

McKinney-Vento State-Level Dispute Resolution

The McKinney-Vento Homeless Assistance Act guarantees rights and services for homeless children and youth to remove educational barriers. The law requires state education agencies (SEAs) and local education agencies (LEAs) to follow a dispute resolution process when parents, guardians, or unaccompanied youth and schools disagree on the eligibility, enrollment, or educational placement of homeless children and youth. The dispute resolution process is intended to represent each party's views for objective consideration so that disagreements can be brought to closure expeditiously. The Tennessee Department of Education (department) has developed a dispute resolution process as required by the McKinney-Vento Homeless Assistance Act.

Prompt resolution of disputes regarding the educational placement of homeless children and youth is critical. **When a dispute arises over eligibility, school selection, or enrollment, the child or unaccompanied youth shall be immediately admitted to the school in which enrollment is sought, pending resolution of the dispute.**

When a dispute occurs regarding eligibility, enrollment, or school selection of a homeless child or youth, the parent or unaccompanied youth has the right to appeal using the following process.

Initiation of Dispute Resolution

The parent or unaccompanied youth shall be informed of their right to appeal the decision made by the LEA. At a minimum, the LEA must provide the following information:

- written contact information for the LEA's homeless liaison and state coordinator with a brief description of each of their roles;
- written notice of the right to enroll immediately in the school of choice pending resolution of the dispute;
- a simple, written form that parents, guardians, or unaccompanied youth can complete and turn in to the school or LEA's homeless liaison to initiate the dispute process;
- a copy of the completed form for the parent, guardian, or youth for their records at the time it is submitted;
- written, step-by-step instructions on how to object to or appeal (at all four levels described below) the LEA's decision regarding eligibility, enrollment, or educational placement.

Overview of Dispute Resolution

- **Level 1—Appeal to the School or the LEA Homeless Liaison:**
If a parent or unaccompanied youth wishes to appeal an LEA's decision related to eligibility, enrollment, or school selection, the appeal is submitted to the LEA's homeless liaison or the homeless contact at the school where the dispute is taking place.
- **Level 2—Appeal to the LEA Director of Schools:**
If the dispute is unresolved, the parent or unaccompanied youth may appeal the Level 1 decision to the LEA director of schools or designee.
- **Level 3—Appeal to the State Coordinator:**
If the dispute continues to be unresolved, the parent or unaccompanied youth may appeal the Level 2 decision to the McKinney-Vento state coordinator at the department.

- **Level 4—Appeal to the State Assistant Commissioner of the Division of Federal Programs and Oversight (FPO):**

If the parent, unaccompanied youth, or district wishes to appeal the Level 3 decision rendered by the McKinney-Vento state coordinator, an appeal may be submitted to the assistant commissioner of the division of federal programs and oversight (FPO).

Note: At each level, the LEA or state must provide a written explanation of the decision regarding eligibility, enrollment, or educational placement to the parent or the unaccompanied youth. The notice and written explanation from the district about the reason for its decision, at a minimum, should include the following:

- a description of the action proposed or refused by the LEA or department;
- an explanation of why the action is proposed or refused;
- a description of any other options the school rejected;
- a description of any factors relevant to the school or state's decision and information related to the eligibility or best interest determination including the facts, witnesses, and evidence relied upon and their sources;
- a description of the right to appeal, including the dispute resolution process, and appropriate timelines to ensure any relevant deadlines are not missed; and
- contact information for the local district homeless liaison and state coordinator, including a brief description of their roles.

A more detailed description of each level of the dispute resolution process is below.

Level 1—Appeal to the School or the LEA Homeless Liaison

If a parent or unaccompanied youth wishes to appeal an LEA's decision related to eligibility, enrollment, or school selection:

1. The parent or unaccompanied youth must file a request for dispute resolution with the LEA homeless liaison:
 - a. Request a dispute resolution form from the school or LEA homeless liaison.
 - b. Complete the dispute resolution.
 - c. Submit the completed dispute resolution form to the LEA homeless liaison within five business (5) days of receiving the LEA's decision related to eligibility, enrollment, or school selection **or** submit the request to the school where the dispute is taking place (school staff shall immediately forward the request to the LEA homeless liaison).
 - d. If the LEA homeless liaison is unavailable, the parent's or unaccompanied youth's request to initiate the dispute resolution process may be provided to a school LEA's designee.
2. The homeless liaison must document details of the complaint, including the date and time of the complaint and a written description of the situation and the reason for the dispute. A copy of the complaint must then be forwarded to the liaison's immediate supervisor and the LEA director of schools. The office of the LEA director of schools shall maintain a record of all disputes related to the education of homeless children and youth
3. Within five business (5) days of their receipt of the complaint, the liaison must make a decision on the complaint and inform the parent or unaccompanied youth in writing of the result. It is the responsibility of the LEA to verify the parent's or unaccompanied youth's receipt of the written notification regarding the homeless liaison's Level 1 decision.
4. If the parent or unaccompanied youth disagrees with the decision made and wishes to move the dispute resolution process forward to Level 2, the parent or unaccompanied youth shall notify the LEA

homeless liaison of their intent to proceed to Level 2 within five (5) business days of receipt of notification of the Level 1 decision.

5. If the parent or unaccompanied youth wishes to appeal the liaison's Level 1 decision, the LEA homeless liaison shall provide the parent or unaccompanied youth with an appeals package containing:
 - a. a copy of the parent's or unaccompanied youth's complaint which was filed with the LEA homeless liaisons at Level 1;
 - b. the decision rendered at Level 1 by the LEA homeless liaison; and
 - c. any additional information from the parent, unaccompanied youth, and/or homeless liaison.
6. If the dispute remains unresolved, the process then moves to Level 2.

Level 2—Appeal to the LEA Director of Schools

1. If a parent disagrees with the decision rendered by the district's homeless liaison at Level 1, the parent or unaccompanied youth may appeal the decision to the LEA's director of schools, or the director of school's designee, using the appeals package provided at Level 1. The designee shall be someone other than the LEA homeless liaison.
2. The director of schools, or the director of school's designee, will arrange for a personal conference within five (5) business days of the parent or unaccompanied youth's notification to the district of the intent to proceed to Level 2 of the dispute resolution process. Once arranged, the meeting between the director of schools, or designee, and the parent or unaccompanied youth is to take place as expeditiously as possible.
3. The LEA's director of schools, or the director of school's designee, will provide a decision in writing to the parent or unaccompanied youth with supporting evidence and reasons. It is the responsibility of the district to verify the parent's or unaccompanied youth's receipt of the written notification regarding the director of school's Level 2 decision.
4. A copy of the appeals package, along with the written decision made at Level 2, is to be shared with the LEA homeless liaison.
5. If the parent or unaccompanied youth disagrees with the decision made at Level 2 and wishes to move the dispute resolution process forward to Level 3, the parent or unaccompanied youth shall notify the LEA homeless liaison of intent to proceed to Level 3 within five (5) business days of receipt of notification of the Level 2 decision.
6. If the dispute remains unresolved, the process then moves to Level 3.

Level 3—Appeal to the State Coordinator

Note: Every effort must be made to resolve the complaint or dispute at the local level before it is brought to the Tennessee Department of Education.

1. The LEA director of schools, or designee, shall forward all written documentation and related paperwork to the McKinney-Vento state coordinator for review within five (5) business days of notifying the parent or unaccompanied youth of the decision rendered at Level 2.
2. It is the responsibility of the LEA to ensure that the documentation submitted is complete and ready for review at the time it is submitted to the state coordinator.
3. The McKinney-Vento state coordinator shall make a final decision within seven (7) business days of receipt of the complaint.
4. The final decision will be forwarded to the local LEA homeless liaison for distribution to the parent and the LEA director of schools or designee.
5. The office of the LEA director of schools shall maintain a record of all disputes related to the education

of homeless children and youth. These records shall include disputes resolved at levels one, two, and/or three and shall be made available upon request to the department.

6. If the dispute remains unresolved, the process then moves to Level 4.

Level 4—Appeal to the Assistant Commissioner of FPO

1. The LEA, parents, or unaccompanied youth shall forward a written request to have their case reviewed when there is a conflict with the decision rendered by the McKinney-Vento state coordinator within five (5) business days of receipt of a decision rendered at Level 3 to the assistant commissioner of FPO.
2. The assistant commissioner of FPO shall then forward a request to the McKinney-Vento state coordinator to obtain all written documentation and related paperwork for review.
3. Upon request of the assistant commissioner of FPO, the McKinney-Vento state coordinator shall forward all written documentation and related paperwork to the assistant commissioner of FPO for review within three (3) business days of the request for documentation regarding the dispute.
4. The assistant commissioner of FPO, along with the appropriate other department personnel, shall make a final decision within seven (7) business days of receipt of all documentation and related paperwork.
5. The final decision will be forwarded to the LEA director of schools and homeless liaison for distribution to the parent and/or unaccompanied youth.

Inter-LEA Disputes

Disputes arising between LEAs regarding the placement of a homeless child or youth in an LEA should be resolved between the LEAs at the local level in the best interest of the child and according to the law. Disputes between LEAs that remain unresolved shall be forwarded in writing to the McKinney-Vento state coordinator by either of the disputing LEAs. A decision will be made by the state coordinator within seven (7) business days of the receipt of the dispute and will be forwarded in writing to the LEAs' director of schools, the LEAs' homeless liaisons, and the parent(s) of the homeless child or youth. The decision made by the McKinney-Vento state coordinator shall be the final resolution between the disputing districts.

Program Contact Information

Vanessa Waters | McKinney-Vento and Family Engagement State Coordinator

Vanessa.Waters@tn.gov

Phone: (615) 917-3750