# Dispute Resolution Procedure

This document contains the requirements for the local McKinney-Vento resolution procedure. Contained is also the Written Notification of District Decisions (addendum 1) regarding McKinney-Vento eligibility, school selection or enrolment. The other is the Appeal of the District Decision (addendum 2).

## Requirements for Local Dispute Resolution Procedure

1. If a dispute arises over eligibility, school selection or enrollment, the district or school immediately must enroll the child/unaccompanied youth in the school in which he/she/they seek enrollment in, pending resolution of the dispute, which includes all available appeals. See USC 143(g)(3)(E)(i); PL 107-1110, Section 722(g)(3)(iv). The definition of enrollment as used above is “attending classes and participating fully in school activities.” See 42 USC 1434a.
2. Upon determination of eligibility, enrollment or school selection, the district must provide a written explanation of any decisions to parent(s), guardian(s) or unaccompanied youth to appeal such decisions. This written explanation must be given in a language and format understood by the student(s) or parent(s).
3. The parent(s), guardian(s) or unaccompanied youth will be referred to the Local McKinney-Vento Liaison. The Local McKinney-Vento Liaison will designate the Maslow Project Liaison whom will carry out the dispute resolution process as quickly as possible after receiving notice of the dispute.

Medford School District Contacts:

Local McKinney-Vento Liaison
Kelly Soter, Director
Federal Programs & School Improvement
Phone: 541-842-3633
Fax: 541-842-1153
Email: kelly.soter@medford.k12.or.us

Maslow Project
Mary Ferrell
Executive Director
Phone: 541-608-6868
Fax: 541-608-6869
Email: mary@maslowproject.com

# Dispute Resolution Procedure

**Steps for addressing disputes regarding eligibility, school selection or enrollment:**

1. If a dispute arises over eligibility, school selection or enrollment, Medford School District will immediately enroll the child/unaccompanied youth in the school in which he/she/they seek enrollment, pending resolution of the dispute, including all appeals. [PL 107-110, Section 722(g)(3)(E)(i),(iv)]. The Act defines enrollment as "attending classes and participating fully in school activities."
2. Medford School District staff will refer the student(s), parent(s) or guardian(s) to the Medford School District Local McKinney-Vento Liaison who will initiate the dispute resolution and assign a Maslow Project Liaison whom will process the dispute as quickly as possible. The Maslow Project Liaison must ensure that the unaccompanied youth receive the same rights to appeal a district's eligibility, school selection or enrollment decision as parent(s) and guardian(s). This process may involve scheduling a meeting between the parent(s), guardian(s) or unaccompanied youth and relevant school staff to allow for student(s) centered factors to be considered regarding school selection. The role of the Maslow Project Liaison is to assist the student(s), parent(s) or guardian(s) through the duration of the dispute resolution process. The process will be open and transparent among those involved.
3. Upon determination of eligibility, enrollment or school selection, Medford School District will provide a written explanation of any decisions made to parent(s), guardian(s) or unaccompanied youth. The written explanation will be easy to understand and free of jargon. When appropriate, the Medford School District will translate the decision into the recipient's dominate language. At a minimum, the written explanation of how the district reached its decision regarding eligibility, school selection or enrollment will include:
    a. A description of the action that the district proposed or refused:
    b. An explanation of why the district proposed or refused the action;
    c. A description of any other factors relevant to the district's decision and information related to the eligibility of best interest determination. This includes the facts, witnesses and evidence relied upon and their sources;
    d. Appropriate timelines to ensure any relevant deadlines are met;
    e. Contact information for the Medford School District Local McKinney-Vento Liaison and State McKinney-Vento Program Coordinator and a brief description of their roles; and
    f. Notice to the recipient of their right to file an appeal, including step-by-step instructions of how to file an appeal.

** Addendum 1 provides written notification of a decision.*

4. The student(s), parent(s) or guardian(s) has the right to appeal any district determination or eligibility, school selection or enrollment. The Maslow Project Liaison will guide the student(s), parent(s) or guardian(s) through the entire dispute resolution process. The Maslow Project Liaison will assist in both the local and state-level appeals process, if necessary. This includes recording evidence that will be used to write an appeal if the parent(s), guardian(s) or unaccompanied youth cannot do so by him/herself/them and providing access to school materials, such as copies and fax. Addendum 2 provides the written appeal form of the district's eligibility, school selection or enrollment decision.
5. Following an appeal at the local level, if the student(s), parent(s) or guardian(s) still disagrees with the determination, they may appeal to the Oregon Department of Education. Medford School District Local McKinney-Vento Liaison will forward all written documentation and related documents to the State McKinney-Vento Program Coordinator at the Oregon Department of Education. Addendum 2 will be sent when appealing to the Department of Education to capture all relevant information. Upon receipt of any requested documentation, the State McKinney-Vento Program Coordinator will investigate the dispute and request applicable documentation. The Department of Education will provide the final decision to the district Superintendent, Local McKinney-Vento Liaison, and Parent(s), Guardian(s) or Unaccompanied Youth. All parties must immediately adhere to the final determination.

# Written Notification of Eligibility, School Selection or Enrollment Decision

## Addendum 1

*This form is to be completed by the district when a disagreement arises between the district and the parent(s), guardian(s), or unaccompanied youth over McKinney-Vento eligibility, school selection, or enrollment in a school.*

Date: _____

Name of person completing this form: _____

Title of person completing this form: _____

Name of local liaison: _____

Phone number: _____ Email: _____

Incompliance with 42 U.S.C. § 11432(g)(3)(E) of the McKinney-Vento Homeless Assistance Act, Medford School District is providing its written decision to:

Name of Parent(s)/Guardian(s): _____

Name of Student(s): _____

After reviewing your request regarding eligibility, school selection or enrollment in **[insert school name]**, the following decision has been made concerning the student(s) listed above:

**Parent(s), guardian(s) and youth have the following rights:**

- **You have the right to appeal this decision by completing the appeal form (addendum 2) or by contacting the Medford School District Local McKinney-Vento Liaison.**
- The student(s) listed above has the right to enroll immediately or remain enrolled in the requested school pending the resolution of this dispute.
- You may provide written or verbal communication(s) to support your position regarding the student's enrollment in the requested school.
- You may contact the State McKinney-Vento Program Coordinator if further help is needed or desired. The state coordinator is:

State McKinney-Vento Program Coordinator

Phone: 503-947-5600

Fax: 503-378-5156

Email: OR-MV@ode.state.or.us

## Oregon Department of Education Dispute Resolution Process Checklist

Before filling an appeal with Oregon Department of Education, have you:

- ❑ Completed your district entire local dispute resolution procedures; and
- ❑ Worked with your district's Local McKinney-Vento Liaison or Maslow Project Liaison in completing both the local and state dispute resolution process. Your local liaison should be able to provide you with relevant information to guide you through the state-level dispute resolution process. Assistance may include a list of legal and advocacy service providers, providing the contact information for the State McKinney-Vento Program Coordinator, recording the family's experience and preparing the appeal on your behalf.

The following is a list of steps to follow when filing an appeal with the Oregon Department of Education:

1. The parent(s), guardian(s) or unaccompanied youth who received the decision or the designated local liaison shall send the appeal to the State McKinney-Vento Program Coordinator at the Oregon Department of Education. After an appeal is sent, the Maslow Project Liaison should follow up with a phone call to the State McKinney-Vento Program Coordinator.
2. The State McKinney-Vento Program Coordinator will investigate the complaint, which may include contacting those involved for additional information.
3. The Oregon Department of Education will make a decision. The Oregon Department of Education will provide the final decision to the district Superintendent, Local McKinney-Vento Liaison, and Parent(s), Guardian(s) or Unaccompanied Youth. The letter communicating the decision with be easy to understand and, translated to the family's dominant language. The Oregon Department of Education's determination is final and all parties shall adhere to it.