



## LEA MCKINNEY-VENTO DISPUTE RESOLUTION PROCEDURE

The McKinney-Vento Homeless Assistance Act acknowledges that disputes may arise regarding the eligibility of homeless or unaccompanied youth. Guidance for school selection is provided in law. The law includes dispute resolution among the required duties of the local educational agency (LEA) McKinney-Vento liaison.

**The following procedure will be followed to resolve disputes regarding the eligibility for enrollment and school selection that are to be provided for homeless or unaccompanied youth.**

Steps	Description
1.	<b>Every effort must be made to resolve the dispute at the local educational agency (LEA)</b> to ensure all efforts are maintained ensuring a positive relationship with the student/family is upheld.
2.	All concerns regarding the education of a homeless or unaccompanied youth should be referred to the LEA McKinney-Vento liaison. If a dispute arises regarding eligibility for services or placement of a homeless or unaccompanied youth, the LEA McKinney-Vento liaison will inform the parent/guardian, advocate, or unaccompanied youth of their rights under this process of the McKinney-Vento Act. <b>The student shall remain enrolled throughout this process.</b>
3.	The LEA McKinney-Vento liaison will <b>make a determination of eligibility within three business days of the request</b> and complete the <a href="#">LEA McKinney-Vento Eligibility Notification</a> to be shared with the parent/guardian/advocate or unaccompanied youth. The liaison will document this request and all subsequent communications, determinations, and evidence in the <a href="#">LEA McKinney-Vento Dispute Resolution Form</a> .
4.	<b>If the eligibility decision is challenged, the parent/guardian or advocate will be advised to submit a <a href="#">Parent McKinney-Vento Dispute Resolution Appeal Form</a>.</b> The LEA McKinney-Vento liaison shall assist the representative in completing this dispute resolution appeal process, including an indication of the specific point of issue. <b>The Parent McKinney-Vento Dispute Resolution Appeal Form shall be submitted within five business days from the initial request to appeal the original eligibility decision.</b>
5.	<b>Within three business days of the receipt of the appeal, a mediation will be scheduled</b> at a time convenient to the needs of the parent/guardian or advocate of the homeless student or unaccompanied youth. The LEA McKinney-Vento liaison and the district representative will be present.
6.	<b>Documentation regarding this proceeding must be provided with any appeal submitted to the Education of Homeless Children and Youth State Director.</b> During the mediation, the school district will discuss considerations that led to the eligibility decision and the specific point in issue determined previously. Discussion items of the mediation may also include: <ul style="list-style-type: none"><li>• The continuation of educational programs</li><li>• Needs of the student for special instructional programs</li><li>• Arrangements required to transport the student to the school of origin</li></ul>



# Indiana Department of Education

Dr. Katie Jenner, Secretary of Education

	<ul style="list-style-type: none"><li>● Consistency and alignment of school placements for all siblings</li><li>● Processes that ensure the student will remain in the school of origin until the final determination is made</li></ul>
7.	<p><b>Documentation regarding the above proceeding must be provided with any appeal submitted to the Education of Homeless Children and Youth State Coordinator.</b> In cases where an agreement cannot be reached among all involved parties, within 24 hours either party may request review by the Office of the State Coordinator. <b>Within three business days of receiving a written request, the state director shall communicate with all parties to discuss available alternatives and seek to resolve the dispute.</b> Any party requesting review by the state director must provide documentation regarding the dispute up for review including specific questions of law and/or fact.</p>
8.	<p>In cases of such a request for the assistance of the state director, the school district of origin will provide sufficient information as required, including but not limited to:</p> <ul style="list-style-type: none"><li>● A completed <a href="#">McKinney-Vento Eligibility Notification</a></li><li>● A completed <a href="#">Parent McKinney-Vento Eligibility Appeal Form</a></li><li>● A completed <a href="#">LEA McKinney-Vento Dispute Resolution Form</a></li></ul> <p><i>All information is subject to the Federal Education Rights Privacy Act (FERPA).</i></p>
9.	<p>The state director will review submitted evidence and <b>will provide a decision within three business days after the receipt of all the documents included in Step 8.</b></p> <ul style="list-style-type: none"><li>● <b>Within one business days after the decision is rendered,</b> parties may request that the state director’s decision be reviewed by a three-member panel convened by the state director within the Indiana Department of Education</li><li>● The three-member panel shall review the state director’s decision and either adopt the decision or reject it. If rejected, the panel will provide an alternative decision that is final and cannot be appealed. <b>A final decision will be rendered within three business days after reviewing the complaint.</b></li></ul>