

McKinney-Vento ~ Dispute Resolution Process

The No Child Left Behind, Title X, Part C, McKinney-Vento Homeless Assistance Act acknowledges that disputes may arise between the school district and homeless students and their parents or unaccompanied homeless youth, when the student is denied enrollment in school or is placed in a school other than the one requested by students/parents/guardians. The purpose of the McKinney-Vento Homeless Assistance Act is to ensure that homeless students enroll in school immediately and continue their education with as little disruption as possible. The Act includes dispute resolution among the required duties of the local education agency (LEA) liaison. Lisbon has developed a dispute resolution process as required by the McKinney-Vento Homeless Assistance Act.

Districts should bear in mind that disputes related to school selection or enrollment should be initiated at the request of the parent or unaccompanied homeless youth and not at the request or convenience of the school district. It will be understood that use of the word parent will always also include legal guardian. Additionally, issues related to the definition of homelessness, the responsibilities of the school district to serve homeless children and youth, and/or the explicit rights of homeless children and youth are addressed in the McKinney-Vento Homeless Assistance Act. Disputes related to the school placement and enrollment of homeless children and youths shall be resolved within the parameters, and not to be used in an effort to circumvent or supersede any part of the federal McKinney-Vento Homeless Assistance Act.

The following procedures are specified in the Act:

Enrollment: If a dispute arises over school selection or enrollment in a school, 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 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.

Written Explanation: The district must provide a written explanation (Form A) of the school placement decision to the parent, or in the case of an unaccompanied youth, to the unaccompanied homeless youth. The written explanation must include a description of the parent's or unaccompanied homeless youth's right to appeal the decision.

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

Responsibility: The school district, usually the district's homeless liaison, is responsible to inform the parent of the homeless student(s) or the unaccompanied homeless youth of the dispute resolution process.

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

- Level I: Appeal goes to the district's homeless liaison. If unresolved,
- Level II: The case is appealed to the district's Superintendent of Schools. If unresolved,
- Level III: The case is appealed to the Department of Education State Coordinator

Initiation of the Dispute Resolution Process

If a school district seeks to place a homeless child or youth in a school other than the school of origin, the school requested by the parent or unaccompanied homeless youth, the child's/youth's parent or unaccompanied homeless youth shall be informed in a language and format understandable to the parent or unaccompanied homeless youth of their right to appeal the decision made by the school district and be provided the following:

1. Written contact information for the LEA homeless liaison and State Coordinator, with a brief description of their roles.
2. A simple, written detachable form that parents, guardians, or unaccompanied homeless youth can complete and turn into the school to initiate the dispute process (the school will then copy the completed form and return the copy to the parent, guardian, or youth for their records).
3. A written step-by-step description of how to dispute the school district's decision.
4. A written notice of the right to enroll immediately in the school of choice pending resolution of the dispute.
5. A written notice of the right to appeal to the State if the district-level resolution is not satisfactory.

Level I ~ LEA Homeless Liaison Communication

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

1. The parent or unaccompanied homeless youth must file a request for dispute resolution with the district's homeless liaison by submitting a form (Form B) that initiates the dispute resolution process. The request for dispute resolution must be submitted by the parent or unaccompanied homeless youth to the district liaison within fifteen business days of receiving notification that the district intends to enroll the student in a school other than that requested by the family or the unaccompanied homeless youth. The parent or unaccompanied homeless 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. 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. In the event that the district's homeless liaison is unavailable, a school district designee may receive the parent's or unaccompanied homeless 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 school's principal and the district superintendent.
3. Within five business days of their receipt of the complaint, the liaison must make a decision on the complaint and inform the parent or unaccompanied homeless youth in writing of the result. It is the responsibility of the district to verify the parent's or unaccompanied homeless youth's receipt of the written notification regarding the homeless liaison's Level I decision.
4. If the parent or unaccompanied homeless youth disagrees with the decision made at Level I and wishes to move the dispute resolution process forward to Level II, the parent or unaccompanied homeless youth shall notify the district's homeless liaison of their intent to Level II within ten business days of receipt of notification of the Level I decision.
5. If the parent or unaccompanied homeless youth wishes to appeal the liaison's Level I decision, the district's homeless liaison shall provide the parent or unaccompanied homeless youth:
 - a. A copy of the parent's or unaccompanied homeless youth's complaint which was filed with the district's homeless liaison at Level I
 - b. The decision rendered at Level I by the LEA liaison, and
 - c. Any additional information for the parent, unaccompanied homeless youth and/or homeless liaison

Level II ~ LEA Superintendent Communication

(If the dispute remains unresolved after a Level I appeal) ~ Form D

1. If a parent or unaccompanied homeless youth disagrees with the decision rendered by the district's homeless liaison at Level I, the parent or unaccompanied homeless youth may appeal the decision to the local school district's superintendent, or the superintendent's designee, (the designee shall be someone other than the district's homeless liaison) using the appeals package provided at Level I.
2. The superintendent, or the superintendent's designee, will arrange for a personal conference to be held with the parent or unaccompanied homeless youth. The personal conference will be arranged within five business days of the parent's or unaccompanied homeless youth's notification to the district of their intent to proceed to Level II of the dispute resolution process. Once arranged, the meeting between the superintendent, or superintendent's designee, and the parent or unaccompanied homeless youth is to take place as expeditiously as possible.
3. The local superintendent, or superintendent's designee, will provide a decision in writing to the parent or unaccompanied homeless youth with supporting evidence and reasons, within five business days of the superintendent's or superintendent's designee, personal conference with the parent or unaccompanied homeless youth. It is the responsibility of the district to verify the parent's or unaccompanied homeless youth's receipt of the written notification regarding the superintendent's Level II decision.
4. A copy of the appeals package, along with the written decision made at Level II is to be shared with the district's homeless liaison.
5. If the parent or unaccompanied homeless youth disagrees with the decision made at Level II and wishes to move the dispute resolution process forward to Level III, the parent or unaccompanied homeless youth shall notify the district's homeless liaison of their intent to Level III within ten business days of receipt of notification of the Level II decision.
6. If the dispute remains unsolved, the process moves to Level III.

Level III ~ State Department of Education Communication

(If the dispute remains unresolved after a Level II appeal) ~ Form E

1. The district's superintendent shall forward all written documentation and related paperwork to the DOE homeless education coordinator, or designee, within five business days of notifying the parent or unaccompanied homeless youth of the decision rendered at Level II.
2. The entire dispute packaged including all documentation and related paperwork is to be submitted to the DOE in one consolidated and complete package via hard copy mail delivery. It is the responsibility of the district to ensure that dispute packages are complete and ready for review at the time they are submitted to the DOE.
3. The DOE homeless education coordinator, or designee, shall make a final decision within twenty business days of receipt of the complaint.
4. The final decision will be forwarded to the local school district's homeless liaison for distribution to the parent and the local superintendent.
5. The decision made by the DOE shall be the final resolution for placement of a homeless child or unaccompanied homeless youth in the district.
6. The office of the school district superintendent shall maintain a record of all disputes related to the placement of homeless children and youths. These records shall include disputes resolved at Level I, Level II, and Level III and shall be made available to the DOE upon request.