

LEA McKinney-Vento Dispute Resolution Procedure

Vermont Education for Homeless Children and Youth Program

Purpose

This procedure sets forth the process for resolving a dispute concerning McKinney-Vento eligibility, school selection, or enrollment of a student experiencing homelessness at the Supervisory Union/School District level. The following procedure shall be used to resolve disputes between local education agencies (LEAs) and parents or guardians of students experiencing homelessness or unaccompanied youths. The State Coordinator for Homeless Education may be consulted at any time for technical assistance.

Statutory Requirement

Pursuant to 42 USC §11432(g)(3)(E) of the McKinney-Vento Homeless Assistance Act, parents or guardians of homeless students and unaccompanied youth have a right to appeal a McKinney-Vento eligibility, school selection or enrollment decision made by the local homeless liaison. Local education agencies (LEAs) must follow the local dispute resolution procedure as expeditiously as possible.

Requirements

- All disputes regarding McKinney-Vento must be brought to the attention of and facilitated by the local homeless education liaison.¹
- Every effort must be made to resolve the dispute at the SU/SD level and as expeditiously as possible.¹
- The liaison must document all communications, evidence, and determinations. The Vermont Agency of Education has developed an optional Dispute Resolution Form which the local homeless liaison may complete for each step in the resolution process, if desired.
- If the parent or unaccompanied youth has access to email, the LEA should provide notices electronically, followed by a written notice provided in person or sent by mail.
- If a dispute arises, the student must be immediately enrolled in the school in which enrollment is sought, pending final resolution of the dispute, including all available appeals.² While the dispute is pending, the student has the right to participate fully in school and receive all services for which the student is eligible, including transportation to and from the school of origin.
- The local homeless education liaison must provide the parent or unaccompanied youth with a written explanation of all decisions related to eligibility, school selection, and enrollment. This must include the reasons for the determination and an explanation of the parent or unaccompanied youth's right to appeal the decision.³

Procedure

Local Homeless Liaison Determination

1. In consultation with the parent or unaccompanied youth, the homeless liaison makes a determination regarding McKinney-Vento eligibility, school selection, or enrollment of a student experiencing homelessness. The homeless liaison must issue written notification to the parent or unaccompanied youth of any decision related to the student's eligibility, school selection, or enrollment. Written notification must include an explanation of the decision as well as the parent's or unaccompanied youth's right to appeal the decision.
2. If the liaison's determination is not consistent with the parent's or unaccompanied youth's request, the parent or unaccompanied youth has the right to appeal to the Supervisory Union/School District Board. The liaison must provide assistance to the parent or unaccompanied youth in the appeal process.
3. The parent or unaccompanied youth must provide notice of disagreement with the homeless liaison's determination **within 10 business days**. The parent or unaccompanied youth may provide written notice, or the liaison may document the conversation in which the parent or unaccompanied youth verbally requests an appeal.
4. The local homeless liaison must:
 - Explain the dispute resolution process to the parent or unaccompanied youth
 - Provide the parent or unaccompanied youth a copy of this dispute resolution procedure
 - Immediately enroll the student in the school in which enrollment is sought
5. **Within 5 business days** of receiving the parent's or unaccompanied youth's request to appeal, the liaison must notify the Supervisory Union/School District board of the appeal.

SU/SD Board Review and Determination

1. **Within 15 business days** of receiving notification of the appeal, the board, in executive session, must review the homeless liaison's documentation and make a determination on the student's McKinney-Vento eligibility, school selection, or enrollment. The board must base its decision on the McKinney-Vento Act requirements. The parent or unaccompanied youth should be given the opportunity to participate in this step if they wish to do so, and therefore an opportunity to share the facts of their case.
2. The school board must issue a written response to the parent or unaccompanied youth **within 5 business days** of the board determination. The notification must include an explanation of the determination and the parent's or unaccompanied youth's right to appeal the decision to the Vermont Agency of Education.
3. A copy of the board's written response to the parent or unaccompanied youth must be sent to the State Coordinator for Homeless Education.

SEA Review and Determination

If the school board's determination is not consistent with the parent's or unaccompanied youth's request, a written appeal may be filed by the parent or unaccompanied youth to the

Secretary of Education **within 10 business days** of receipt of the school board determination. The Agency of Education will then investigate and issue a final determination. While the dispute is pending, the student has the right to participate fully in the school in which enrollment is sought and receive all services for which the student is eligible, including transportation to and from the school of origin. The [SEA Appeal Procedure](#) contains additional information on the Agency of Education's appeal process.

Contact Information:

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Citations

¹42 USC§11432(g)(3)(E)(iii)

²42 USC§11432(g)(3)(E)(i)

³42 USC§11432(g)(3)(E)(ii)