youth disagrees with the decision made at Level 2 and wishes to move the dispute resolution process forward to level 3, the parent or unaccompanied youth shall notify the district's homeless liaison of intent to proceed to Level 3 within five (5) business days of receipt of notification of the Level 2 decision.

5. If the dispute remains unresolved, the process then moves to Level 3.

Level 3: McKinney-Vento State Coordinator Communication

1. The district superintendent shall forward all written documentation and related paperwork to the McKinney-Vento state coordinator for review within five (5) business days of notifying the parent or unaccompanied youth of the decision rendered at Level 2.

2. It is the responsibility of the district to ensure that the documentation that is submitted is complete and ready for review at the time it is submitted to the state coordinator.

3. The McKinney-Vento state coordinator, along with the appropriate office director, and/or office executive director, shall make a final decision within seven (7) business days of receipt of the complaint.

4. The final decision will be forwarded to the local district's homeless liaison for distribution to the parent and the district superintendent.

5. The office of the school district superintendent shall maintain a record of all disputes related to the education of homeless children and youths. These records shall include disputes resolved at levels one, two, and/or three and shall be made available upon request to the Department of Education.

Inter-District Disputes If a dispute arises at the school level over school selection or enrollment, the child or youth shall be immediately admitted to the school in which enrollment is sought, pending resolution of the dispute. In the case of an unaccompanied youth, the homeless liaison shall ensure that the youth is immediately enrolled in school pending resolution of the dispute. Disputes arising between school districts regarding the placement of a homeless child or youth in a district should be resolved between the districts at the local level in the best interest of the child and according to the law.

Disputes between school districts that remain unresolved shall be forwarded in writing to the McKinney-Vento state coordinator by either of the disputing districts. A decision will be made

by the state coordinator within seven (7) business days of the receipt of the dispute and will be forwarded in writing to the district's superintendents, the districts' homeless liaisons, and the parent(s) of the homeless child or youth. The decision made by the McKinneyVento state coordinator shall be the final resolution between the disputing districts.