

NOTICE OF PARENT AND STUDENT RIGHTS IN THE
MCKINNEY-VENTO ENROLLMENT DISPUTE RESOLUTION PROCESS

This document provides school district personnel with information regarding McKinney-Vento Dispute Resolution procedures, including local and state expectations for processing a dispute. It should be used in conjunction with a district's policies and procedures addressing McKinney-Vento, including the district's local policy on homeless students at FDC(LOCAL), the district's McKinney-Vento Dispute Resolution Form at FDC(EXHIBIT), and the district's local policy on student and parent complaints at FNG(LOCAL). McKinney-Vento disputes should be expedited and resolved promptly to meet federal requirements. Districts have a responsibility to ensure that local timelines in the district's complaint policies are expedited, whenever possible, to meet the Texas Education Agency's (TEA) expectation of prompt dispute resolution. This document is the result of collaboration between TEA, the Texas Association of School Boards, Education Service Center (ESC) Region 10, and the Texas Homeless Education Office.

The McKinney-Vento Homeless Assistance Act ("Act") provides important protections and rights for homeless children and unaccompanied homeless youth. The Act provides direction for districts when disputes occur regarding student eligibility, school selection, or enrollment. This document only addresses disputes regarding eligibility, school selection, or enrollment, since those are the only issues subject to the dispute resolution provisions of the Act. [See FNG(LOCAL) for all other disputes regarding homeless students.]

This document provides information about the dispute resolution process should the parent, guardian, or an unaccompanied youth disagree with a district's determination of eligibility, school selection, or enrollment. Upon dispute of eligibility, school selection, or enrollment, a school district must immediately enroll a homeless child in the school of origin, unless the parent, guardian, or unaccompanied youth selects the school located in the attendance zone where the student temporarily resides. In determining the best interest of the child, the district shall presume that keeping the student in his or her school of origin is in the student's best interest, except when doing so is contrary to the request of the parent, guardian, or unaccompanied youth. The district shall also consider the impact of moving schools on achievement, education, health, and safety. In addition the district must provide transportation to and from the school of origin. The student shall remain attending the school in which enrollment is sought, pending final resolution of the dispute, including all available appeals.

1. Who at the district makes the eligibility, school selection, or enrollment decision?

A district's enrollment staff will gather and analyze information from the parent, guardian, or unaccompanied youth and make a determination of eligibility.

2. What type of notice will the parent, guardian, or an unaccompanied youth receive about a district's enrollment decision if the district determines that the student is not eligible for enrollment?

The district must provide the parent, guardian, or unaccompanied youth with a written notice that includes an explanation of the decision regarding eligibility, school selection,

or enrollment, and the right of the parent, guardian, or unaccompanied youth to appeal or dispute the decision.

Once the enrollment decision is made, the district's liaison for homeless students will ensure that the notice:

- Includes an explanation of the reasons for the determination;
- Includes a description of the appeal process, including appeal timelines and information on how and to whom to appeal the decision; and
- Is provided to the parent, guardian, or unaccompanied youth promptly in a way that is understandable to the parent, guardian, or unaccompanied youth.

Please note: If the district's liaison for homeless students is unable to fulfill any of the duties described in this document, the liaison should appoint a designee to do so.

3. What are the responsibilities of the district's McKinney-Vento liaison for homeless students regarding disputes?

A district's liaison for homeless students is responsible for ensuring that the dispute resolution process is conducted as expeditiously as possible. The liaison must ensure that decisions are communicated in writing to the parent, guardian, or unaccompanied youth and include information about the right to appeal. The liaison is available to provide assistance to parents, guardians, or unaccompanied youth through the entire dispute process. [See FDC(LOCAL).]

4. If the parent, guardian, or unaccompanied youth decides to appeal the decision, will someone at the district be available to help the parent, guardian, or unaccompanied youth through the dispute process?

Yes. A district's liaison for homeless students will accompany and assist the parent, guardian, or unaccompanied youth through the entire dispute resolution process. [See FDC(LOCAL) and FFC(EXHIBIT).] The District's homeless liaison is:

Name: Keonsha Bernard

Position: Coordinator of Counseling and Student Services

Address: 400 S Walnut, Webster, TX 77589

Phone: (281) 284-2500

E-mail: kbernard@ccisd.net

5. Are there any enrollment decisions that cannot be disputed under the Act's dispute resolution provisions?

Yes. Texas law requires a district to enroll a homeless child in the district regardless of the residence of the child or the child's parent, guardian, or person with lawful control of the child. [See Education Code 25.001(b)(5).] If under this provision a parent or guardian seeks enrollment in a school other than the school of origin or the campus in the attendance zone where the student currently resides, the parent or guardian may

not dispute which specific campus within the district the child is assigned by using the dispute resolution provisions of the Act.

6. Will the homeless child be able to attend the school in which enrollment is sought during the dispute resolution process?

During the dispute resolution process, the district must immediately enroll the homeless child in the school of origin or school located in the child's attendance zone, as requested by the parent, guardian, or unaccompanied youth, and permit the child to attend classes, receive requested services, and participate fully in school activities. In addition, the district must provide transportation to and from the school of origin. The district must provide transportation comparable to transportation provided to nonhomeless students.

7. How does a parent, guardian, or unaccompanied youth begin the appeal process?

District policy FDC(LOCAL) requires the parent, guardian, or unaccompanied youth to use the dispute (complaint) resolution process set out in FNG(LOCAL), beginning at Level Two. The appeal begins at Level Two rather than Level One to expedite the appeal. The first step is for the parent, guardian, or unaccompanied youth to file a Level Two dispute form. [See FDC(EXHIBIT)—Dispute of Eligibility, School Selection, or Enrollment Under the McKinney-Vento Homeless Assistance Act.] These forms are available on the district's website at CCISD.net and through the liaison for homeless students.

8. When does the parent, guardian, or unaccompanied youth need to complete and submit the dispute form?

District policy typically requires dispute forms to be filed within 15 district business days from the date when the parent, guardian, or unaccompanied youth first knew of the school selection or enrollment decision about which the parent, guardian, or unaccompanied youth is appealing. Considering that McKinney-Vento disputes are to be expedited, TEA recommends that the parent, guardian, or unaccompanied youth file the dispute form as soon as possible, preferably within ten district business days. (The district cannot dismiss a dispute because the person did not meet this recommended, expedited timeline, as long as the dispute form is filed within the district's timeframe.) The district liaison will inform the parent, guardian, or unaccompanied youth of both the district's filing timeline and the recommended expedited timeline. [Check FNG(LOCAL) for the district's standard filing timelines.] The district's policy manual is available on the district's website at CCISD.net. The district's liaison for homeless students will provide hard copies of relevant district policies to a parent, guardian, or unaccompanied youth who does not have access to the website. A copy of the policy manual is also available at the district's central administration office.

To expedite the process, the district's liaison for homeless students will help the parent, guardian, or unaccompanied youth submit the dispute form as soon as possible after the disputed school selection or enrollment decision.

9. What information will the parent, guardian, or unaccompanied youth need to complete the dispute form?

The dispute form will ask for the following information:

- Contact information for the parent, guardian, or unaccompanied youth and anyone representing the parent, guardian, or unaccompanied youth in the dispute;
- The factual details regarding the decision or circumstances that caused the dispute;
- The harm caused by the decision or circumstance; and
- The outcome that the parent, guardian, or unaccompanied youth seeks.

The dispute form will also ask that any documents regarding the dispute be attached to the form. If, however, the parent, guardian, or unaccompanied youth does not have copies of the relevant documents when filling out the form, these documents may be presented at the Level Two dispute resolution conference.

10. What if the parent, guardian, or unaccompanied youth needs assistance completing the dispute form?

The liaison for homeless students is available to assist the parent, guardian, or unaccompanied youth in completing the form, and can work with the parent, guardian, or unaccompanied youth to fill out the form based on the parent, guardian, or unaccompanied youth's oral statements. [See FDC(LOCAL).]

11. Where does the parent, guardian, or unaccompanied youth file the dispute form?

The dispute form may be mailed or submitted electronically, such as by e-mail or fax, to the appropriate administrator listed in the district's policy, typically the superintendent or designee. The parent, guardian, or unaccompanied youth may also submit the form to the liaison for homeless students or the principal, who will forward the dispute form to the appropriate administrator.

12. What are the next steps after the parent, guardian, or unaccompanied youth files the dispute form?

After receiving the written dispute form, the appropriate district administrator will make reasonable efforts to schedule the conference as quickly as possible. District policy FNG(LOCAL) typically states that the administrator has up to ten district business days to hold a Level Two dispute resolution conference with the parent, guardian, or unaccompanied youth. To expedite the process, TEA recommends that the district administrator schedule and hold the conference within five district business days. At the conference, the parent, guardian, or unaccompanied youth will have an opportunity to explain the dispute and present any other relevant documents or information. District policy FNG(LOCAL) typically requires the district administrator to provide the parent, guardian, or unaccompanied youth with a written response within ten district business days following the Level Two dispute resolution conference. To expedite the process,

TEA recommends that the administrator provide the written response within five district business days.

13. Who holds the Level Two dispute resolution conference with the parent, guardian, or unaccompanied youth?

District policy FNG(LOCAL) determines who holds the Level Two dispute resolution conference. In most districts, the superintendent will hold the conference, and in some districts the superintendent has designated another district employee to hold the conference. Because the district's liaison for homeless students has the role of assisting and supporting the parent, guardian, or unaccompanied youth during the dispute process, he or she should not be named as the superintendent's designee for this purpose. [See FDC(LOCAL).]

A written record of the conference proceedings will be made by the administrator and a copy will be given to the parent, guardian, or unaccompanied youth upon request.

14. Will the liaison for homeless students attend the Level Two dispute resolution conference to assist the parent, guardian, or unaccompanied youth?

The district's liaison for homeless students will attend the Level Two dispute resolution conference along with the parent, guardian, or unaccompanied youth.

15. What is the next step in the process if the parent, guardian, or unaccompanied youth disagrees with the Level Two dispute resolution decision?

If the parent, guardian, or unaccompanied youth did not receive the relief requested at Level Two, the parent, guardian, or unaccompanied youth may appeal the decision to the school board by submitting a written appeal notice on the district's form. The parent, guardian, or unaccompanied youth has ten district business days to appeal after receiving the written Level Two dispute resolution written response. To expedite the process, the district's liaison for homeless students will assist the parent, guardian, or unaccompanied youth in filing the appeal form as soon as possible after the Level Two dispute resolution decision.

The homeless liaison will inform the parent, guardian, or unaccompanied youth of the date, time, and place of the board meeting at which the appeal will be heard. To expedite the process, TEA recommends that the district schedule the appeal at the next board meeting and, if the next regularly scheduled meeting is more than 15 district business days away, that the district schedule a special board meeting.

District policy FNG(LOCAL) typically provides that after the board hears the appeal, it may provide its decision orally or in writing at any time up to and including the next regularly scheduled board meeting. To expedite the process, TEA recommends that the board provide its decision within 15 district business days of the hearing before the board.

The homeless liaison will ensure that the parent, guardian, or unaccompanied youth is informed of the board's decision and the ability to appeal to TEA.

16. Does the parent, guardian, or unaccompanied youth need to provide additional documents at the board hearing?

No. The parent, guardian, or unaccompanied youth does not need to provide additional documents at the board meeting. The Level Two district administrator will provide to the school board a copy of the Level Two appeal record. The parent, guardian, or unaccompanied youth shall be given a copy of the Level Two appeal record upon request.

17. If requested by the parent, guardian, or unaccompanied youth, can the liaison for homeless students attend the board meeting to assist the parent, guardian, or unaccompanied youth?

Yes. The district's liaison for homeless students should contact the parent, guardian, or unaccompanied youth with the date and time of the board meeting and attend the board meeting.

18. How long does the entire dispute resolution process take?

TEA recommends that the entire local dispute process should not exceed 30 district business days. The dispute will be resolved as quickly as possible, following the process in the district's grievance policy, FNG(LOCAL). A parent, guardian, or unaccompanied youth can speed up the process by promptly filing any appeal forms. The district will attempt to schedule conferences and hearings and issue decisions as quickly as possible and may schedule a special board meeting to expedite the process and complete the process within the recommended 30 days.

19. What is the next step in the process if the parent, guardian, or unaccompanied youth disagrees with the school board's decision?

Within ten business days of receiving the school board's decision, the parent, guardian, or unaccompanied youth may appeal to the State Coordinator of Homeless Education at TEA. Please visit TEA Complaints page and select the McKinney-Vento Homeless Education link. You will be redirected to the TEA Complaints Management page to download and submit the TEA General Complaint Form. When filling out the form be sure to select McKinney-Vento Homeless Education under Section 3, and fill out the form in its entirety.

[See http://tea.texas.gov/About_TEA/Contact_Us/Complaints/TEA_Complaints_Management/.]

Only disputes that have gone through all levels of the local dispute resolution process will be reviewed by TEA.

20. What is the role of the district homeless liaison regarding appeals to TEA under the Act?

The homeless liaison, as with previous levels of the dispute resolution process, is responsible to notify the parent, guardian, or unaccompanied youth of their right to appeal to TEA and to be available to provide assistance with the process.

Additionally, the homeless liaison will provide information to TEA about the local dispute resolution process that was conducted and any other information that pertains, or is requested by the State Coordinator of Homeless Education.

21. What happens after TEA receives a complaint?

Once a complaint is received, TEA will notify the district homeless liaison that a complaint was filed and request that all related documentation, including the Level Two dispute resolution record and any other information the board used in its decision-making, is submitted to the TEA within five business days.

22. How soon will TEA make a decision?

The TEA homeless education coordinator, or designee, along with the appropriate agency director, shall make a final decision within 20 business days upon receipt of the full record from the district and any additional records required by TEA to review the dispute.

23. How will the parent, guardian, or unaccompanied youth be notified of TEA's decision?

TEA's written decision will be sent by letter electronically and in hard copy to the parent, guardian, or unaccompanied youth who filed the complaint; the local school district's homeless liaison; and the local superintendent.

24. If the parent, guardian, or unaccompanied youth disagrees with TEA, is there a further appeal available?

No. TEA's decisions regarding McKinney-Vento disputes are final.

Other resources

TEA's McKinney-Vento Homeless Assistance Act program is implemented through ESC Region 10 and the Texas Homeless Education Office (THEO). These organizations are available to provide information, resources and technical assistance regarding McKinney-Vento disputes and the dispute resolution process. Their contact information is provided below:

- ESC Region 10 McKinney-Vento Homeless Education resources:
<http://www.region10.org/mckinney-vento-homeless/#>
- Texas Homeless Education Office (THEO):
<http://www.theotx.org/>
THEO provides a variety of services to school districts, education service centers, students, parents, caregivers, service providers, shelters, state agencies, advocates, higher education institutions, and other interested parties.