

Dispute Resolution Procedure

This document contains the requirements for the local McKinney-Vento dispute resolution procedure, as well as a model procedure that a district can customize. Additionally, there are two templates. One is for written notification of district decisions regarding McKinney-Vento eligibility, school selection or enrollment. Another is a template for the appeal of a district decision. Districts should consult with its legal counsel and customize the model procedure as needed. This procedure should be placed on district letterhead.

Requirements for Local Dispute Resolution Procedure

While the included model dispute resolution procedure contains several elements that are strongly encouraged in a district procedure, districts must include these items in its dispute resolution procedure when addressing disputes under the McKinney-Vento Act regarding eligibility, school selection or enrollment:

- 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 or she is seeking enrollment, pending resolution of the dispute, which includes all available appeals. See USC 1143(g)(3)(E)(i); PL 107-110, Section 722(g)(3)(E)(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 parents, guardians or unaccompanied youth. This explanation must include the rights of the parent, guardian or unaccompanied youth to appeal such decisions.
- 3) The parent, guardian or unaccompanied youth will be referred to the designated local liaison. The liaison will carry out the dispute resolution process as quickly as possible after receiving notice of the dispute.

Local Dispute Resolution Model Procedure

The Ohio Department of Education recommends the following considerations and actions for a district to take when addressing a dispute regarding eligibility, school selection or enrollment under the McKinney-Vento Act. The model procedure below meets requirements for the local dispute resolution procedure presented in the McKinney-Vento Act through practical actions. A district should adapt this model procedure, in consultation with its legal counsel, and place it on district letterhead.

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

- 1) If a dispute arises over eligibility, school selection or enrollment, [DISTRICT] will immediately enroll the child/unaccompanied youth in the school in which he/she is seeking 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) [DISTRICT] staff will refer the student, parent or guardian to the [DISTRICT] local liaison who will initiate the dispute resolution process as quickly as possible. The local liaison will make sure that the district follows the dispute resolution process. The liaison also must ensure that unaccompanied youth receive the same rights to appeal a district's eligibility, school selection or enrollment decision as parents and guardians. The role of the [DISTRICT] local liaison is to assist the student, parent or guardian 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, [DISTRICT] will provide a written explanation of any decisions made to parents, guardians or unaccompanied youth. The written explanation will be easy to understand and free of jargon. When appropriate, the [DISTRICT] will translate the decision into the recipient's dominant language. At a minimum, the written explanation of how the district reached its decision regarding eligibility, school selection or enrollment will include:
 - A description of the action that the district proposed or refused;
 - An explanation of why the district proposed or refused the action;
 - A description of any other options the district considered;
 - The reasons why the district rejected any other options;
 - A description of any other factors relevant to the district's decision and information related to the eligibility or best interest determination. This includes the facts, witnesses and evidence relied upon and their sources;
 - Appropriate timelines to ensure any relevant deadlines are met;
 - Contact information for the [DISTRICT] local liaison and state homeless education coordinator and a brief description of their roles; and
 - 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 a template for the written notification of a decision.

- 4) The student, parent or guardian has the right to appeal any district determination of eligibility, school selection or enrollment. [DISTRICT] local liaison will guide the student, parent or guardian through the entire dispute resolution process. The 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 a parent, guardian or unaccompanied youth cannot do so by him or herself and providing access to school materials, such as copiers and fax machines. [Addendum 2](#) provides a template for the written appeal of the district's eligibility, school selection or enrollment decision.

- 5) Following an appeal at the local level, if the student, parent or guardian still disagrees with the determination, they may appeal to the Ohio Department of Education. [DISTRICT] local liaison will forward all written documentation and related documents to the state coordinator for Homeless Education at the Ohio Department of Education. It is strongly encouraged that when appealing to the Department [Addendum 2](#) is used to capture all relevant information. Upon receipt of any requested documentation, the state coordinator for Homeless Education will investigate the dispute and request applicable documentation. The Ohio Department of Education will make a decision within 15 school days from the receipt of all necessary materials. The Department will provide the final decision to the district superintendent, building principal, local liaison, and parent, guardian or unaccompanied youth. All parties must immediately adhere to the final determination.

Addendum 1: This form is to be completed by the district when a disagreement arises between the district and a parent, guardian, or unaccompanied youth over McKinney-Vento eligibility, school selection, or enrollment in a school. The district shall use its letterhead and should consult its legal counsel about the proper use of this template.

[District's] Written Notification of Eligibility, School Selection or Enrollment Decision

Date: _____

Name of person completing this form:

Title of person completing this form:

Name of local liaison: _____

Phone number: _____ Email: _____

In compliance with 42 U.S.C. § 11432(g)(3)(E) of the McKinney-Vento Homeless Assistance Act, [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:

Parents, guardians and youth have the following rights:

- **You have the right to appeal this decision by completing the appeal form or by contacting your school district's local homeless education liaison.**
- The student 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 seek the assistance of advocates or an attorney.
- You may contact the state coordinator for Homeless Education if further help is needed or desired. A copy of our state's dispute resolution process for students in transition is attached. The state coordinator is:

Susannah Wayland
State Homeless Education Coordinator
Phone: (614) 387-7725
Fax: (614) 387-0963
Email: HomelessEducation@education.ohio.gov

Ohio Department of Education Dispute Resolution Process Checklist

Before filing an appeal with the Ohio Department of Education have you:

- 1) Completed your district entire local dispute resolution procedures; and
- 2) Worked with your district or local homeless 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 coordinator for Homeless Education, recording the family's experience and preparing the appeal on your behalf. Find more information regarding the roles and responsibilities of the district's local liaison in the [Ohio Department of Education's McKinney-Vento Guidance](#).

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

- 1) The parent or unaccompanied youth who received the decision or the local liaison shall send the appeal to the state coordinator for Homeless Education at the Ohio Department of Education. After an appeal is sent, the local liaison should follow up with a phone call to the state homeless coordinator.
- 2) The state coordinator for Homeless Education will investigate the complaint, which may include contacting those involved for additional information. After gathering the necessary information, the state coordinator for Homeless Education will present the evidence to the Ohio Department of Education.
- 3) The Ohio Department of Education will make a decision within 15 school days. The Department will provide the final decision to the district superintendent, building principal, local liaison, and parent, guardian or unaccompanied youth. The letter communicating the decision will be easy to understand and, translated to the family's dominant language. The Department's determination is final and all parties shall adhere to it.

Addendum 2: This form is to be completed by the parent, guardian, or unaccompanied youth when they disagree with the district or decision involving McKinney-Vento eligibility, school selection, or enrollment in a school. The district shall use its letterhead and should consult its legal counsel about the proper use of this template.

[Parent/Student Name's] Appeal of [District's] Eligibility, School Selection or Enrollment Decision

You should complete this form if you are a parent, guardian or unaccompanied youth who disagrees with your districts's decision regarding your rights under McKinney-Vento. Your local liaison will assist you with this form, and may take the information verbally if you wish.

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

Name of Student(s): _____

Phone number: _____ Email: _____

I wish to appeal the decision made by: _____

School(s): _____

District: _____

Please check the boxes if you have received the following materials:

- A copy of the District's Written Decision of Eligibility, School Selection or Enrollment Decision;
- The Ohio Department of Education Dispute Resolution Process; and
- Contact information for the local liaison.

I disagree with the district's decision for the following reasons:

Continued on the next page.

Please check the boxes below to confirm that you understand that you are entitled to the following:

- I know that I may contact the Ohio Department of Education's Homeless Education Coordinator:
Susannah Wayland, State Homeless Education Coordinator
Phone: (614) 387-7725
Fax: (614) 387-0963
Email: HomelessEducation@education.ohio.gov

- I know that I may seek the assistance of advocates or attorneys.

- I want a copy of this written notice of appeal of school enrollment forwarded to:
State Homeless Education Coordinator
HomelessEducation@education.ohio.gov
Fax: (614) 387-0963

Name: _____

Signature: _____ Date: ____/____/____

Relationship to student (if applicable)