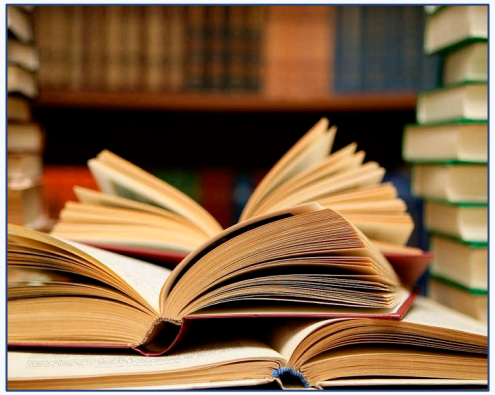




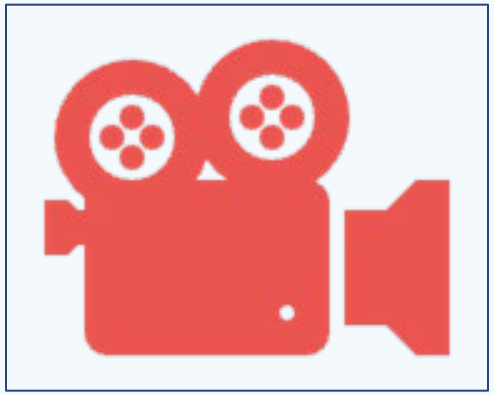


Dispute Resolution

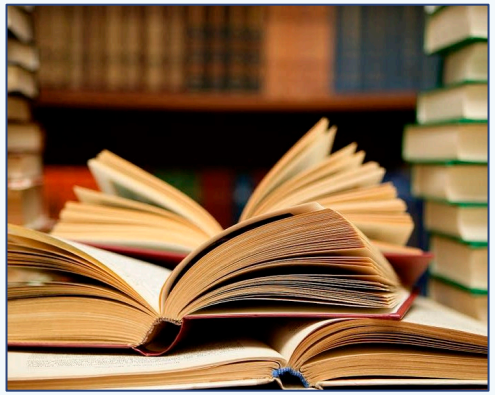
Heidi Brahms, California Department of Education
Susie Terry, San Diego County Office of Education,
Homeless Education Technical Assistance Center

Webinar Logistics

- The materials shared today will be sent to attendees following the webinar
- All attendees are muted
- Please use “Q&A” to submit questions
- Attendees may turn on or disable closed captioning



Recording…







Dispute Resolution

Heidi Brahms, California Department of Education
Susie Terry, San Diego County Office of Education,
Homeless Education Technical Assistance Center

Introductions

Susie Terry, Coordinator
Homeless Education Services
San Diego County Office of Education
HETAC Lead
Susanne.terry@sdcoe.net
858-298-2062

Heidi Brahms, Consultant
California Department of Education
Hbrahms@cde.ca.gov or HomelessEd@cde.ca.gov

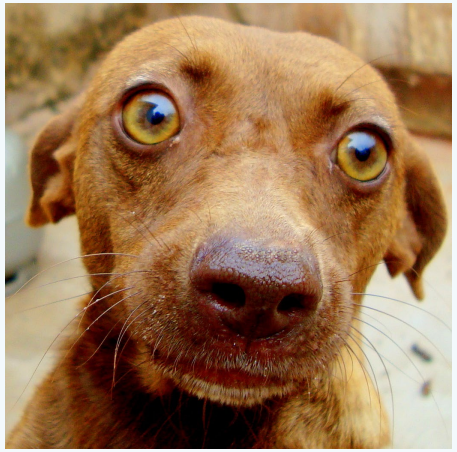
Christina Dukes
HETAC/Pearl Strategies

Icebreaker

Please Weigh in:

When you hear disputes what best describes your response









A
Denial and Avoidance are my Go-To strategies

B
Please No! Yikes!!! Freeze mode

C
Confident! I got this ☺

D
Other?? Please Share

Our Time Today

- Dispute Resolution under the McKinney-Vento Act
- Preventing Disputes
- Dispute Resolution
  - Steps
  - Strategies
  - Samples
- What would you say?



Acronyms – Oh My!

- CDE – California Department of Education
- COEs – County Offices of Education
- EHCY – Education for Homeless Children and Youth
- FERPA – Family Educational Rights and Privacy Act
- HETACs – Homeless Education Technical Assistance Centers
- LEA – Local Educational Agency
- PPTs – PowerPoints
- SARB – School Attendance Review Board
- SEA – State Educational Agency (which is CDE)
- USC – United States Code
- UHY – Unaccompanied Homeless Youth



Disputes Overview

Disputes Under the McKinney-Vento Act

- In most cases, the LEA and parent, guardian, or unaccompanied youth will agree on what rights the student holds and what is in the best interest of the student.
- In some instances, the LEA and parent, guardian, or unaccompanied youth may disagree about the student's rights and best interest and need an avenue for resolving the disagreement fairly and promptly.
- That avenue is provided via the McKinney-Vento dispute resolution process.

Disputes Under the McKinney-Vento Act

The McKinney-Vento Act requires SEAs and LEAs to develop and implement a process for when parents, guardians, or UHY disagree with schools about **eligibility, school selection, or enrollment.**

- The intent is to represent each party's view for objective consideration so that disagreements can be resolved expeditiously and in keeping with the law.

- Enrollment shall be deemed to include attending classes and participating fully in school activities.

Disputes Under the McKinney-Vento Act

- **Eligibility:** whether a child or youth meets the McKinney-Vento definition of homeless and would qualify for rights and services.
- **School Selection:** whether it is in a homeless student's best interest to enroll in the local school or the school of origin.
  - Local school is defined at "any public school that nonhomeless students who live in the attendance area in which the child or youth is actually living are eligible to attend"
  - School of origin is defined as "the school that a child or youth attended when permanently housed or the school in which the child or youth was last enrolled, including a preschool"
- **Enrollment:** whether a student is "attending classes and participating fully in school activities"

When to Use the Dispute Resolution Process?

The McKinney-Vento Act requires LEAs and SEA to follow a dispute resolution process when parents, guardians, or UHY disagree with school decisions over:

Eligibility or **Enrollment** or **School Selection**

Parent complaints around any other topics such as personnel, transportation, harassment, discrimination, etc., utilize the Uniform Complaint Procedures:
https://www.cde.ca.gov/re/cp/uc/ucpscope.asp

Dispute Process or Uniform Complaint Process

Dispute Resolution Process

Eligibility (most common)

Enrollment

School Selection

More information on the CDE Homeless Education Dispute Resolution process included on the CDE Resources for Homeless Children & Youth page

Uniform Complaint Procedure

Responsibility of local educational agencies (LEAs), including the hiring and evaluation of staff, employee relations, selection/provision of textbooks and materials, pupil discipline, provision of core curricula subjects, homework policies and practices, and dress codes and school uniforms.

More information on the CDE Uniform Complaint Procedures page

Dispute Resolution Tools

- It is recommended that LEAs **have their own dispute resolution process** that describes procedures for resolving disputes at the local level.

- The LEA should have Appeal Forms readily available. Sample forms are available: https://www.hetac.org/resources/disputes

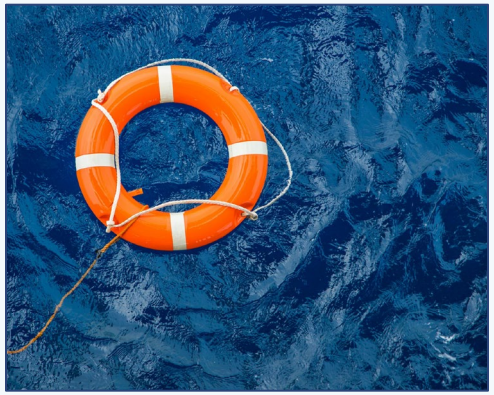
- The **benefit of a local common dispute policy** and procedure is to create consistency as students experiencing homelessness often move across local district boundaries.

Annual Housing Questionnaire

LEAs shall administer a housing questionnaire to all parents or guardians of students and to all unaccompanied youth annually.

Upon receipt of completed enrollment or Annual Parent Updates information and Housing Questionnaire, the LEA may confirm:

- Eligibility of homelessness (meets the definition), School selection and/or School enrollment per LEAs policy
- Questionnaire determines parent/UHY's dwelling type
- All students are newly identified as homeless annually



Dispute Prevention

Preventing Disputes: Training

Local Liaisons can help **avoid disputes,** when possible, by:

- **Training** school staff on all McKinney-Vento provisions and their responsibilities for enrolling and serving students experiencing homelessness.
  - **Who**: School Staff, Transportation Dept., Administrators, Legal staff
  - **How**: Send out reminders/blurbs and training information especially in August/ September
  - **With**: Utilize HETAC or CDE offerings, Recorded archived webinars on HETAC website, Premade PPTs, tools and checklists on CDE website, and NCHE Briefs.

Preventing Disputes: Communication is Key

- **Immediate intake needs determination and conversations** with parents, guardians or UHY to identify needs, build trust, and seek resolutions to potential barriers.
- **Procedures In writing** – Have identification, school of origin, school selection, immediate enrollment, and eligibility confirmation procedures outlined in your **board policies, administrative regulations and/or department policies.** These should reflect how situations are handled for *every McKinney-Vento student or family. These can become disputes.*
  - Include parent information on these policies in your **parent handbook** as well

Communication continued…

- **In writing**
  - Follow-up in person meetings with communications in writing via email or copy given, whichever is preferred by the family.
  - Ensure that the parent has completed the Housing Questionnaire.
  - Ensure that if your LEA is going to deny a McKinney-Vento student a right or entitlement that is subject to dispute, you put that decision in writing.
  - And, make sure to ensure sensitivity to language differences.



Preventing Disputes: Parent Handbook

- **Parent Handbook** includes information on all policies:
  - Eligibility (definition)
  - School of origin (definition)
  - Immediate Enrollment (definition local school or school of origin)
  - Transportation
    - Comparable services to other students
    - School of Origin (if attending)
    - Mode of transportation is determined by LEA

Preventing Disputes: Board Policy and Administrative Regulations

- Include Dispute Resolution Process and Procedures
- Include Rights and Protections:
  - Immediate enrollment
  - School of Origin
  - No segregation or stigmatization
  - Transportation
  - Comparable Services
  - Immunization
  - LEA liaison contact information

Resources for Guidance – You Are Not Alone

- **Utilize your COE liaison to consult prior to dispute**
  - If you are looking at making a decision in contrast to what a family is requesting talk it over with your COE liaison
- **Reach out to site liaisons or staff for assistance and support**
  - Someone who may be more familiar to the family to talk with them
  - Site level staff often have more information about local community resources
- **Utilize your HETAC**
  - Reach out to your local HETAC provider or utilize the “Get Help” feature on the website at Hetac.org

Preventing Disputes



- **Listen** to parents or UHY to discern what the issues really are
  - Work with liaisons and counselors from other involved districts to create ***warmer*** hand-offs
- At the end of the day, weigh the cost and benefit to the student
  - *Choose your battles*



Dispute Resolution Steps

STEP 1: Enroll

As required by the McKinney-Vento Act, If a dispute arises over eligibility, school selection, or enrollment, the child, youth, or unaccompanied youth must be enrolled immediately in the school in which they are seeking enrollment [whether the local school or the school of origin], pending the final decision of the dispute process

- enroll the student immediately,
- seek additional information once full enrollment has occurred, and
- While disputes are pending, students have the right to participate fully in school and receive all services for which they are eligible.

STEP 2: Confirming Eligibility (1 of 3) optional

- NCHE Confirming Eligibility document provides guidance on the **process of confirming eligibility, enrollment or school selection**
  - To confirm information about a student's living arrangement be reasonable, respectful, discreet, and in compliance with privacy guidelines
  - Recommend it to be in LEA policies
  - Have a discreet conversation with parent/UHY
  - Conduct the minimal follow up necessary to verify a student's living arrangement

STEP 2: Confirming Eligibility (2 of 3)
Develop Policy

- **Establish a district protocol** to confirm information about a student's living arrangement. The protocol should provide clear guidance on the following issues:
  - Steps to take **when working with a student** whose living arrangement might meet the McKinney-Vento definition of homeless
  - Steps to take **when information received** about a student's living arrangement needs to be confirmed
  - Personnel **who will be involved and training** for when further investigation of a student's living arrangement is needed
  - The **parameters within which involved personnel must act** when confirming eligibility, including recommended and prohibited practices

STEP 2: Confirming Eligibility (3 of 3)
Home Visits

If utilizing home visiting as part of your process for confirming eligibility:

- Explaining the **purpose of the home visit and what to expect** as part of the visit to the family or youth in a way that is informative and respectful
- Include the Homeless liaison
- Acknowledge and address any parent/UHY concerns about confidentiality, bias based on homeless status, and unwarranted social service involvement
- Maintain the confidentiality of information gathered during a home visit

Step 3: Written Explanation (1 of 3)

The LEA *must provide* the parent, guardian, or UAY with a **written explanation** of any decisions related to eligibility, school selection or enrollment made by the LEA along with an explanation of the appeal rights.

The LEA must refer the parent, guardian or UAY to the local liaison who must carry out the dispute resolution process.

The initial written explanation must include:

- **Description** of how the school reached its decision regarding eligibility, school selection or enrollment
- **Evidence or justification**, dates, visits, emails, supporting LEAs decision

Step 3: Written Explanation (2 of 3)

Written explanation must include, cont.:

- Right to **immediate enrollment** includes full participation in all school activities through the dispute resolution process
- Right to **appeal** the LEAs decision and steps to take including a timeline for a response to the LEA
- Right to **provide supporting written or oral documentation** during the appeals process
- Right to **obtain assistance** of advocates or attorneys
- Simple LEA form (Dispute Form) that can be completed to **formally initiate** the appeal available under LEA policy *Recommended

Step 3 : Written Explanation Elements (3 of 3)

The final written explanation from the LEA in response to an appeal should include:

- The **decision** made by the LEA and explanation of how the LEA reached its decision
- **Right to appeal** the final LEA decision to the County Office of Education Homeless Coordinator, within a specific timeline after the final LEA decision
- Steps to take to initiate an appeal to the County Office of Education Coordinator

Step 4: Appeal to County Office of Education

Any parent, guardian, or unaccompanied youth who is not satisfied with the final LEA decision may appeal the decision, *within five school business days (or per your LEAs written policy)*, after receiving the written explanation, to the County Office of Education (COE) Homeless Coordinator.

Appeal should include:

- **Contact information** of the person filing the appeal
- **Relationship** or connection of the person to the child in question
- **LEA name** and specific school in question
- **Federal requirement** alleged to have been violated and in what way
- Relief the person is seeking.

Step 4: Appeal to County Office of Education

- The COE Coordinator shall provide the LEA and the parent, guardian, or unaccompanied youth with the opportunity to respond to the LEA decision and to provide any additional evidence, **generally not new evidence,** they deem relevant (*within three school business days, or per COE written policy*).
- Upon request of the COE Coordinator, the local liaison shall provide the COE Coordinator with records of the complaint, the LEA's actions, and other supporting documents.
- If the COE Coordinator receives an appeal that is **not complete,** the Coordinator shall contact the person making the appeal and the local liaison, explain the deficiency, and offer the person the opportunity to complete the appeal.

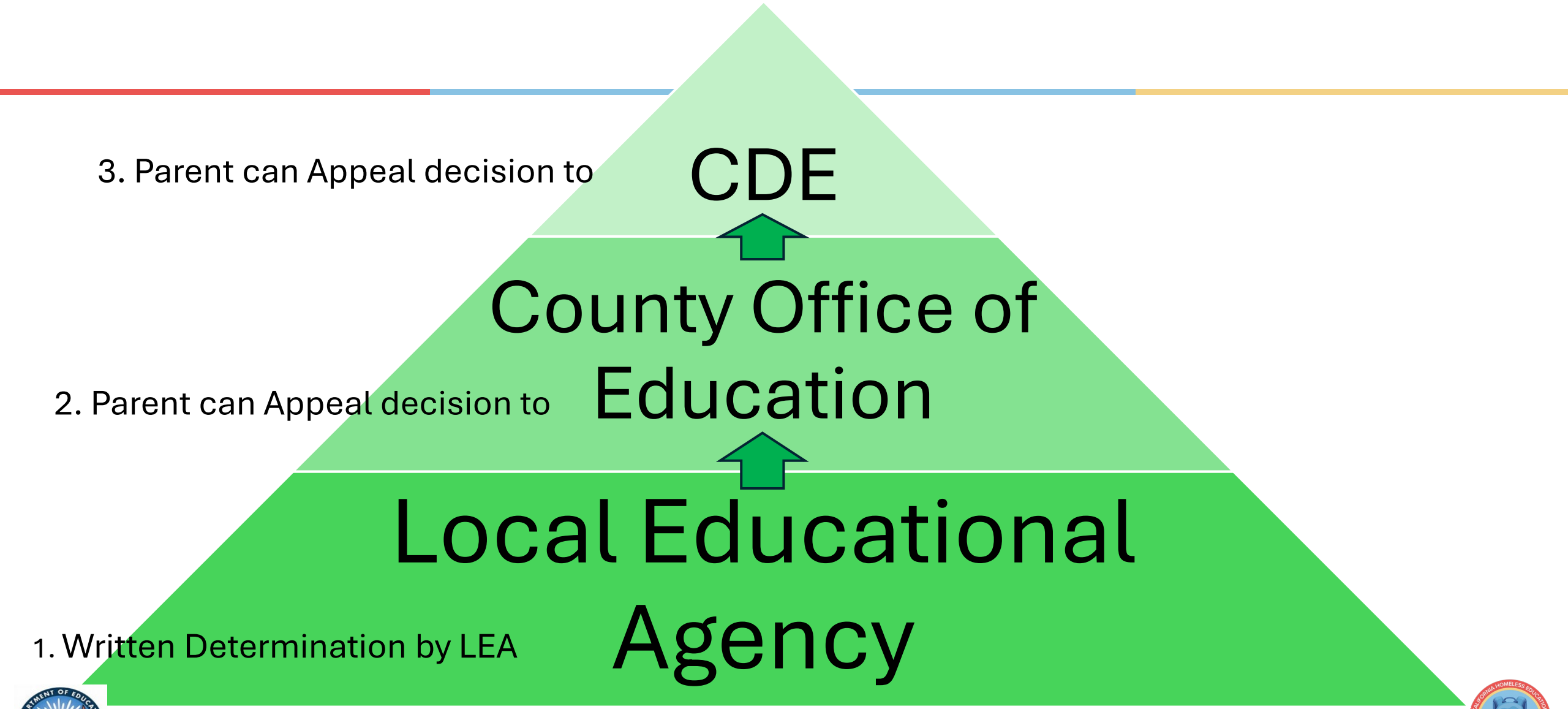
Step 4: Appeal to County Office of Education

- If the matter involves **more than one LEA, then both local liaisons shall cooperate to provide the COE Coordinator** with a complete record.
- The COE Coordinator shall issue a final written decision within **ten school business days following** receipt of the complete appeal
- The COE Coordinator's written decision shall include information on the right to appeal to the CA Department of Education (CDE), contact information and steps to follow to initiate that appeal.

Step 5: Appeal to California Department of Education

- If the decision by the COE is appealed to CDE, then the COE Coordinator shall forward all documentation and related paperwork to the CDE Homeless Education Program.
- The CDE may request additional documentation from any party (LEA, parent, guardian, or UHY).
- Upon the review of all information, the CDE will notify all parties of the final determination of the appeal within 20 working days of receipt of the appeal.
- The CDE Homeless Education Program can be reached by phone at 866-856-8214 or by email at HomelessEd@cde.ca.gov.

Dispute Process



QUESTIONS



Reminders…

- LEAs are required to ensure that educational rights and protections for children and youth experiencing homelessness are provided which in turn provides them with much needed stability, safety, and support.
- All LEAs must also ensure coordination of their efforts on behalf of children, youth, and UHY experiencing homelessness with the McKinney-Vento Homeless Assistance Act.

This includes during disputes



Dispute Resolution Strategies

Dispute Resolution Strategies (1)

- When an inter-district dispute arises, make sure to speak with representatives from all involved districts to help resolve the issue.
- Keep the dispute resolution process as informal and accessible as possible.
  - Simple form that can be submitted to the school to initiate a formal dispute
  - Description of the process, steps to take and timelines

Dispute Resolution Strategies (2)

- 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.
- Aid with the gathering of information and provide referrals to legal and advocacy service providers.
  - Providing referrals to community partners and assisting with documents is still part of your liaison duties.

Dispute Resolution Strategies (3)

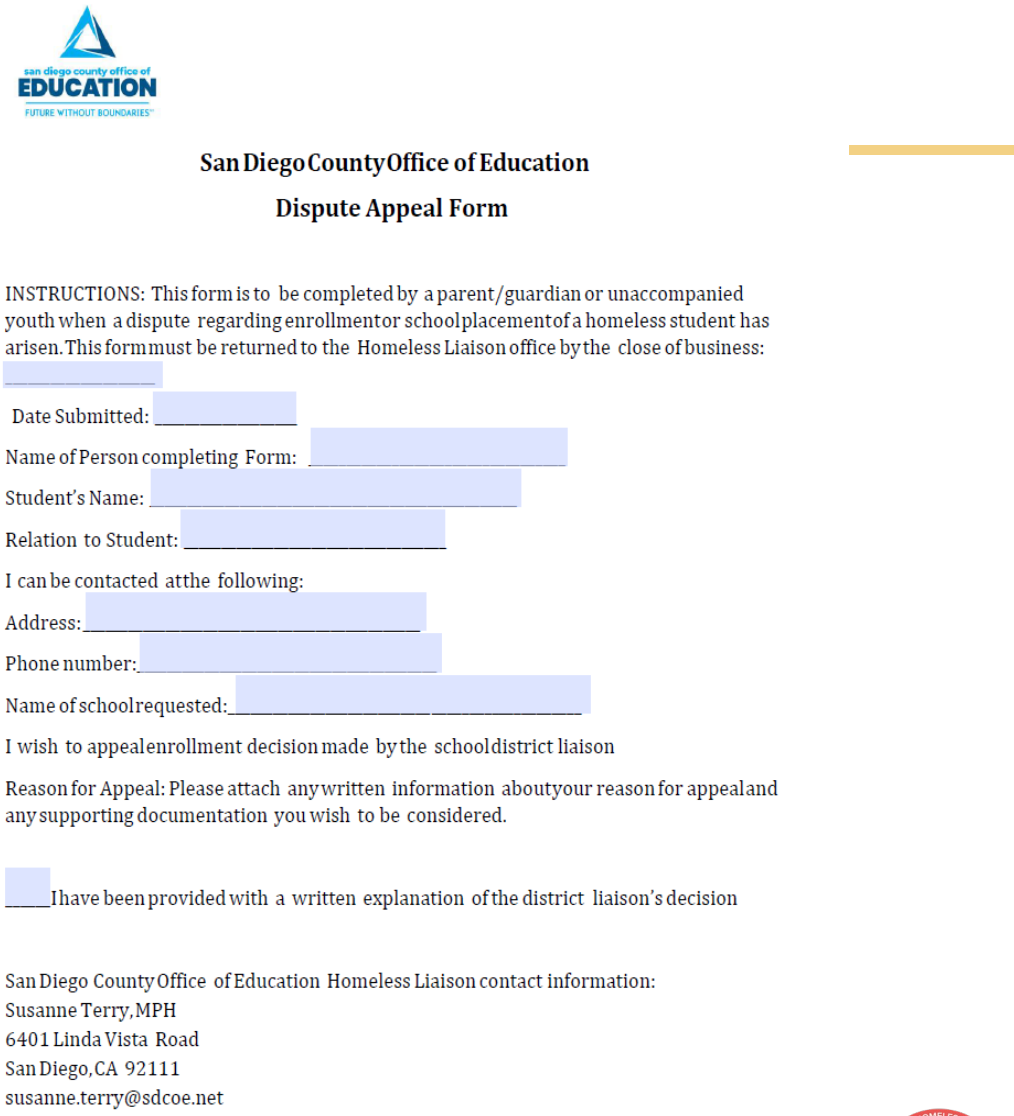
- Follow up with the parent, guardian or UHY and the involved school once a decision is rendered to assist with implementation of the decision.
  - Especially important when the decision is not what the parent, guardian or UHY wanted; can be key in helping the parties accept the decision and access available supports.
  - Preserving family – school relationships

Samples

Handout Link:

Sample Dispute Appeal form:

https://www.hetac.org/resources/disputes



San Diego County Office of Education

Dispute Appeal Form

INSTRUCTIONS: This form is to be completed by a parent/guardian or unaccompanied youth when a dispute regarding enrollment or school placement of a homeless student has arisen. This form must be returned to the Homeless Liaison office by the close of business: _____

Date Submitted: _____

Name of Person completing Form: _____

Student's Name: _____

Relation to Student: _____

I can be contacted at the following:

Address: _____

Phone number: _____

Name of school requested: _____

I wish to appeal enrollment decision made by the school district liaison

Reason for Appeal: Please attach any written information about your reason for appeal and any supporting documentation you wish to be considered.

____ I have been provided with a written explanation of the district liaison's decision

San Diego County Office of Education Homeless Liaison contact information:
Susanne Terry, MPH
6401 Linda Vista Road
San Diego, CA 92111
susanne.terry@sdcoe.net



Here's a note – Best Practice 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.

Webinar Chat

Can a dispute surface before the student is even enrolled?

Can a parent enroll without an address?

Resources

- CDE dispute https://www.cde.ca.gov/sp/hs/cy/documents/disputeresolutionletter2020.docx
- COE Liaison List

  https://www.cde.ca.gov/sp/hs/documents/ehcycoeliaison.xlsx
- HETAC Dispute Resolution Letter March 2020 (revision in progress)

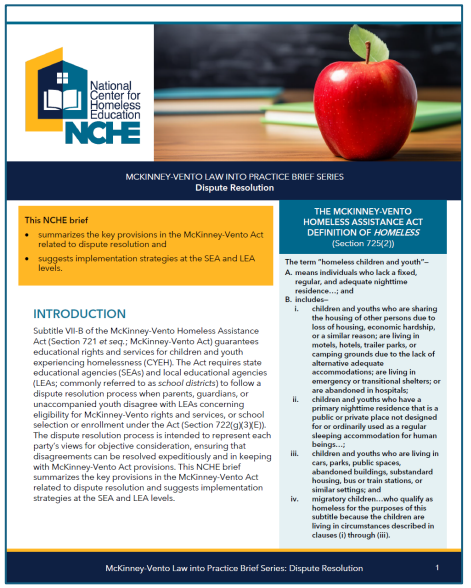
  https://www.hetac.org/resources/disputes

NEW Resources are out in April

Upcoming Resources from NCHE

The U.S. Department of Education's National Center for Homeless Education (NCHE) will soon release the following suite of resources:

- *Dispute Resolution* issue brief (*updated*)
- *Understanding and Implementing School Selection and Best Interest Under the McKinney-Vento Act* (*updated*)
- *Navigating McKinney-Vento Disputes: A Checklist Tool for Local Educational Agencies* (*new*)
  - *Checklist 1: Navigating the Full LEA-Level McKinney-Vento Dispute Life Cycle*
  - *Checklist 2. Issuing Written Notifications as Part of a McKinney-Vento Dispute*
  - *Checklist 3. Best Practices for LEA Dispute Resolution Policy Development*



These resources will be sent via the CDE Homeless Education Listserv


Questions? Comments?

Thanks for Joining Us!

Please take a few minutes to fill out this brief evaluation