



Best Interest Determination & Dispute Resolution Process

Homeless Education Program



McKinney-Vento Best Interest Determination (BID) for School Placement

The McKinney-Vento Act requires schools to consider the school of origin as the first option in school enrollment. Parents may choose the school of origin or the school in the residency area where the child is currently living. Individuals who may be consulted when determining what placement is in the child's or youth's best interest include:

- the child or youth experiencing homelessness,
- the parents or caretakers of the child or youth,
- school division homeless liaisons,
- school principals/administrators,
- the student's teacher(s),
- homeless shelter personnel,
- school social workers,
- school counselors, and
- the student's attorney.



It is the school district's responsibility to determine the school of origin and residency, and to resolve any conflict concerning the school placement focusing on the best interest of the student. Whenever possible, the school district should comply with the parents'/guardians'/unaccompanied homeless youth's wishes. If the school district and parent/guardian/unaccompanied youth do not agree on the appropriate placement, the district's Enrollment Dispute Resolution Process must be followed. The student should be enrolled in the school that the parent or unaccompanied homeless youth have chosen until the resolution process has been completed. If the school of origin is determined to be the best placement, the local homeless education liaisons from both divisions must work together to arrange transportation.

The McKinney-Vento Act requires that a child or youth experiencing homelessness attend:

- ❖ *The school of origin:* the school that the child or youth last attended when permanently housed or the school in which the student was last enrolled, including preschool (administered by the district) and feeder schools; or
- ❖ *The school of residency:* the school identified by the attendance zone in which the student is currently physically staying. (IF students in the attendance area have additional options, the student may enroll in such an option IF there is room in the program and student meets any eligibility criteria).

Whether the child or youth will attend the school of origin or the school of residency, enrollment should take place immediately.

The following form documents the determination for school placement that is in a student's best interest. It is recommended that the liaison use these listed considerations to discuss the school enrollment options with the parent/youth. If the new residence is in another school district, the liaison from the new district should be included in the conversation, as a best practice, to ensure smooth transitions or the provision of transportation that may be shared. The information collected documents agreement about school enrollment OR provides the input needed to craft the justification for a written explanation should the parent/youth disagree. Liaisons should maintain this form with their case notes.

McKINNEY-VENTO
BEST INTEREST DETERMINATION FORM
SCHOOL ENROLLMENT OF STUDENT IN OUT-OF-HOME PLACEMENT

A copy of this document shall be kept in the student's education record.

Student's Name: _____
Student ALPHA: _____ DOB: _____
Current School: _____ Grade: _____
Previous School(s): _____
Date of Best Interest Determination Meeting: _____

Best Interest Determination: A Checklist for Decision Making

Use the following checklist as a guide to assist with making the determination of what is in the best interest of the child or youth. Place a check in the box for each area of consideration that applies, either in the Remaining in the School of Origin column or Transferring to a New School. If needed, write notes on additional pages, and attach to this form.

Remaining in the School of Origin Considerations

- ☐ **Social/emotional considerations** – the student's social and emotional wellbeing will be negatively affected if transferred to a new school (considerations include age of the student, location of siblings, etc.)
- ☐ **Length of anticipated stay in an out-of-home placement location** – in light of the anticipated short duration of the stay, the student would benefit from the continuity offered by remaining at the school of origin where meaningful relationships exist.
- ☐ **Continuity of instruction** – the student has experienced frequent school changes or has attended the school of origin for an extended period of time and would be best served by remaining at the school of origin (considerations include credits necessary for graduation and preparation for future instruction).
- ☐ **Academic performance** – the transfer will significantly and adversely affect the student's academic performance.
- ☐ **Unique educational needs or academic and extracurricular interests** – the student's special educational needs (IEP or 504 Plan) or unique academic and extracurricular interests cannot be met at the potential receiving school.
- ☐ **Safety of the student** – the school of origin is a safe environment for the student.
- ☐ **Transportation considerations** – the advantages of remaining in the school of origin outweigh any potential disadvantages presented by the length of the commute.

Transferring to a New School Considerations

- ☐ **Social/emotional considerations** – the student's social and emotional wellbeing will be positively affected or will be substantially affected if transferred to the potential receiving school (considerations include age of the student, location of siblings, etc.)
- ☐ **Length of anticipated stay in an out-of-home placement location** – the student's current living situation appears to be stable and unlikely to change suddenly, so the student will benefit from establishing new relationships with school peers in the potential receiving school.
- ☐ **Continuity of instruction** – the student has not attended the school of origin for very long and will be best served at the potential receiving school (considerations include credits necessary for graduation and preparation for future instruction).
- ☐ **Academic performance** – the transfer will not significantly and adversely affect the student's academic performance.
- ☐ **Unique educational needs or academic and extracurricular interests** – the student's special educational needs (IEP or 504 Plan) or unique academic and extracurricular interests can be met at the potential receiving school.
- ☐ **Safety of the student** – the new school will be a safer environment for the student.
- ☐ **Transportation considerations** – the length of the commute to the school of origin is excessive and may adversely affect the student's concentration, attitude, or readiness for school.

Attach all documents relevant to the student's best interest determination. Check any that apply.

- | | |
|---|--|
| ☐ Report Cards/Progress Reports | ☐ IEP Plan or 504 Plan |
| ☐ Achievement Data (test scores) | ☐ Correspondence from individuals consulted |
| ☐ Attendance Data | ☐ Other: _____ |

Best Interest Determination Meeting Participants

In reaching the best interest determination, the Project Manager for Homeless Education should make all reasonable efforts to include or consult individuals with knowledge of the student (student's attorney, parent, parent surrogate, and legal guardian) in addition to representatives of the LEA and any other person with information relevant to the best interest determination, including the student, if appropriate. The following individuals provided input in determining the school placement.

Relationship to Student	Name	Contact Information

Best Interest Determination

- ☐ It is not in the student's best interest to remain enrolled in the school of origin. The student will be enrolled in the school serving the current residence.
Name of School: _____

NOTE: If a change in enrollment is in the student's best interest, enrollment should take place immediately at the new school. To enroll the student in the new school, all that is needed is documentation showing that the student is in out-of-home placement, the address of the out-of-placement, proof of authorization to enroll the student in school, and identification of the person enrolling the student. All other educational records will be provided to the new school promptly and in accordance with state and federal law.

- ☐ It is in the student's best interest to remain enrolled in the school of origin.
Name of School: _____

Interim Transportation Plan

Complete only if the student will remain in the school of origin.

While the LEA works to develop and establish a Transportation Plan for the student to attend the school of origin from the out-of-home placement, a period of time that could be up to five (5) school days, the student will be transported to the school of origin in the following manner:

Considerations for the LEA in Establishing a Transportation Plan for the Student

Complete only if the student will remain in the school of origin.

In developing a Transportation Plan, the LEA should consider the following needs of the student (add additional sheets if needed):

Project Manager-Homeless Education's Name

Project Manager-Homeless Education's Signature

Date



Dr. Carmen J. Balgobin
Superintendent of Schools

School Board of Volusia County
Ms. Jamie M. Haynes, Chairman
Mrs. Anita Burnette, Vice Chairman
Mr. Ruben Colón
Mr. Carl Persis
Mrs. Jessie Thompson

Date:

To: **EDUCATIONAL DECISION-MAKER NAME**

Delivered via: (preferably a reliable email address to ensure delivery)

The Problem-Solving Team at (Name of School) has determined that the appropriate school placement for **STUDENT NAME** is **SCHOOL NAME**. We understand this is neither the school of origin nor the school requested by the student's educational decision-maker. Therefore, we are providing this explanation of our decision and information about how the educational decision-maker may appeal the decision.

We have determined that it is in the student's best interest to attend **SCHOOL NAME** because: **(describe situation)**

The educational decision-maker may appeal this decision by completing the attached Dispute Form, signing it, dating it, and submitting it by **DATE (insert date 7 calendar days from date of this letter)**.

***If the educational decision-maker chooses to initiate a dispute, the student shall remain in the school of origin (Name of School), receiving all appropriate educational services including transportation if provided, until the dispute reaches its final resolution.**

***Once the Dispute form is received, the Project Manager for Homeless Education will arrange for a personal conference with the educational decision-maker, the student (if appropriate), and at least one representative from the school of origin within five (5) business days. The Project Manager for Homeless Education will inform the educational decision-maker of the decision in writing within five (5) business days following the personal conference. The educational decision-maker will ultimately be able to appeal to the State if the local resolution is not satisfactory.**

If you have questions about this process or how to appeal it, please contact:

Crystal Eubanks, MSW
Project Manager- Homeless Edu.
1301 Shapiro Dr #8
Deland, Florida 32721
cneubank@volusia.k12.fl.us
(386) 734-7190 x20856

Dianne C. Martin
Superintendent Designee
200 North Clara Ave
DeLand, FL 32721
dmartin@volusia.k12.fl.us
(386) 734-7190 x20755

Courtney Walker, Federal Director
Title IX, Part A – Florida McKinney-Vento Program
325 West Gaines Street, Suite 532
Tallahassee, Florida 32399
Courtney.Walker@fldoe.org
(850) 245-9946

Sincerely,

Administrator

P.O. BOX 2118 • 200 NORTH CLARA AVE
DELAND, FL 32720
(386) 734-7190 • (386) 255-6475
An Equal Opportunity Employer



Dispute Resolution Form

To appeal the school's decision, please complete this form and submit it by the date indicated on the Written Notice you received from the school. You may submit this form by any of the following methods:

1. Scan and email it to Crystal Eubanks cneubank@volusia.k12.fl.us with the subject "Homeless Appeal";
2. Return the paper form to any school in this school district; or
3. Submit the paper form directly to the office of the Project Manager for Homeless Education @ 1301 Shapiro Dr. building #8 Deland, FL 32724 or verbally by calling (386) 734-7190 extension: 20856

Student Name: _____

School in which student is presently enrolled: _____

I am the educational decision-maker for this student, and I believe my student's current school is in the student's best interest because:
(Explain)

I believe the student has a right to attend this school because:

If you would like to provide additional information, please attach it to this form.

The student shall remain in the school of origin, receiving all appropriate educational services including transportation if provided, until the dispute reaches its **final** resolution. Once this Dispute Resolution Form is received, the project manager for homeless education will arrange for a personal conference with the educational decision-maker, the student (if appropriate), and at least one representative from the current school within five (5) business days, and the conference will take place as expeditiously as possible. Within five (5) business days of the personal conference, the project manager for homeless education will inform the educational decision-maker of the decision in writing. The educational decision-maker will be able to appeal to the Superintendent Designee if they do not agree with the level 1 decision.

Educational decision-maker name: _____

Email: _____

Phone: _____

Disputes:

In a case where a dispute occurs regarding the determination of best interest or the provision of other educationally related services for an unaccompanied homeless youth or homeless children or youth, the following process must be used:

1. **Level I:** Direct appeal is to the project manager for homeless education office
2. **Level II:** If unresolved at Level I, the dispute is appealed to the local school district superintendent or their designee.
3. **Level III:** If the dispute continues to be unresolved, the final appeal (Level III) is to the Florida Department of Education (FDOE) Homeless Education Director.

If a dispute arises over school selection, enrollment in a school or the provision of other educational services, the child or youth shall be immediately admitted to the school in which enrollment is sought and educational services will be provided, pending resolution of the dispute.

Disputes may only be filed by the unaccompanied homeless youth or the educational decision-maker. The two parties may not use the school district dispute resolution process to resolve disagreements amongst themselves.

Florida McKinney-Vento Act Dispute Resolution Process: Eligibility for Services and School Selection/Enrollment:

Disputes are to be settled as close to the point of disagreement as possible. 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 project manager for homeless education, denies a student eligibility or enrollment under the MVA, they must provide the parent, guardian, or unaccompanied homeless youth (UHY) with a written explanation of the decision regarding eligibility for McKinney Vento rights. The right to appeal the decision and the appeal process to be followed must be included in the written notice provided to the parent, guardian or UHY. A copy of the Dispute Notice must also be sent to the project manager for homeless education to ensure that the immediate enrollment provision of the MVA is met (§722(g)(3)).

1. Ensure that the educational decision maker or unaccompanied homeless youth receives the written contact information for the designated project manager for homeless education, District Superintendent Designee and the Florida Department of Education (FDOE) Homeless Education Director, with a brief description of their roles.

Crystal Eubanks, MSW
Project Manager- Homeless Edu.
1301 Shapiro Rd.
DeLand, FL 32724
cneubank@volusia.k12.fl.us
(386) 734-7190 x-20856

Dianne C. Martin
Superintendent Designee
200 N. Clara Ave
DeLand, Florida 32724
dmartin@volusia.k12.fl.us
(386) 734-7190 x- 20755

Courtney J Walker, Federal Director
Title IX, Part A – Florida McKinney-Vento Program
325 W. Gaines Street - Suite 532
Tallahassee, FL 32399-0400
Courtney.Walker@fldoe.org
(850) 245-9946

2. A simple, written, step-by-step description of how to dispute the school's decision and the contact information of the person designated to receive the dispute. Unaccompanied homeless youth (UHY) or educational decision-makers should be able to easily complete the steps to initiate the dispute process. Individuals submitting disputes shall have the opportunity to submit a dispute to the district via email. These disputes shall be treated with the same legitimacy as a dispute submitted in any other format. School districts should respond to disputes in the same format in which they were received or as requested by the educational decision-maker. No dispute should be rejected because it is not on the appropriate form; however, individuals filing disputes will be held to the process and timelines outlined in this document.

3. Written notice of the right to enroll and attend immediately in the school requested by the educational decision-maker while the dispute is being resolved.

4. Written notice of the right to appeal to the state if the district-level resolution is not satisfactory and applicable timelines.

Level I: Designated LEA Project Manager for Homeless Education:

If an unaccompanied homeless youth or educational decision-maker wishes to dispute a school's decision related to the determination of enrollment, best interest, or the provision of other educationally related services for an unaccompanied homeless student or homeless student or youth, the steps below must be followed.

1. The educational decision-maker or UHY must file a request for dispute resolution with the project manager for homeless education by submitting a letter or email that initiates the dispute resolution process. The request for dispute resolution must be submitted by the educational decision-maker to the project manager for homeless education within seven (7) calendar days of receiving notification that the district intends to enroll the student in a school other than the school of origin or the school requested by the educational decision-maker. The educational decision-maker may submit the request directly to the project manager for homeless education, or they may submit the request to the school where the dispute is taking place. If the request is submitted to the school where the dispute is taking place, the school shall **immediately** forward the request to the project manager for homeless education. If the project manager for homeless education is unavailable, a school district designee may receive the request to initiate the dispute resolution process.
2. The project manager for homeless education must log the receipt of the dispute, including the date and time, with a written description of the situation and the reason for the dispute.
3. The LEA project manager for homeless education will arrange for a personal conference to be held with the unaccompanied youth, educational decision-maker, the youth if appropriate, and at least one representative from the school of origin. Personal conferences can occur in-person or over the phone. The personal conference will be arranged within five (5) business days of the notification to the district that the caregiver or educational decision-maker intends to proceed with the dispute resolution process.
4. If the unaccompanied youth or educational decision-maker disagrees with the decision made at Level I and wishes to move the dispute resolution process forward to Level II, the educational decision-maker shall notify the project manager for homeless education of their intent to proceed to Level II within five (5) business days of receipt of notification of the Level I decision. The project manager for homeless education must include the following documents in their notification:
 - a. A copy of the original dispute, which was filed at Level I,
 - b. The decision rendered at Level I by the LEA project manager for homeless education, and any additional information from the educational decision maker. Instructions regarding how to file a Level II dispute

LEVEL II: LEA Superintendent or Superintendent's Designee:

1. If the educational decision-maker disagrees with the decision rendered by the project manager for homeless education at Level I, they may appeal the decision to the local school district's superintendent, or the superintendent's designee. The designee shall be someone other than the district's homeless liaison using the appeals package provided at Level I.
2. Within five (5) business days of their receipt of the dispute, the superintendent or designee must decide on the dispute by reviewing the documentation provided and by gathering additional information from the student, educational decision maker or school if needed.
3. The local superintendent, or superintendent's designee, will provide a decision in writing to the unaccompanied homeless youth or educational decision-maker with supporting evidence and reasons, within five (5) business days of the personal conference. It is the responsibility of the district to verify receipt of the written notification regarding the superintendent's

Level II decision. The district should provide:

- a. A copy of the educational decision-makers initial dispute, which was filed at Level I, along with the Level I decision.
 - b. The decision rendered at Level II by the LEA Superintendent or their designee; and
 - c. Any additional information from the caregiver or educational decision-maker.
 - d. Instructions regarding how to file a Level III dispute– including the physical address and email address of where to submit their dispute.
4. If the designated caregiver or educational decision-maker disagrees with the decision made at Level II and wishes to move the dispute resolution process forward to Level III, he or she shall notify the project manager for homeless education of their intent to proceed to Level III within five (5) business days of receipt of notification of the Level II decision.

LEVEL III: Florida Department of Education (FDOE):

1. The district superintendent or their designee shall forward all written and electronic documentation to the FDOE Homeless Education Director, within five (5) business days of receiving notification of the caregiver or educational decision-maker's intent to file a Level III dispute.
2. The caregiver or educational decision-maker may also submit related documentation to FDOE for review, within the five (5) business days after notifying the school district of their intent to file a Level III dispute.
3. The entire dispute package, including all documentation and related paperwork, is to be submitted to FDOE in one consolidated and complete package via email or the US Postal Service. It is the responsibility of the district to ensure that dispute package is complete and ready for review at the time it is submitted.
4. The FDOE Homeless Education Director, and/or other appropriate agency staff, shall make a final decision within ten (10) business days of receipt of the dispute.
5. The final decision will be forwarded to the local school project manager for homeless education for distribution to the educational decision-maker, the representative engaged by the school district at Level II, and the local superintendent.
6. The decision made by FDOE shall be the final resolution for placement and the provision of services for a homeless child or youth in the district.
7. The office of the school district superintendent shall maintain a record of all disputes related to the placement of children and youth.

