

Appendix J-5. Common Disagreements

(These examples are for illustrative purposes, only. Actual cases will have nuances not captured in the simplistic basic issues.)

Basic Issue	Steps to Resolving
The student is seeking enrollment in the school for the current residency area. (Homeless status is not contested.)	School must enroll immediately. (SC may use noncompliance letter if school refuses.)
The student is seeking enrollment in a school other children in the residency area may attend.	Immediate enrollment unless some other criteria are not met (for example, an arts charter school with admissions requirements related to artistic ability). If other criteria are not met, school should follow normal process for denying request. State Coordinator may use non MV letter template.
The student wishes to remain in a school of origin and the school disagrees.	Ensure a feasibility/best interest determination has been conducted and documented. School provides written notification and follows dispute resolution process.
The school questions the actual residency of the student at enrollment.	If more information is needed to make a determination, school should immediately enroll pending information collection. (Use care and sensitivity in the verification process.) If the student is not residing in the area to attend the school and the school is not a school of origin, follow normal process for denying request. State Coordinator may use nonMV letter template.
The school challenges the student's status as homeless.	<ul style="list-style-type: none"> a. School provides written notification and follows dispute resolution process. (The school may use the sample determination template for parents when not MV eligible as part of the written notice.) b. <i>If more information is needed, or the living situation is not easily categorized:</i> Liaison should consult with State Coordinator. State Coordinator may consult with USED or NCHE for technical assistance.
The student is seeking enrollment in a school which is not a school of origin or school of residency (including schools in which students in the attendance area may enroll).	Issue is not McKinney-Vento; provide parent, guardian, or youth with explanation and possible avenues to appeal outside MV.
The student does not meet the eligibility	Issue is not McKinney-Vento; provide parent, guardian,

Basic Issue	Steps to Resolving
criteria to participate in a school activity and criteria are not associated with homeless status (e. g., GPA is too low to participate in a sport).	or youth with explanation and possible avenues to appeal outside MV.
The student has an IEP and the parent is not satisfied with the special education program provided.	Special education will need to participate in the resolution. If specifics of the case involve homeless status, include the liaison/State Coordinator in the resolution. If the issue is not McKinney-Vento related, the parent, guardian, or youth should follow IDEA processes.
Best interest determination was conducted and is not being appealed; transportation to school of origin was not provided.	This is a compliance issue; the State Coordinator should intercede with the LEA. (See sample non-compliance template)
School of origin transportation was offered but parent/guardian/youth does not accept the option offered.	<p>State Coordinator should consider these questions before advising the school:</p> <ul style="list-style-type: none"> Is the option offered safe? Does the option offered avoid stigmatizing due to homelessness? Does the option impose extraordinary inconvenience on the student (e.g., excessive transfers, unnecessary and excessively long commute time)? Does the parent/guardian/youth request exceed the requirements of the Act (e.g., door-to-door service)? <p>If the transportation offered is safe and does not stigmatize based on homeless status, the school has met its obligation under MV; inform the parent/guardian/youth.</p> <p>If the option offered is unsafe or stigmatizing, the state coordinator should work with the liaison to explore other options, including the possibility of revisiting the best interest determination.</p>