



“10 in 10” Orientation Tutorial for New State Coordinators

Module 5: Disputes



10 10-Minute Modules to Orient You to Your New Position



About the “10 in 10” Module Series



NCHE’s “10 in10” module series for new State Coordinators for homeless education

- ❑ Provides 10 short modules that cover essential topics to orient you to your new position;
- ❑ Is based on information in NCHE’s more comprehensive *State Coordinators’ Handbook* available for download at http://center.serve.org/nche/pr/sc_hb_2010.php;
- ❑ Includes links to additional resources; and
- ❑ Includes Questions to Consider and a Wrap Up to reinforce key points and help you develop your work plan.



Module 5: Overview



In Module 5, new State Coordinators will learn about

- ❑ Requirements in the McKinney-Vento Act for a dispute resolution policy;
- ❑ Requirements for how disputes between local education agencies (LEAs) and homeless parents, guardians, or unaccompanied youth must be addressed;
- ❑ Good practices to avoid disputes ;
- ❑ Good practices to manage disputes efficiently; and
- ❑ Providing technical assistance to LEAs on the McKinney-Vento dispute process.



Dispute Resolution Policy for the McKinney-Vento Program



- ❑ The McKinney-Vento Act requires that every state have a written dispute resolution policy to follow when homeless parents/guardians (or unaccompanied youth) and schools disagree over “school selection and enrollment in a school.”
[42 U.S.C. §11432(g)(3)(E)]
- ❑ The dispute resolution policy was required as part of the State Plan that was originally submitted in 2002.



Dispute Resolution Policy for the McKinney-Vento Program



- ❑ Dispute procedures may include disputes between homeless parents, guardians, or unaccompanied youth and schools or LEAs over
 - Eligibility,
 - School selection and enrollment,
 - Full participation in school activities, and
 - Transportation.
- ❑ Each of these topics impacts a homeless child's or youth's right to enroll and attend school.



When a Dispute Arises



1. The parent, guardian, or unaccompanied youth must be provided with a written explanation of the school's decision, including information on the right to appeal the decision.
2. The child or youth must be immediately admitted to the school in which enrollment is sought, pending

resolution of the dispute and be provided all services he or she would normally receive under the Act.

Written Enrollment Decision Notice

This form is to be completed by the school when an enrollment request is denied.

Date: _____

Name of person completing form: _____

Title of person completing form: _____

Name of school: _____

In compliance with 42 U.S.C. § 11432(g)(3)(E) of the McKinney-Vento Homeless Assistance Act, the following written notification is provided to:

Name of Parent(s)/Guardian(s): _____

Name of Student(s): _____

After reviewing your request to enroll the student(s) listed above, the enrollment request is denied. 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 local homeless education liaison.

Name of local liaison: _____

Title: _____

Phone number: _____

In addition:

- The student listed above has the right to enroll immediately in the requested school pending the resolution of the dispute.
- You may provide written or verbal communication(s) to support your position regarding the student's enrollment in the requested school. You may use the form attached to this notification.
- You may contact the State Coordinator for Homeless Education if further help is needed or desired. Contact information for the State Coordinator:

You may seek the assistance of advocates or an attorney. A copy of our state's dispute resolution process for students experiencing homelessness is attached.

8-A-1 | NCH Homeless Liaison Toolkit: Appendix 8.A Written Enrollment Decision Notice



When a Dispute Arises



3. The local liaison must carry out the dispute process as expeditiously as possible, including providing information to the State Coordinator regarding the dispute.
4. The State Coordinator will carry out his or her role in the process within the time frame specified in the dispute resolution plan.



Why Have a Formal Dispute Resolution Process?



- ❑ A dispute resolution process protects the rights and best interests of homeless children and youth and the LEA.
- ❑ A formal McKinney-Vento dispute resolution
 - Ensures that each party's views are represented,
 - Enables the facts of the case to be considered without emotion or agendas,
 - Brings a situation to closure, and
 - Allows students to attend school during the process and avoid educational disruption.



Questions to Consider



1. Am I familiar with my state's McKinney-Vento dispute process?
2. Does the process clearly define the steps the LEA and SEA must follow in the event of a dispute?
3. What other parties must be involved in the process at the local or state level?
4. Does the process include a time frame in which the final decision must be rendered?
5. How is the dispute process made available to all parties involved? Is it posted publicly?
6. Are there records of past disputes available? How long does a dispute typically take?



Before a Dispute Occurs



The State Coordinator should ensure that

- ❑ The state McKinney-Vento dispute process is publicly available;
- ❑ Local liaisons are familiar with the state process and that the local dispute process aligns with the state process; and
- ❑ Local liaisons understand the importance of providing written notice to parents, guardians, and unaccompanied youth when a disagreement arises.
 - Many states provide a form that is used across all school districts.
 - Many states include a LEA McKinney-Vento monitoring indicator that school districts provide written notice when a disagreement occurs.



During a Dispute



The State Coordinator should

- ❑ Ensure that he or she understands the process and follows it carefully;
- ❑ Contact all parties specified to be involved at the state level (if required in the policy);
- ❑ Gather information appropriately from the LEA and parent or guardian (or local liaison who is acting on behalf of an unaccompanied homeless youth);
- ❑ Render a decision objectively and expeditiously, within the time frame allowed in the dispute policy; and
- ❑ Keep detailed notes and records of the dispute.



After a Dispute



The State Coordinator should review the dispute to determine

- ❑ Was the dispute process followed appropriately?
- ❑ Does the dispute process need to be revised?
- ❑ Does the disputed issue indicate that the LEA may need technical assistance to more fully understand the law?
- ❑ Is the disputed issue one that has occurred across LEAs and indicates a need for statewide technical assistance or policy revision?



When a Dispute May Be Avoided



- ❑ Some parents or guardians may wish to dispute an issue that does not fall under the McKinney-Vento Act, such as wanting a child to attend a school other than the local attendance area school or school of origin.
 - Advise the local liaison to help the parent or guardian to understand the law.





When a Dispute May Be Avoided



- Some parents or guardians may wish to dispute an issue that falls within their rights under the McKinney-Vento Act, such as being refused transportation to and from the school of origin.
 - Discuss the situation with the local liaison to help him or her understand the LEA's requirements in the law in order to bring the LEA into compliance.





Providing Technical Assistance to LEAs on McKinney-Vento Disputes



State Coordinators should conduct training on the state's dispute process in annual technical assistance activities that includes

- ❑ A review of the dispute policy, clarifying each step the LEA must take,
- ❑ An overview of the requirement for providing written notice, reinforcing that this is part of the required documentation the local liaison must provide to the state,



Providing Technical Assistance to LEAs on McKinney-Vento Disputes



State Coordinators should conduct training on the state's dispute process in annual technical assistance activities that includes (cont.)

- ❑ Clarification on the McKinney-Vento Act in areas where the most common disputes occur, including
 - Eligibility,
 - Enrollment, and
 - School selection
- ❑ Appropriate ways to gather information and documentation, and
- ❑ Ways to talk to parents, guardians, and unaccompanied youth to avoid disputes.



Links to NCHE Resources on Disputes



- ❑ Section K, Dispute Resolutions, of the *State Coordinator's Handbook*:
<http://center.serve.org/nche/downloads/handbook2/k.k.pdf.pdf>
- ❑ *Homeless Liaison Toolkit*, Chapter 8:
http://center.serve.org/nche/pr/liaison_toolkit.php
- ❑ Issue Brief: *Confirming Eligibility for McKinney-Vento Services: Do's and Don'ts for Local Liaisons*:
http://center.serve.org/nche/downloads/briefs/verify_ll.pdf



Wrap Up



Upon completing Module 5, new State Coordinators should be able to answer the following questions:

1. What are the key steps in your state's McKinney-Vento dispute resolution process?
2. What issues have past disputes addressed?
3. When must an LEA provide written notice to parents, guardians, or unaccompanied youth of their rights to dispute a McKinney-Vento issue?
4. How might a dispute be avoided?
5. What kinds of technical assistance might an LEA need regarding McKinney-Vento disputes?