

McKinney-Vento Act

Policy for Students in Transition

Dispute Resolution Procedures and Process



Developmental Research School
at the University of Florida

Introduction

This procedure is to ensure compliance with federal and state legislation and policy governing the education of children and youth experiencing homelessness and designate a homeless education liaison (Homeless Liaison) to assist the family and school in navigating the local dispute resolution process and, if necessary, access the state dispute resolution process. The Local Educational Agency (LEA) may consult the Office of the State Coordinator for Homeless Education at the Homeless Education Program, Florida Department of Education (FDOE), at any time during the local dispute resolution process. Disagreements are to be settled as close to the point of disagreement as possible.

Process

To comply with §722(g)(3)(E) of the McKinney-Vento Act (MVA) as amended by the *Every Student Succeeds Act* (Title IX, Part A, of P.L. 114-95), if a school, in consultation with the Homeless Liaison, denies a student eligibility or enrollment under the MVA, the liaison or designee shall provide the parent of the child or youth or the unaccompanied homeless youth (UHY) with a written explanation of the school's decision regarding eligibility for McKinney-Vento rights. The right to appeal the decision and the process to be followed must be included in this written notice. The school's initial determination process must not take so much time as to threaten the immediate enrollment provision of the MVA (§722(g)(3)(C)).

The LEA Homeless Liaison maintains a copy of such written notification. When a parent or UHY appeals an eligibility or enrollment/school placement determination, in writing or verbally, the LEA shall:

1. immediately enroll the student to the school in which enrollment is sought and provide all services for which the student is eligible, pending resolution of the dispute;
2. refer the parent or UHY to the LEA's Homeless Liaison to carry out the local dispute resolution process as expeditiously as possible once notified, and
3. ensure an UHY is informed of his/her rights throughout the process as stated in the responsibilities of the local liaison (§722(g)(6)).

If the parent or UHY does not agree with the Homeless Liaison's recommendation, the Homeless Liaison shall:

1. inform the parent or UHY of his or her right to appeal to the State Coordinator for a final determination, and that he or she will have five school days from receipt of the notification of the Homeless Liaison's recommendation to initiate an appeal, verbally or in writing, and to prepare and submit a rationale for the child's or youth's eligibility.
2. inform the parent or UHY that he or she can engage advocates to assist in the preparation of an appeal and that the Homeless Liaison is available to assist in preparing their appeal.

If the parent or UHY files an appeal, verbally or in writing within the allotted time period, the Homeless Liaison shall:

1. prepare and submit the appeal and related documentation by email to the State Coordinator;
2. attach the final local determination statement with the explanation given to the parent or UHY, related documents, and contact information for the Homeless Liaison and parent or UHY;
3. provide copies of submitted documents to the parent or UHY; and
4. ensure the child or youth immediately is enrolled or placed in the parent- or UHY-desired MVA-qualified school.

The dispute resolution process presumes that all parties are greatly interested in acting in the best interest of the child or youth and will act accordingly to minimize the disruption of the education of the homeless student. Thus, the resolution process must be timely and complete.

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Initiating a State-Level Appeal

If the parent or UHY disagrees with the LEA's decision after all local appeals are exhausted, he or she can appeal to the Florida Department of Education Homeless Education Program within five school days of receiving the LEA's McKinney-Vento Determination Letter.

The parent or UHY, with the assistance of the LEA's designated Homeless Liaison, or designee, will initiate the state appeal process by submitting a completed MVA Dispute Initiation Form, and other related documentation, to the State Coordinator for Homeless Education. The LEA will also submit documentation of the local dispute resolution effort.

When the State Coordinator, or designee, receives an appeal, he or she shall:

- inform the parent or UHY and the Homeless Liaison that an appeal has been received;
- review records and information provided by the appealing parent or UHY and the LEA; and
- provide the parent or UHY and the LEA's designated Homeless Liaison with a determination of eligibility within five school days of receiving the dispute notification.

42 U.S.C. 11431 et seq.

Adopted

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Directions for Completing the Written Explanation of McKinney-Vento Determination Form

Under the McKinney-Vento Act, Title IX, Part A, of the Every Student Succeeds Act, the following issues may be disputed and must be documented with a written explanation whenever there is a disagreement between the school and parent, guardian, or youth who is seeking McKinney-Vento rights and services:

- Eligibility – a parent, guardian, or youth claims homelessness and the school disputes that the living situation meets the McKinney-Vento definition; and
- School Selection/Enrollment – the parent, guardian, or youth and school disagree about which school the student should attend:
 - a school of origin,
 - the school of residency, or
 - another school that students in the attendance area are eligible to attend.

The Written Explanation template provides the basic information that should be included. To complete the form:

- Check the box for confirming the dispute of eligibility or school selection/enrollment (only one box can be checked).
- Add the name of the person to whom you are providing the explanation and the students included in the decision.
- Explain the reasoning for the determination. For the dispute of eligibility, explain why the living situation does not meet the McKinney-Vento definition, including any facts, witnesses, and evidence relied upon and their sources. For a dispute of school selection/enrollment, explain which placement is in the student's best interest.
- Include a date by which the parent, guardian, or youth must notify the liaison that an appeal is desired. This should be based on your local dispute resolution process.
- Provide the name and contact information for the liaison and the person completing the form, if different.

This form can be modified to ensure that all decisions and notices are drafted using language and formatting appropriate for low-literacy, limited-vision readers, individuals with disabilities, and English language learners. If the parent, guardian, or youth has access to email, the notice should be provided electronically and followed by a written explanation provided in person or sent by mail.

When a liaison receives an appeal, the local dispute process and the appropriate state dispute resolution process must be provided to the parent, guardian, or youth. If the appeal is done verbally, the liaison should complete the second page of the written explanation for the person appealing. The liaison should provide the state coordinator with copies of the written explanation and appeal, subsequent correspondence, and a copy of the LEA's school choice policy, if the "Another School" box is checked, to ensure the state coordinator has the information needed to assist should the decision be appealed to the state level.

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Written Explanation of McKinney-Vento Determination Form

Date: _____

This notice is provided to:

Name of Parent, Guardian, or Youth (UHY): _____

Names of Student(s) for this determination: _____

In compliance with Sections 722(g)(3)(B)(iii) and 722(g)(3)(E) of the McKinney-Vento Act as amended by the *Every Student Succeeds Act* (Title IX, Part A, of P.L.114-95), the following written notification addresses denial of a request for (check one):

- Eligibility - the student's living situation does not meet the definition of homeless in the McKinney-Vento Act for related services and benefits.
- School Selection - the school/school district determined that immediate enrollment in the following school is in the best interest of this child or youth (check one):
 - School of Origin: _____ (Name of School)
 - School of Current Residency: _____ (Name of School)
 - Another School that Students in the Attendance Area are Eligible to Attend:
_____ (Name of School)

This determination was based upon:

You have the right to appeal this decision by the close of business on ____ (deadline to appeal). To initiate, submit the second page of this notice to the school district's designated homeless education liaison or contact the liaison by phone. The liaison will provide you with the details of the dispute resolution process, once an appeal is made.

Liaison's Name: _____ Title: _____

Phone Number: _____ Email: _____

Person Completing Form: _____ Title: _____

School: _____

School District: _____

A copy of this form was provided to me: _____

Parent, Guardian, or Youth's Signature Date

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If you disagree with this determination:

- Contact the school district's homeless liaison to start the appeal by the date noted on the first page of this notice.
- The student listed has the right to enroll immediately in the school of choice (based on options provided in the McKinney-Vento Act) once an appeal is made, pending resolution of the dispute.
- You may explain your disagreement verbally and or provide written documentation to support your position. You may use this form.
- If you are an English-language learner, use a native language other than English, or need additional supports because of a disability, notify the Homeless Liaison for assistance.
- You may seek the assistance of others in explaining your case.
- You may contact the Florida Department of Education's Homeless Education Program at 850-245-9964 to discuss this determination.

The information on the following pages should be completed by the parent, guardian, caretaker, or youth, with assistance, if necessary, to begin an appeal if there is disagreement with the determination.

This information may be shared by completing this form or speaking with the liaison.

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The information below should be completed by the parent, guardian, caretaker, or youth, with assistance, if necessary, to begin an appeal if there is disagreement with the determination.

This information may be shared by completing this form or speaking with the liaison.

1. Date the Homeless Liaison was contacted to initiate the appeal: _____
 - by phone
 - by in-person interview
 - by email
 - written explanation dropped off in person
 - other (explain):
2. Student(s)' Name(s): _____
3. Person Completing Form _____
4. Relation to Students _____
5. I may be contacted at (phone or email) _____
6. I wish to appeal the decision made by _____
(School/District Name)
7. I have been provided with (check all you have received):
 - a written explanation of the school placement determination
 - contact information for the local homeless education liaison
 - information about the McKinney-Vento appeals process
 - Email address for submitting this appeal notice
8. Provide a written explanation to support your appeal (attach additional pages, if necessary):

Respectfully Submitted,

Signature of Parent

Date

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McKinney-Vento Best Interest Determination for School Placement Worksheet

Student Name: _____ Date: _____

Parent Name: _____ Phone #: _____

Address: _____

Person completing the worksheet: _____ Phone #: _____

Individuals consulted while making this best interest determination for school placement:

Housing Stability: Housing History Table

1. What is the history of student's housing? When was housing originally lost? What were the circumstances? What are the barriers to maintaining housing? (e.g., history of evictions, multiple doubled-up arrangements)	
2. Based on the knowledge of the family situation, how long is it likely that the family will remain at the current residence?	
3. What is the likelihood that this family will once again establish residency in the attendance area of the school of origin?	

Education Stability: Education History Table

Prior School(s) and School District(s)	Grade Level(s)	Dates of Attendance	Living Arrangement at the Time

Placement Determination/Preference Table

	Placement Determination/Preference	Rationale
School/LEA		
Parent/Guardian/UHY		

If, after considering this information, a disagreement on school placement remains, conduct a full best interest analysis.

Optional form:

Based on the information gathered here, the *Checklist for Comparing School Selection Options for Homeless Children and Youth* can be completed to rate the relative importance of the important best interest considerations for each school being considered. If, after being presented with the determination analysis for the school/LEA placement determination, the parent/guardian/UHY disagree with the school and/or homeless liaison, the disagreement triggers the need for Written Explanation of the McKinney-Vento Determination.

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Checklist for Comparing School Selection Options for Homeless Children and Youth

In each row in the table below, check the box that best reflects the circumstances of the child or youth. At the bottom of the form, and on the back if necessary, provide details for the best interest profile. Share the completed checklist with the parent and answer their questions.

School of Origin Considerations		Other MVA-Eligible School Considerations	
<input checked="" type="checkbox"/>	Presumption that remaining in SOO is in student's best interest		
<input type="checkbox"/>	Parent prefers to enroll student in the SOO	<input type="checkbox"/>	Parent prefers to enroll student in zoned school
<input type="checkbox"/>	Student attended the SOO for at least one full school semester	<input type="checkbox"/>	Student attended the SOO for at less than one full school semester
<input type="checkbox"/>	The school year is in the 2nd semester	<input type="checkbox"/>	The school year is in the 1st semester
<input type="checkbox"/>	Student has siblings who are enrolled in the SOO	<input type="checkbox"/>	Student has siblings who are enrolled in the zoned school
<input type="checkbox"/>	Strong, positive peer attachments	<input type="checkbox"/>	Few positive peer attachments
<input type="checkbox"/>	Strong attachments to teachers or other school staff	<input type="checkbox"/>	Poor or few attachments to teachers or other school staff
<input type="checkbox"/>	Record of good academic performance at SOO	<input type="checkbox"/>	Record of poor academic performance at SOO
<input type="checkbox"/>	Record of less than 10% days absent at SOO	<input type="checkbox"/>	Record of more than 10% days absent at SOO
<input type="checkbox"/>	Record of no or low discipline incidents at SOO	<input type="checkbox"/>	Record of moderate or frequent discipline incidents at SOO
<input type="checkbox"/>	Different school curricula at zoned school or significantly different pace through the curricula	<input type="checkbox"/>	Same/similar school curricula and similar pace as SOO
<input type="checkbox"/>	Zoned school does not offer all classes student needs to graduate, but SOO does:	<input type="checkbox"/>	Zoned school offers classes student needs to graduate:
<input type="checkbox"/>	Student is involved in special programs at the SOO that are not offered at the zoned school	<input type="checkbox"/>	Student is involved in special programs at the SOO that are also offered at the zoned school
<input type="checkbox"/>	Record of low housing stability.	<input type="checkbox"/>	Record of high housing stability.
<input type="checkbox"/>	Estimated travel time within state age-adjusted standards	<input type="checkbox"/>	Estimated travel time longer than state age-adjusted standard
<input type="checkbox"/>	There are specific safety concerns related to zoned school attendance	<input type="checkbox"/>	There are specific safety concerns related to continued SOO attendance

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Notes