

EDUCATION FOR HOMELESS CHILDREN & YOUTH



McKinney-Vento Homeless Education Assistance Act – Dispute Resolution

Dispute Resolution – Definition

For purposes of homeless education and students, dispute resolution is the formal process available to districts/schools and parents/guardians/unaccompanied youth should a dispute arise regarding a student's eligibility for homeless services under Federal and State law. The dispute resolution process is:

- The only mechanism that can formally determine the outcome of a homeless-related dispute between an eligible student and a district;
- A method to sensitively resolve disagreements;
- To be used for resolving disputes regarding eligibility, school selection, participation, and transportation.
- Used to ensure assistance to parents/guardians/unaccompanied youth as they navigate the process.
- A method by which districts/schools and parents/guardians/unaccompanied youth can provide both oral and written testimony.

Dispute resolution is not:

- A formal legal proceeding, administrative or judicial hearing;
- An opportunity to vet disagreements about issues not related to homelessness;
- An opportunity to intimidate, scorn, or otherwise marginalize persons, families, or agencies.
- An opportunity for students or parents to unlawfully gain access to a district's educational program.

Formal dispute resolution should not be the first method or attempt to resolve a dispute with respect to homelessness. Rather, the district and its homeless liaison should take care to ensure appropriate and sensitive communications with the student or parent prior to initiation of formal proceedings.

Local Education Agency (LEA) Dispute Resolution Responsibilities:

- Ensure that the parent, guardian, or unaccompanied youth has been informed his/her rights with respect to McKinney-Vento legislation.
- The parent, guardian, or unaccompanied youth shall be referred to the local educational agency liaison who shall carry out the district dispute resolution process as expeditiously as possible after receiving notice of such dispute.
- The child or youth shall be immediately enrolled in the school in which enrollment is sought, pending final resolution of the dispute, including all available appeals.
- In the case of an unaccompanied youth, the liaison shall ensure that the youth is immediately enrolled in the school in which the youth seeks enrollment pending resolution of the dispute.

- The student must be able to participate fully in school and receive all services to which he/she is entitled, to include transportation services specified in the law.
- The parent, guardian, or unaccompanied youth shall be provided a written explanation of decisions related to school selection or enrollment made by the school, the local educational agency, or the State educational agency involved, including the rights of the parent, guardian, or unaccompanied youth to appeal such decisions.
- Written reasons for decisions shall be provided in a manner and form understandable to the parent, guardian, or unaccompanied youth, including information regarding the right to appeal.

McKinney-Vento Dispute Resolution Procedures – State Level:

Dispute resolution processes shall be fully accessible to parents, guardians, and unaccompanied youth. The Kansas State Homeless coordinator ensures prompt resolution, compliance with State dispute resolution procedures, and recognizes the following:

- Parents, guardians, and youth might need extra time to file a dispute and prepare information.
- It is critical to provide stability and predictability to students and schools.
- It is important to consider time left in the school year.

Timeline

- Appeal of a school district decision is submitted to the Kansas State Homeless Coordinator within ten (10) business days of school district notice. (Note: Allowance can be made for extra time at the request of the parent, guardian, or unaccompanied youth.)
- The State Coordinator or designee shall forward a recommendation to the Director of Special Education and Title Services within five (5) working days of receiving the appeal.
- The parent, guardian, or unaccompanied youth and district are provided written notification of final disposition within ten (10) business days of receipt the case by the State Coordinator for Homeless Education.
- The Director of Special Education and Title Services or designee makes final State level determination.

Upon receipt of a dispute in need of resolution, the State Homeless Coordinator or designee shall:

- Review the dispute to determine the basis of the concern. McKinney-Vento dispute resolution processes are available in situations when there is disagreement regarding the educational placement of homeless children and youths. Situations include:
 - ✓ **Eligibility** – Does the child meet the definition of “homeless” as per McKinney-Vento Act?
 - ✓ **School selection** – Is it in the child’s best interest to continue attending the school of origin or to enroll in the local attendance area school?
 - ✓ **Participation** -
 - Was the student enrolled immediately?
 - Did the student immediately begin attending classes?
 - Is the student allowed full participation in school activities?
- Ensure that District personnel comply with Federal McKinney-Vento statutes.
- Ensure that District procedures were followed.
- Review school district records and documents.
- Review information provided by the appealing parent, guardian or unaccompanied youth.
- Forward a recommendation of dispute resolution to the Director of Special Education and Title Services.
- Provide technical assistance to the school district, as needed, to comply with the final determination.
- Contact the school district within 30 business days of the final disposition to determine the status of the child or youth’s enrollment.

Written Explanation of McKinney Vento Determination
(To be completed by the District in which enrollment was requested)

Date: _____

Person Completing Form: _____

Title: _____

School: _____

Your requested school selection or enrollment for the student(s) listed above has been denied by USD _____. In compliance with Section §722(g)(3)(E) of the McKinney-Vento Homeless Educational Assistance Act of 2001, the following written notification is provided to:

Parent or Guardian _____

Student(s): _____

This determination was based upon:

You have the right to appeal this decision by completing the second page of this notice or by contacting the school district's homeless education liaison:

Liaison's Name: _____

Title: _____

Phone Number: _____

In addition:

- The student listed above has the right to enroll immediately in the school of choice pending resolution of the dispute.
- You may provide written or verbal documentation to support your position. You may use the form attached to this notification.
- You may seek the assistance of advocates or attorneys.
- You may contact the State Coordinator for Homeless Education at 785-296-1101.

A copy of the Kansas Dispute Resolution process for students experiencing homelessness is attached.

This form is to be completed by the parent, guardian, caretaker, or unaccompanied youth when a dispute arises. This information may be shared verbally with the local liaison, as an alternative to completing this form.

Date Submitted: _____

Student(s): _____

Person Completing From: _____

Relationship to student(s): _____

I may be contacted at (phone or e-mail) _____

I wish to appeal the enrollment decision made by:

School _____

Please note you should be provided with:

- A written explanation of the school's decision,
- Contact information for the local homeless education liaison, and
- The enrollment dispute process for Kansas Public Schools.

The school provided me with a copy of this form when submitted. _____(Initial)

Optional: You may include a written explanation to support your appeal in this space or provide your explanation verbally.

For more information, contact:

Maureen Tabasko
McKinney Vento State Coordinator
Special Education and Title Services
(785) 296-1101
Maureen.Tabasko@ksde.gov



Kansas State Department of Education
900 S.W. Jackson Street, Suite 102
Topeka, Kansas 66612-1212
www.ksde.gov

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