

**OFFICE OF CHIEF ACADEMIC OFFICER**  
**Summary of State Board of Education Agenda Items**  
**Consent Agenda**  
**August 17, 2017**

**OFFICE OF FEDERAL PROGRAMS**

- B. Begin the Administrative Procedures Act process: To revise State Board Policy Part 3, Chapter 40, Rule 40.1 – McKinney-Vento Homeless Education Dispute Resolution Procedure

The *McKinney-Vento Homeless Assistance Act (Act)* acknowledges that disputes may arise between a local educational agency (LEA) and the parent or guardian of a homeless child or youth, or unaccompanied youth, when the LEA seeks to place him or her in a school other than the school of origin or the one requested by the parent, guardian, or unaccompanied youth. Guidance regarding the definition of homeless, the responsibilities of the LEA in serving homeless children and youth, school selection, eligibility and enrollment is provided in the Act. The Act includes dispute resolution among the required duties of the LEA liaison and the State Educational Agency (SEA).

The proposed revisions will provide guidance to the Local Educational Agencies (LEAs) regarding the McKinney-Vento Homeless Education Dispute Resolution Procedure as required by the *Every Student Succeeds Act*.

Recommendation: Approval

Back-up material attached

## Chapter 40 McKinney-Vento Homeless Education Dispute Resolution Procedure

### Rule 40.1 McKinney-Vento Homeless Education Dispute Resolution Procedure

#### 1. INTRODUCTION

The *McKinney-Vento Homeless Assistance Act (Act)* acknowledges that disputes may arise between a local educational agency (LEA) and the parent or guardian of a homeless child or youth, or unaccompanied youth, when the LEA seeks to place him or her in a school other than the school of origin or the one requested by the parent, guardian, or unaccompanied youth. Guidance regarding the definition of homeless, the responsibilities of the LEA in serving homeless children and youth, school selection, eligibility and enrollment is provided in the Act. The Act includes dispute resolution among the required duties of the LEA liaison and the State Educational Agency (SEA).

The following procedures are specified in the Act:

- a. **Enrollment:** Immediately enroll the homeless child or youth in the school preferred by the parent, guardian or unaccompanied youth until the dispute is settled and all available appeals have been exhausted. The statutory definition of “enroll” includes attending classes and participating fully in school activities.
- b. **Written explanation:** Written explanations provided by the LEA shall be in a manner and form understandable to the parent, guardian, or unaccompanied youth of any decisions related to school selection, eligibility or enrollment made by the school or LEA, including the rights of the parent, guardian, or unaccompanied youth to appeal such decisions.
- c. **Parent/Guardian/Unaccompanied Youth Rights:** It is the responsibility of the LEA to inform the parent or guardian, or unaccompanied youth of the McKinney-Vento rights and the dispute resolution process.

While the dispute is being resolved, the child or children in question must be enrolled in school and receive all services for which they are eligible, including transportation services. If the dispute is concerning the school of “best interest,” the child must be enrolled in the school preferred by the parent/guardian or unaccompanied youth.

#### 2. ADMINISTRATIVE PROCEDURE

The Mississippi Department of Education (MDE), Office of Federal Programs, has adopted a dispute resolution process at the local and state levels. If a dispute arises regarding the eligibility, school selection, or school enrollment of a homeless child or youth, or unaccompanied youth, the following procedures are to be followed:

**Local Educational Agency Level:** If the LEA makes a determination regarding school selection or enrollment that would result in the child or youth attending a school other than the one requested by the parent, guardian, or unaccompanied youth, a written explanation shall be provided in a manner and form understandable to the parent, guardian, or unaccompanied youth. The parent, guardian, or unaccompanied youth shall be informed of the right to appeal and the written decision shall include a statement of the right to appeal to the LEA superintendent. The dispute resolution process shall be initiated at the local level by the parent/guardian or unaccompanied youth who wishes to appeal the school district's decision. The LEAs shall develop written policies and procedures with timelines that govern the dispute resolution process and shall include, at a minimum, the following:

- a. Each LEA is required to have a designated McKinney-Vento liaison. In addition, each school should have a contact who has been trained on the McKinney-Vento Act.
- b. If the parent, guardian or unaccompanied youth disagrees with the LEA's decision and wishes to appeal to the LEA superintendent or his/her designee, the parent, guardian, or unaccompanied youth shall file a request for dispute resolution with the LEA liaison by completing a dispute resolution form or submitting a written request after receiving notification of the LEA's decision. The LEA superintendent's designee shall be someone other than the LEA liaison. The parent, guardian, or unaccompanied youth shall be informed of the right to appeal and the LEA superintendent's written decision shall include a statement of the right to appeal to the local school board of education.
- c. If the parent, guardian, or unaccompanied youth disagrees with the LEA superintendent's decision and wishes to appeal to the local board of education, the parent, guardian, or unaccompanied youth shall inform the LEA liaison of the intent to appeal. The LEA liaison shall ensure an appointment is made for the next, regularly scheduled board meeting to address the dispute. The LEA liaison shall also provide the parent, guardian, or unaccompanied youth with the documentation collected up to that point, including the parent, guardian or unaccompanied youth's request for dispute resolution, the LEA liaison's and local superintendent's written decisions and any other additional information submitted by the parent, guardian, or unaccompanied youth. The parent, guardian, or unaccompanied youth shall be informed of the right to appeal and the local school board of education's written decision shall include a statement of the right to appeal to the MDE if aggrieved.

**State Educational Agency Level:** Appeals made to the MDE shall be submitted in writing, signed by the complainant, and forwarded by the LEA. The following steps are to be taken:

a. Address the complaint to:

Mississippi Department of Education  
Office of Federal Programs  
State Homeless Education Coordinator  
359 North West Street, Suite 111  
Jackson, MS 39205

b. The complaint shall include the following:

1. A description of the situation that prompted the dispute
2. The name(s) and age(s) of the homeless child or youth
3. The name(s) of the LEA and personnel involved
4. A description of the attempts that were made to resolve the issue at the local level, including copies of any documentation used in making the decisions.

c. The State Homeless Coordinator will gather needed information from statements of the parties involved and forward the information to the Executive Director of the Office of Federal Programs, along with a recommendation for resolution or for further investigation.

d. Within ten (10) business days after receiving a complaint, the Executive Director of the Office of Federal Programs will recommend a resolution and will inform interested parties, in writing, of the decision.

e. If the parent, guardian, or unaccompanied youth disagrees with the decision, that party may, within ten (10) business days, appeal to the State Superintendent. This appeal shall be made in writing and state why the party disagrees with the decision of the Executive Director of the Office of Federal Programs.

f. Within ten (10) business days after receiving an appeal, the State Superintendent or his/her designee will render a final administrative decision and notify all parties in writing.

If the parent, guardian, or unaccompanied youth disagrees with the decision of the State Superintendent in a matter concerning homeless children or youth, the party may request a review of the decision by the United States Secretary of Education in accordance with *34 CFR Part 299.11*.

Visit the Mississippi Department of Education website, Office of Federal Programs, Title IX, Part A Education for the Homeless Children and Youth Program (McKinney-Vento) for more information.

Source: *42 U.S. Code § 11432(g)(1)(C); 42 U.S. Code § 11432(g)(3)(E)(i)-(iv); Miss. Code Ann. § 37-3-11(c); Miss. Code Ann. § 37-1-3.*

## 4200-Chapter 40 McKinney-Vento Homeless Education Dispute Resolution Procedure

### Rule 40.1 McKinney-Vento Homeless Education Dispute Resolution Procedure

#### 1. INTRODUCTION

The *McKinney-Vento Homeless Assistance Act (Act)* acknowledges that disputes may arise ~~between the school district and homeless students and their parent(s)/guardian(s) when the student is placed in a school other than the one requested~~ a local educational agency (LEA) and the parent or guardian of a homeless child or youth, or unaccompanied youth, when the LEA seeks to place him or her in a school other than the school of origin or the one requested by the parent, guardian, or unaccompanied youth. ~~Guidance for school selection regarding the definition of homeless, the responsibilities of the LEA in serving homeless children and youth, school selection, eligibility and enrollment is provided in the law Act.~~ The law Act includes dispute resolution among the required duties of the LEA ~~Liaison~~ liaison and the State Educational Agency (SEA).

The following procedures are specified in the Act:

- ~~1. Enrollment: Immediately enroll the homeless student in the school preferred by the parents until the dispute is settled.~~
- ~~2. Written explanation: Provide a written explanation of the school placement decision to the parent/guardian or unaccompanied youth.~~
- ~~3. Liaison: The designated LEA liaison is assigned to carry out the dispute resolution in an expeditious manner.~~
- ~~4. It is the responsibility of the school district to inform the parent(s)/guardian(s) of homeless students of the Complaint Resolution Procedures.~~
  - a. **Enrollment:** Immediately enroll the homeless child or youth in the school preferred by the parent, guardian or unaccompanied youth until the dispute is settled and all available appeals have been exhausted. The statutory definition of “enroll” includes attending classes and participating fully in school activities.
  - b. **Written explanation:** Written explanations provided by the LEA shall be in a manner and form understandable to the parent, guardian, or unaccompanied youth of any decisions related to school selection, eligibility or enrollment made by the school or LEA, including the rights of the parent, guardian, or unaccompanied youth to appeal such decisions.
  - c. **Parent/Guardian/Unaccompanied Youth Rights:** It is the responsibility of the LEA to inform the parent or guardian, or unaccompanied youth of the McKinney-Vento rights and the dispute resolution process.

While the dispute is being resolved, the child or children in question must be enrolled in school and receive all services for which they are eligible, including transportation

services. If the dispute is concerning the school of “best interest,” the child must be enrolled in the school preferred by the parent/guardian or unaccompanied youth.

## 2. ADMINISTRATIVE PROCEDURE

The Mississippi Department of Education (MDE), Office of Federal Programs, has adopted a ~~complaint-dispute~~ resolution process at the local and state levels. In a case where a dispute occurs regarding the education ~~If a dispute arises regarding the eligibility, school selection, or school enrollment of a homeless child or youth, the following process may be used:~~ or unaccompanied youth, the following procedures are to be followed:

**Local Educational Agency Level:** ~~Every effort must be made to resolve the complaint or dispute at the local level before it is brought to the Mississippi Department of Education (MDE).~~ If the LEA makes a determination regarding school selection or enrollment that would result in the child or youth attending a school other than the one requested by the parent, guardian, or unaccompanied youth, a written explanation shall be provided in a manner and form understandable to the parent, guardian, or unaccompanied youth. The parent, guardian, or unaccompanied youth shall be informed of the right to appeal and the written decision shall include a statement of the right to appeal to the LEA superintendent. The dispute resolution process shall be initiated at the local level by the parent/guardian or unaccompanied youth who wishes to appeal the school district’s decision. The LEAs shall develop written policies and procedures with timelines that govern the dispute resolution process and shall include, at a minimum, the following:

- ~~1. If a question concerning the education of the homeless child arises, the first person to contact in the school district is the homeless liaison. Each school district is required to have a designated homeless liaison, with someone in every school or in the central office for the school district able to identify said homeless liaison. If there is a complaint about services for the homeless student(s), the complainant is to be provided a copy of the local complaint procedure. If the district or public school does not have a complaint procedure in place, the following steps are suggested:~~
  - ~~a. The homeless liaison should discuss the complaint with the complainant and the complainant is to be provided copies of the policies that the *local* Board of Education has adopted concerning the education of homeless children and youth~~
  - ~~b. A determination is to be made as to whether the requested services for the~~
  - ~~c. homeless student are consistent with local school board policy~~
  - ~~d. If the complaint is not resolved, the complainant will be advised to present it in writing to the homeless liaison~~
  - ~~e. A written proposed resolution of the complaint or plan of action is to be provided to the complainant within five (5) days of the date of receipt of the written complaint.~~

- ~~2. If the complaint is not resolved at this level within five (5) days, it may be taken to the superintendent of the district the student is attending or wishes to attend. In addition to presenting the written complaint, an appointment will be made for the complainant to meet with the superintendent to discuss the complaint. At the end of the discussion with the superintendent, a written resolution will be provided within five (5) days of the date of the discussion.~~
- ~~3. If the complaint is still not resolved, it may be possible to appeal to the local Board of Education.
  - ~~a. Each LEA is required to have a designated McKinney-Vento liaison. In addition, each school should have a contact who has been trained on the McKinney-Vento Act.~~
  - ~~b. If the parent, guardian or unaccompanied youth disagrees with the LEA's decision and wishes to appeal to the LEA superintendent or his/her designee, the parent, guardian, or unaccompanied youth shall file a request for dispute resolution with the LEA liaison by completing a dispute resolution form or submitting a written request after receiving notification of the LEA's decision. The LEA superintendent's designee shall be someone other than the LEA liaison. The parent, guardian, or unaccompanied youth shall be informed of the right to appeal and the LEA superintendent's written decision shall include a statement of the right to appeal to the local school board of education.~~
  - ~~c. If the parent, guardian, or unaccompanied youth disagrees with the LEA superintendent's decision and wishes to appeal to the local board of education, the parent, guardian, or unaccompanied youth shall inform the LEA liaison of the intent to appeal. The LEA liaison shall ensure an appointment is made for the next, regularly scheduled board meeting to address the dispute. The LEA liaison shall also provide the parent, guardian, or unaccompanied youth with the documentation collected up to that point, including the parent, guardian or unaccompanied youth's request for dispute resolution, the LEA liaison's and local superintendent's written decisions and any other additional information submitted by the parent, guardian, or unaccompanied youth. The parent, guardian, or unaccompanied youth shall be informed of the right to appeal and the local school board of education's written decision shall include a statement of the right to appeal to the MDE if aggrieved.~~~~

**State Educational Agency Level:** ~~If the complaint is not resolved in a satisfactory manner at the local level, the complaint may be directed to MDE. Complaints made under this process must be made. Appeals made to the MDE shall be submitted in writing, and signed by the complainant., and forwarded by the LEA. The following steps are to be taken:~~

- ~~1. Address the complaint to the Mississippi Department of Education, Office of Federal Programs, State Homeless Education Coordinator, 359 North West Street Ste. 111, P.O. Box 771, Jackson,~~

MS 39205.

a. Address the complaint to:

Mississippi Department of Education  
Office of Federal Programs  
State Homeless Education Coordinator  
359 North West Street, Suite 111  
Jackson, MS 39205

2. Include in the complaint:

- a. ~~A description of the situation that prompted the complaint~~
- b. ~~The name(s) and age(s) of the child or children involved~~
- c. ~~The name(s) of the involved school district personnel and the school district or districts involved~~
- d. ~~A description of the attempts that were made to solve the issue at the local level including copies of any documentation used up to that point.~~

b. The complaint shall include the following:

- \_\_\_\_\_ 1. A description of the situation that prompted the dispute
- \_\_\_\_\_ 2. The name(s) and age(s) of the homeless child or youth
- \_\_\_\_\_ 3. The name(s) of the LEA and personnel involved
- \_\_\_\_\_ 4. A description of the attempts that were made to resolve the issue at the local level, including copies of any documentation used in making the decisions.

- 3. c. The State Homeless Coordinator will gather needed information from statements of the parties involved and ~~will~~ forward the information to the Executive dDirector of the Office of Federal Programs, along with a recommendation for resolution or for further investigation.
- 4. d. Within ~~thirty (30)~~ten (10) business days after receiving a complaint, the Executive Director of the Office of Federal Programs will recommend a resolution and will inform interested parties, in writing, of the decision.
- 5. e. If ~~a complainant or one of the parties involved in the complaint~~ the parent, guardian, or unaccompanied youth disagrees with the decision, that party may, within ten (10) ~~working-business~~ days, appeal to the Deputy Superintendent of the Office of Instructional Enhancement and Internal Operations State Superintendent. This appeal ~~must shall~~ be made in writing and state why the party

disagrees with the decision of the Executive Director of the Office of Federal Programs.

6. f. Within ~~thirty (30)-ten (10)~~ business days after receiving an appeal, the ~~Deputy State Superintendent or his/her designee~~ will render a final administrative decision and notify ~~the complainant and the school district(s) involved all~~ parties in writing.

If the ~~party-parent, guardian or unaccompanied youth~~ disagrees with the decision of the ~~Deputy State Superintendent~~ in a matter concerning homeless children or youth, the party may request a review of the decision by the United States Secretary of Education in accordance with *34 CFR Part 299.11*.

~~While the dispute is being resolved, the child or children in question must be enrolled in school. If the dispute is concerning the school of "best interest," the child must be enrolled in the school preferred by the parent/guardian or unaccompanied youth unless previous arrangements have been implemented.~~

~~<http://www.mde.k12.ms.us/federal-programs/federal-programs—title-x-homeless>~~

~~Visit the Mississippi Department of Education website, Office of Federal Programs, Title IX, Part A Education for the Homeless Children and Youth Program (McKinney-Vento) for more information.~~

~~Source: No Child Left Behind §722 (g)(3)(E)(i)(ii)(iii)(iv) and Miss. Code Ann. §37-17-6~~

~~Source: 42 U.S. Code § 11432(g)(1)(C); 42 U.S. Code § 11432(g)(3)(E)(i)-(iv);~~

~~Miss. Code Ann. § 37-3-11(c); Miss. Code Ann. § 37-1-3.~~