

Dispute Resolution Procedure

The McKinney-Vento Homeless Assistance Act acknowledges that disputes may arise between the school district and homeless students and their parents/guardians. Guidance for school selection is provided in law. The law includes dispute resolution among the required duties of the local district liaison.

Disputes arising between or among the school district of residency; another school district; or the parent, homeless youth, or person in parental relationship to the homeless student regarding the school that the child shall attend or the educational placement of the homeless student shall be resolved through the following procedures:

1. Every effort must be made to resolve at the local district level.
2. All concerns regarding the education of a homeless child should be referred to the local district liaison. If a complaint arises about services or placement of a homeless student, the local district liaison shall inform the representative of the homeless student or the unaccompanied youth of their rights under this process and the McKinney-Vento Act, generally. The child shall remain enrolled throughout.
3. The local district liaison shall make a determination within a reasonable number of days as to the request. The liaison will document this and all subsequent communications, determinations, and evidences in the Dispute Resolution Sample Form. A copy of that determination shall be presented to the complainant. If the complaint is not resolved, the complainant will be advised to present a written request for mediation. The local district liaison shall assist the representative to complete a written request for mediation, including an indication of the specific point at issue.
4. The mediation shall be scheduled within a reasonable number of days of the written request and shall be convenient to the needs of the representative of the homeless student. The district liaison, the district(s) representative(s), and the child's representative shall be present.
5. During the hearing, the school district(s) shall discuss considerations that led to the placement decision and the specific point in issue determined previously. The mediation may also include discussion of the ability of the school district to provide continuity in educational programs, the need of the homeless student for special instructional programs, the amount of time and arrangements required to transport the student to the original school district, the age of the homeless student and the school placement of siblings, and the time remaining until the end of the semester or the end of the school year. Documentation regarding those proceedings must be provided with any appeal to the state homeless coordinator.
6. In cases where an agreement cannot be reached among all involved parties, either party may request review by the state homeless children education coordinator. Upon written request, the state coordinator shall make a determination and communicate with the involved parties to discuss available alternatives and seek to resolve the dispute. Any party requesting review by the state coordinator must provide reasoning for the review including specific questions of law and/or fact.
7. In cases of such a request for the assistance of the state coordinator, the school district of residence shall provide sufficient information as required, including but not limited to:
 - a. A description of the situation that prompted the complaint

- b. The name(s) and age(s) of the child or children involved
- c. The name(s) of the involved school district personnel and the school district or districts involved
- d. Copies of any documentation used up to that point including reasoning for district decisions, appropriate evidence to substantiate reasoning, and other evidence the district sees relevant.
- e. All information is subject to FERPA.

8. The state coordinator shall collect appropriate evidence, review such evidence, and provide an initial decision. Parties may request that the state coordinator's decision be reviewed by a three-member panel convened by the state coordinator within the Department of Education. The three-member panel shall review:

- a. The state coordinator's decision and either adopt the decision or reject it. If rejected, the panel will
- b. Provide an alternative finding with appropriate reasoning. The panel's decision is a final decision and not appealable. A final decision will be rendered within a reasonable number of days after receiving a complaint.

9. The placement and services for the homeless student shall be continued pending the resolution of the dispute by the Department of Education.