

McKinney-Vento Dispute Resolution Process State and Local Levels

2017 Homeless Conference

Georgia Department of Education

Federal Programs Division

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Content

- **McKinney-Vento Overview**
- **Common Disputes**
- **ESSA Regulations**
- **Local-level Dispute Policy**
- **State-level Dispute Policy**
- **Questions**

McKinney-Vento Overview

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McKinney-Vento Overview

State Education Agencies (SEAs) and Local Education Agencies (LEAs) must develop, review and revise their policies to remove barriers to the enrollment and retention of children and youth in homeless situations. [722(g)(1)(I)]

- Immediate enrollment of homeless students, regardless of missing documentation.
- Transportation to and from the “school of origin.”
- Homeless children and youth are not stigmatized or segregated on the basis of their status as Homeless.

Common McKinney-Vento Disputes

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Common Disputes

- Eligibility
- Best Interest
- Transportation
- Full Participation

Common Disputes

Eligibility

Elizabeth, a 11th grader, arrives at your school during the middle of the first semester to enroll herself without an adult. She tells you that she cannot get along with her stepfather and had to leave home. Her mom calls your school and says that Elizabeth just wants to live with her boyfriend.

- Is Elizabeth eligible for services under the McKinney-Vento Act?
- What additional questions would you ask?
- What would be your next steps?



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ESSA Regulations

- Education for Homeless Children and Youth Program
Non-Regulatory Guidance July 27, 2016 -- Questions
K1-K7
- K5-What types of situations fall outside of the parameters of the MV dispute resolution process?
 - Not all eligible or enrollment disputes are eligible to go through a dispute resolution process at the LEA or SEA
 - Example when the students are not residing in a homeless situation in the boundaries of an LEA, but the parent seeks to initiate an enrollment dispute in particular or a parent wish to use the dispute resolution process to resolve a disagreement that is unrelated to the MV Act, such as a special education issue. In these cases the LEA or SEA should refer the parent to the appropriate administrator to effetely address their complaint.

Local Level Dispute Policy

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Local Level Disputes

Each district must have **written** dispute resolution procedures. If a dispute arises the district must:

- **Immediately enroll** the student in the school or district where enrollment is sought pending resolution of the dispute;
 - The student shall be enrolled in either: (1) [the school of origin](#), or (2) any public school that non-homeless students who live in the same attendance area in which the student is actually living are eligible to attend.
- **Provide transportation**, if requested;

Local Level Disputes



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- Give the parent/guardian/youth a **written explanation** of the decision;
- **Notify** the parent/guardian/youth of the **right to appeal** to both the local and state levels; and
- **Refer** the parent/guardian/youth to the LEA **liaison** for help with enrollment or the filing of any appeal.

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Local Level Disputes

School of Origin Definition: The school that the student last attended when permanently housed, the school in which the student is last enrolled or the school where the student is currently zoned

Question: Can a student have more than one school of origin?

Yes

Local Level Dispute

Sample Written Dispute procedures

Level I: Liaison Communication

- The parent or unaccompanied youth will file a request for dispute resolution with the District's Liaison by submitting an appropriate form or request orally to proceed with the process
- The parent or youth may seek the advice of an attorney or advocate during this process
- Within five (5) business days of their receipt of the complaint, the Liaison should make a decision on the complaint and inform the parent or unaccompanied youth in writing of the result
- If the parent or unaccompanied youth disagrees with the decision made at this level, the parent or unaccompanied youth shall notify the District's Liaison of their intent to proceed to Level II within ten (10) business days of the Level I decision

Local Level Dispute

Sample Written Dispute procedures

Level II: District Superintendent Communication

- The parent or unaccompanied youth may appeal the decision to the Superintendent, or the Superintendent's designee (the designee shall be someone other than the District's Liaison) using the appeals package provided at Level I
- The Superintendent or designee, will provide a decision in writing to the parent or unaccompanied youth with supporting evidence and reasons, within ten (10) business days of the Superintendent's or the designee's receipt of the appeals packet
- A copy of the appeals package, along with the written decision made at Level II is to be shared with the District's Liaison
- If the parent or unaccompanied youth disagrees with the decision made at Level II, the parent or unaccompanied youth shall notify the District's Liaison of their intent to proceed to Level III

Local Level Dispute

Sample Written Dispute procedures

Level III: Georgia Department of Education, Legal Services

- The District Superintendent or designee should forward all written documentation and related paperwork to the GaDOE Department of Legal Services for review, within ten (10) business days of being informed that the parent or unaccompanied youth would like to appeal the decision
- The Department of Legal Services will review all materials and address the issues in the dispute within ten (10) days from the receipt of a written request for resolution.
- If the issue is not resolved after the Department of Legal Services submits their written review, the Department of Legal Services may assign members of the Georgia Department of Education to make an on-site visit to further clarify or resolve the issue.



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Local Level Dispute

- A complaint must be made in one of two ways:
 - In writing and signed by the complainant
 - Submitted electronically through the Department's online complaint process at:
<http://programcomplaint.doe.k12.ga.us/everestwebportal/webform.asp>
- All disputes must be resolved within 60 days of initial presentment to the Department, unless a written extension is granted.
- The student, parent, guardian, or local board must submit the request in writing within 30 days of the decision to the Office of Legal Services at the Department of Education at the following address:

Office of Legal Services
2052 Twin Towers East
Atlanta, Georgia 30334
Tel. (404) 656-4689
Fax (404) 657-8376

State Level Dispute Policy

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State Level Disputes



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Who may file?

- Parent
- Guardian
- Unaccompanied youth
- Any interested person, organization, or agency

Why should someone file?

- A belief that the LEA has violated a provision of the McKinney-Vento Act

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State Level Disputes



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When should someone file?

- After every effort has been made to resolve the issue through the LEA's written complaint process

How does someone file?

- In writing
- Online

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State Level Disputes

What should the complaint contain?

- Contact information of the complainant
- Statement that the LEA has violated a provision of the McKinney-Vento Act
- Federal requirement alleged to have been violated
- Date on which the violation occurred
- Timeline to ensure that deadlines are not missed
- Contact information for the local liaison and the State Coordinator including their roles



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State Level Dispute

What should the complaint contain?

- How the requirement was violated
- Contact information for individuals who can provide additional information
- Whether the complaint has been filed with any other government agency
- Copies of all applicable documents supporting the complainant's position

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State Level Dispute

Where is the complaint filed?

Georgia Department of Education
Legal Services Division
2052 Twin Towers East
205 Jesse Hill Jr. Drive
Atlanta, GA 30334

- Submitted electronically through the Department's online complaint process at:
<http://programcomplaint.doe.k12.ga.us/everestwebportal/webform.asp>

Next Steps:

1. Internal Review
2. Letter of Findings

Contact Information



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Questions and Discussion

