

# DISPUTES

**BEST PRACTICES** around disputes and working with families experiencing homelessness include acknowledging that families have the sole right to make decisions affecting their lives such as when to leave a partner, when to declare bankruptcy, and what living arrangements best protect their health and safety. Schools must respect family autonomy and understand that the reasons for homelessness are irrelevant to any decisions made on behalf of the family.

National Center for Homeless Education provides a good Issue Brief on Do's and Don'ts that can help districts avoid disputes:

<https://nche.ed.gov/wp-content/uploads/2018/10/resolution.pdf>

## HELPFUL STRATEGIES FOR DISTRICTS:

- When an inter-district dispute arises, make sure representatives from all involved districts are present to help resolve the dispute.
- Keep the dispute resolution process as informal and accessible as possible.
- Establish timelines for resolving disputes and keep everyone informed.
- Have procedures that ensure privacy and confidentiality at all times.
- Avoid stigmatizing a student because of an ongoing dispute. Depending on the resolution of the dispute the student may be remaining in the school placement and will continue to need support.

At times parents, guardians or unaccompanied youth experiencing homelessness may disagree on issues related to eligibility, enrollment or school selection. Interruptions in education can seriously damage a student's academic progress. To avoid these negative effects, McKinney-Vento provides for procedures to resolve disputes. This allows schools and parents or youth to resolve disagreements quickly without disrupting the student's education.

The McKinney-Vento Act mandates basic protections and procedures to follow when a dispute arises "over school selection or enrollment in a school". Therefore, the protections and procedures must be available to address any dispute about whether a student has the right to enroll in a particular school, whether based on eligibility, best interest, school selection, or immediate enrollment. The law also defines enrollment as "attending classes and participating fully in school activities" [42 U.S.C. § 11434a(1)]. Therefore, McKinney-Vento dispute procedures apply to any dispute arising under the Act, including disputes over questions such as:

- Eligibility
- School Selection
- Participation
- Transportation

## UNDER MCKINNEY-VENTO THE FOLLOWING APPLIES:

- ❖ If a student is sent to a school other than the school of origin or the school requested by a parent or guardian, the LEA must provide a written explanation of its decision and the right to appeal, whether or not the parent/guardian or unaccompanied youth disputes the placement.
- ❖ Whenever a dispute arises, the student must be immediately admitted to the school in which enrollment is sought while the dispute is being resolved. If enrollment is in the school of origin, transportation must be provided upon request.
- ❖ The school site should refer the parent or guardian or unaccompanied youth to the district Homeless Liaison to carry out the district's dispute process as expeditiously as possible.
- ❖ The district Homeless Liaison must ensure the dispute resolution process is followed for unaccompanied youth
- ❖ In the event that the dispute cannot be resolved at the district level the dispute is referred to the County Homeless Liaison office. In the event that the dispute is not resolved at the county level the dispute will be referred to the State Homeless Coordinator who makes the final determination.
- ❖ Students should be provided with all services for which they are eligible while disputes are resolved to permit full participation in school activities.