

Draft Dispute Resolution Process
ABC School District (ABCSD)

DISPUTE RESOLUTION PROCESS SCHOOL DISTRICT PLACEMENT OF CHILDREN AND YOUTHS IN HOMELESS SITUATIONS

BACKGROUND INFORMATION

The McKinney-Vento Homeless Assistance Act (also referred to as the Act or the McKinney-Vento Act) acknowledges that disputes may arise between the school district and homeless students and their parents, or unaccompanied youth, when the district seeks to place a student in a school other than the school of origin or the school requested by the parent or unaccompanied youth. The Act includes dispute resolution among the required duties of the local education agency (LEA) liaison. The ABC School District (ABCSD) has developed a dispute resolution process as required by the McKinney-Vento Act.

Disputes related to school selection or enrollment should be initiated at the request of the parent or unaccompanied youth and not at the request or convenience of the ABC School District (ABCSD). 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 Act. Disputes related to the school placement and enrollment of homeless children and youths shall be resolved within the parameters of the federal McKinney-Vento Act. The dispute resolution process for the school placement of homeless children and youths shall not be used in an effort to circumvent or supersede any part of the federal McKinney-Vento 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 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.

Written Explanation: The ABC School District (ABCSD) must provide a written explanation of the school placement 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.)

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

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

OVERVIEW

In a case where a dispute occurs regarding the enrollment of a homeless child or youth, the following process must be used: Level I of the appeal is to the ABC School District's (ABCSD) homeless liaison. If unresolved at this level, the case is appealed to the ABC School District (ABCSD) superintendent (Level II), and if the dispute continues to be unresolved, the final appeal (Level III) is to the state coordinator at the SDE. **Every effort must be made to resolve the complaint or dispute at the local level before it is brought to the SDE.**

INITIATION OF THE DISPUTE RESOLUTION PROCESS

If ABC School District (ABCSD) seeks to place a homeless child or youth in a school other than the school of origin, or the school requested by the parent or unaccompanied youth, the child's/youth's parent or the unaccompanied youth shall be informed in a language and format understandable to the parent or unaccompanied 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 youth can complete and turn in to the school to initiate the dispute process (the school should copy the form and return the copy to the parent, guardian, or youth for their records when it is submitted.)
3. A written step-by-step description of how to dispute the school district's decision.
4. Written notice of the right to enroll immediately in the school of choice pending resolution of the dispute.
5. Written notice of the right to appeal to the state if the district-level resolution is not satisfactory.
6. Written timelines for resolving district- and state-level appeals.

Level I: LEA Liaison Communication

If a parent or unaccompanied youth wishes to appeal ABC School District's (ABCSD) decision related to a student's placement:

1. The parent or unaccompanied youth must file a request for dispute resolution with the ABC School District's (ABCSD) homeless liaison by submitting a form that initiates the dispute resolution process. The request for dispute resolution must be submitted by the parent or the unaccompanied youth to the district liaison within fifteen (15) 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 youth. 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. 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 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 superintendent.
 3. Within five (5) business 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 I decision.
 4. If the parent or unaccompanied 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 youth shall notify the district's homeless liaison of their intent to proceed to Level II within ten (10) business days of receipt of notification of the Level I decision.
 5. If the parent or unaccompanied youth wishes to appeal the liaison's Level I 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 liaison at Level I,
 - b. The decision rendered at Level I by the LEA liaison, and
 - c. Any additional information from the parent, unaccompanied youth, and/or homeless liaison.

Level II: LEA Superintendent Communication

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

1. If a parent disagrees with the decision rendered by the ABC School District's (ABCSD) homeless liaison at Level I, the parent or unaccompanied youth may appeal the decision to the ABC School District's (ABCSD) 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 superintendent's designee, will arrange for a personal conference to be held with the parent or unaccompanied youth. The personal conference will be arranged within five (5) business days of the parent or unaccompanied 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 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 youth with supporting evidence and reasons, within five (5) business days of the superintendent's, or superintendent's designee, personal conference with the parent or unaccompanied youth. 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 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 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 youth shall notify the district's homeless liaison of their intent to proceed to Level III within ten (10) business days of receipt of notification of the Level II decision.
6. If the dispute remains unresolved, the process then moves to Level III.

Level III: State Department of Education (SDE) Communication

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

1. The ABC School District's (ABCSD) superintendent shall forward all written documentation and related paperwork to the SDE homeless education coordinator, or designee, for review, within five (5) business days of notifying the parent or unaccompanied youth of the decision rendered at Level II.
2. The entire dispute package including all documentation and related paperwork is to be submitted to SDE in one consolidated and complete package via hard copy mail delivery. Documents submitted separately from the dispute package, documents submitted after the fact, or documents submitted outside of the dispute package in an attempt to extend the dispute timeframe or impact a pending dispute outcome may not be reviewed by SDE. 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 SDE.
3. The SDE homeless education coordinator, or designee, along with the appropriate agency director, and/or agency assistant superintendent, shall make a final decision within twelve (12) 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 SDE shall be the final resolution for placement of a homeless child or youth in the district.
6. The State Department of Education 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/or Level III and shall be made available to SDE upon request.

INTER-DISTRICT DISPUTES

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 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 (LEAs) 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 LEAs that remain unresolved shall be forwarded in writing by either of the disputing districts to the SDE homeless education coordinator, or designee. A decision will be made by the SDE homeless coordinator, or designee, along with a committee of SDe staff within ten (10) business days of the receipt of the dispute and will be forwarded in writing to the districts' superintendents, the districts' homeless liaisons and the parent(s) of the homeless child, or the homeless youth.

The decision made by SDE shall be the final resolution between the disputing LEAs for placement of a homeless child or youth in a district.

McKinney-Vento Homeless Education Act of 2001
42 U.S.C. §§ 11431, et. seq. (Chapter 119) , as amended by the
No Child Left Behind Act.