TUPELO
PUBLIC SCHOOL DISTRICT

TPSD McKinney-Vento Homeless Education Dispute Resolution Procedure

The following procedures (as outlined by The Mississippi Department of Education (MDE), Office of Federal Programs) are to be followed by Tupelo Public School District if a dispute arises regarding the eligibility, school selection, or school enrollment of a homeless child or youth, or unaccompanied youth:

If TPSD through the office of Student Support Services makes a determination regarding school selection or enrollment that would result in the child or youth attending a school other than the one requested by the parent, guardian, or unaccompanied youth, a written explanation shall be provided in a manner and form understandable to the parent, guardian, or unaccompanied youth. The written decision shall include a statement of the right to appeal to the TPSD Superintendent. *(*TPSD's *Written Notification of Enrollment Decision form* follows*).*

If the parent, guardian or unaccompanied youth disagrees with TPSD's enrollment or school placement decision and wishes to appeal to the Tupelo Superintendent (or his/her designee), the parent, guardian, or unaccompanied youth must file a request for dispute resolution with the TPSD Homeless Liaison by completing the dispute resolution form (page 2 of the Written Notification of Enrollment Decision Form) **OR** by submitting a written or verbal request to the homeless liaison after receiving notification of the district's decision.

While the dispute is being resolved, the student(s) must be enrolled in school and must receive all services for which they are eligible. If dispute concerns "best interest" the child must be enrolled in the school preferred by the parent.

TPSD Superintendent (or his designee—Federal Programs Director or Assistant Superintendent) will respond to the appeal within 10 days of receipt. The parent, guardian, or unaccompanied youth shall be informed of the right to appeal and the LEA superintendent's written decision shall include a statement of the right to appeal to the Tupelo School Board.

If the parent, guardian, or unaccompanied youth disagrees with the Superintendent's decision and wishes to appeal to the Tupelo School Board, the parent, guardian, or unaccompanied youth shall inform the District's Homeless Liaison of the intent to appeal. The Liaison shall ensure an appointment is made for the next, regularly scheduled board meeting to address the dispute. The Liaison shall also provide the parent, guardian, or unaccompanied youth with the documentation collected up to that point, including the parent, guardian or unaccompanied youth's request for dispute resolution, the initial written decision and the superintendent's written decisions as well as any other additional information submitted by the parent, guardian, or unaccompanied youth.

If the school board supports the district's decision, the parent, guardian, or unaccompanied youth shall be informed of the right to appeal. The school board's written decision shall include a statement of the right to appeal to the Mississippi Department of Education.

Appeals made to the MDE shall be submitted in writing, signed by the complainant, and forwarded by TPSD.

The following steps are to be taken:

a. Address the complaint to:

Mississippi Department of Education
Office of Federal Programs
State Homeless Education Coordinator
359 North West Street, Suite 111
Jackson, MS 39205

b. The complaint shall include the following:

1. A description of the situation that prompted the dispute
2. The name(s) and age(s) of the homeless child or youth
3. The name(s) of the LEA and personnel involved
4. A description of the attempts that were made to resolve the issue at the local level, including copies of any documentation used in making the decisions.

*Further state level/national appeal steps are available on the MDE website or from the MDE Office of Federal Programs. Parents are given a copy of the state's dispute resolution process if an enrollment request is denied.

Written Notification of Enrollment Decision

This form (page 1) is to be completed by the school when a disagreement arises between the school and a parent, guardian, or unaccompanied youth over McKinney-Vento eligibility, school selection, or enrollment in a school.

Date: _____ Name of School_____

Name of Person Completing Form: _____

Title of Person Completing Form: _____

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: **Jeni Chandler, TPSD McKinney-Vento Coordinator jdchandler@tupeloschools.com**
Phone number: **662-620-6193 (or contact Federal Programs Office at 841-8885)**

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 to support your position regarding the student's enrollment in the requested school. You may use the form attached to this notification.
- Dispute resolution steps begin at the local level, but may continue as outlined in Mississippi's dispute resolution process with which you will be provided.
- You may contact the State Coordinator for Homeless Education if further help is needed of desired. Contact information of the state coordinator:
  Tiffany Jones, State Homeless Education Coordinator Phone: 601-359-3499

TUPELO PUBLIC SCHOOL DISTRICT

Written Notification of Enrollment Decision

Page 2—*To be completed by the parent, guardian, 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: _____

Student(s): _____

Person completing form: _____

Relation to student(s): _____

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

I wish to the appeal the enrollment decision made by: _____

Name of School:_____

I have been provided with (please check all that apply):

_____ A written explanation of the school's decision.

_____ The contact information of the school district's local homeless education liaison.

_____ A copy of the state's dispute resolution process for students experiencing homelessness.

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

The school provided me with a copy of this form when I submitted it. _____ (Please initial.)

Mississippi Homeless Education Dispute Resolution Procedure (MDE 2018)

Chapter 40 McKinney-Vento Homeless Education Dispute Resolution Procedure

Rule 40.1 McKinney-Vento Homeless Education Dispute Resolution Procedure

1. INTRODUCTION

The *McKinney-Vento Homeless Assistance Act (Act)* acknowledges that disputes may arise between a local educational agency (LEA) and the parent or guardian of a homeless child or youth, or unaccompanied youth, when the LEA seeks to place him or her in a school other than the school of origin or the one requested by the parent, guardian, or unaccompanied youth. Guidance regarding the definition of homeless, the responsibilities of the LEA in serving homeless children and youth, school selection, eligibility and enrollment is provided in the Act. The Act includes dispute resolution among the required duties of the LEA liaison and the State Educational Agency (SEA).

The following procedures are specified in the Act:

a. **Enrollment:** Immediately enroll the homeless child or youth in the school preferred by the parent, guardian or unaccompanied youth until the dispute is settled and all available appeals have been exhausted. The statutory definition of "enroll" includes attending classes and participating fully in school activities.

b. **Written explanation:** Written explanations provided by the LEA shall be in a manner and form understandable to the parent, guardian, or unaccompanied youth of any decisions related to school selection, eligibility or enrollment made by the school or LEA, including the rights of the parent, guardian, or unaccompanied youth to appeal such decisions.

c. **Parent/Guardian/Unaccompanied Youth Rights:** It is the responsibility of the LEA to inform the parent or guardian, or unaccompanied youth of the McKinney-Vento rights and the dispute resolution process.

While the dispute is being resolved, the child or children in question must be enrolled in school and receive all services for which they are eligible, including transportation services. If the dispute is concerning the school of "best interest," the child must be enrolled in the school preferred by the parent/guardian or unaccompanied youth.

2. ADMINISTRATIVE PROCEDURE

The Mississippi Department of Education (MDE), Office of Federal Programs, has adopted a dispute resolution process at the local and state levels. If a dispute arises regarding the eligibility, school selection, or school enrollment of a homeless child or youth, or unaccompanied youth, the following procedures are to be followed:

Local Educational Agency Level: If the LEA makes a determination regarding school selection or enrollment that would result in the child or youth attending a school other than the one requested by the parent, guardian, or unaccompanied youth, a written explanation shall be provided in a manner and form understandable to the parent, guardian, or unaccompanied youth. The parent, guardian, or unaccompanied youth shall be informed of the right to appeal and the written decision shall include a statement of the right to appeal to the LEA superintendent. The dispute resolution process shall be initiated at the local level by the parent/guardian or unaccompanied youth who wishes to appeal the

school district's decision. The LEAs shall develop written policies and procedures with timelines that govern the dispute resolution process and shall include, at a minimum, the following:

a. Each LEA is required to have a designated McKinney-Vento liaison.
In addition, each school should have a contact who has been trained on the McKinney-Vento Act.

b. If the parent, guardian or unaccompanied youth disagrees with the LEA's decision and wishes to appeal to the LEA superintendent or his/her designee, the parent, guardian, or unaccompanied youth shall file a request for dispute resolution with the LEA liaison by completing a dispute resolution form or submitting a written request after receiving notification of the LEA's decision. The LEA superintendent's designee shall be someone other than the LEA liaison. The parent, guardian, or unaccompanied youth shall be informed of the right to appeal and the LEA superintendent's written decision shall include a statement of the right to appeal to the local school board of education.

c. If the parent, guardian, or unaccompanied youth disagrees with the LEA superintendent's decision and wishes to appeal to the local board of education, the parent, guardian, or unaccompanied youth shall inform the LEA liaison of the intent to appeal. The LEA liaison shall ensure an appointment is made for the next, regularly scheduled board meeting to address the dispute. The LEA liaison shall also provide the parent, guardian, or unaccompanied youth with the documentation collected up to that point, including the parent, guardian or unaccompanied youth's request for dispute resolution, the LEA liaison's and local superintendent's written decisions and any other additional information submitted by the parent, guardian, or unaccompanied youth. The parent, guardian, or unaccompanied youth shall be informed of the right to appeal and the local school board of education's written decision shall include a statement of the right to appeal to the MDE if aggrieved.

State Educational Agency Level: Appeals made to the MDE shall be submitted in writing, signed by the complainant, and forwarded by the LEA. The following steps are to be taken:

c. Address the complaint to:

Mississippi Department of Education
Office of Federal Programs
State Homeless Education Coordinator
359 North West Street, Suite 111
Jackson, MS 39205

d. The complaint shall include the following:

5. A description of the situation that prompted the dispute

6. The name(s) and age(s) of the homeless child or youth

7. The name(s) of the LEA and personnel involved

4. A description of the attempts that were made to resolve the issue at the local level, including copies of any documentation used in making the decisions.

c. The State Homeless Coordinator will gather needed information from statements of the parties involved and forward the information to the Executive Director of the Office of Federal Programs, along with a recommendation for resolution or for further investigation.

d. Within ten (10) business days after receiving a complaint, the Executive Director of the Office of Federal Programs will recommend a resolution and will inform interested parties, in writing, of the decision.

e. If the parent, guardian, or unaccompanied youth disagrees with the decision, that party may, within ten (10) business days, appeal to the State Superintendent. This appeal shall be made in writing and state why the party disagrees with the decision of the Executive Director of the Office of Federal Programs.

f. Within ten (10) business days after receiving an appeal, the State Superintendent or his/her designee will render a final administrative decision and notify all parties in writing.

If the parent, guardian, or unaccompanied youth disagrees with the decision of the State Superintendent in a matter concerning homeless children or youth, the party may request a review of the decision by the United States Secretary of Education in accordance with *34 CFR Part 299.11.*

Visit the Mississippi Department of Education website, Office of Federal Programs, Title IX, Part A Education for the Homeless Children and Youth Program (McKinney-Vento) for more information.

Sources:

42 *U.S. Code* § 11432(g)(1)(C) (Rev. 2017);

42 *U.S. Code* § 11432(g)(3)(E)(i)-(iv) (Rev. 2017);

Miss. Code Ann. § 37-3-11(c) (Rev. 2017);

Miss. Code Ann. § 37-1-3 (Rev. 2017)