

DISPUTES

LEA STEPS

At the time that school site personnel receive information that causes a dispute to arise under the McKinney-Vento Act over eligibility, school selection, or school enrollment [42 U.S.C. 11432(g)(3)(E)], the school and LEA should take the following steps:

1. The student should first be immediately enrolled in the school site where enrollment is being sought, pending final resolution of the dispute, including all available appeals [42 U.S.C. § 11432(g)(3)(E)(i)].
 - a. While disputes are pending, students have the right to participate fully in school and receive all services for which they are eligible (U.S. Department of Education, 2017, p 35), as the definition of enrollment includes “attending classes and participating fully in school activities” [42 U.S.C. § 11434a(1)].
2. School site personnel shall contact the LEA McKinney-Vento Homeless liaison with all relevant information. If the Liaison agrees that there is a dispute he/she should first attempt to contact the family or unaccompanied youth to see if the situation can be resolved.
3. In the case where resolution is not possible, the parent, guardian, or unaccompanied youth must be provided with a written explanation of any dispute-related decisions made by the school or LEA, including the reasons for this decision and information on the right of the parent, guardian, or unaccompanied youth to appeal such decisions [42 U.S.C. § 11432(g)(3)(E)(ii)]. This letter must be written in a manner and form understandable to the parent, guardian, or unaccompanied youth [42 U.S.C. § 11432(g)(3)(B)(iii)].
4. Once the family or unaccompanied youth has indicated that they would like to appeal, the liaison should carry out that process. This includes, making sure the timeline is set and understood for submitting a statement and any relevant information the family or youth would like to submit for review; making sure the review by the Superintendent is done within the timeline and decision is communicated back to the family in writing.
5. The written decision by the LEA must include the right to appeal the decision to the County Office of Education Homeless Liaison office along with the appropriate contact information. The LEA Liaison will forward all relevant information to the County Office Liaison along with a copy of the decision.