



## **McKinney-Vento Dispute Resolution State Process**

The McKinney-Vento Homeless Assistance Act guarantees rights and services for homeless children and youth to remove educational barriers. The law requires states and school districts 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 and the department has developed a dispute resolution process as required by the act.

Prompt resolution of disputes regarding the educational placement of homeless children and youths 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. The designated district homeless liaison is assigned to carry out the dispute resolution process in an expeditious manner.

The district 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 school;
- 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'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.



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In a case in which 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:

- **Level 1**

**Appeal to the school or the district homeless liaison:** If a parent or unaccompanied youth wishes to appeal a school district's decision related to eligibility, enrollment, or school selection, the appeal is submitted to the district homeless liaison or the school where the dispute is taking place.

- **Level 2**

**Appeal to the district superintendent:** If the dispute is unresolved, the parent or unaccompanied youth may appeal the Level 1 decision to the school district superintendent 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.

- **Level 4**

**Appeal to the state executive director of CPM:** 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 for review by the executive director of the office of consolidated planning and monitoring (CPM).

### **Initiation of the Dispute Resolution Process**

The parent or unaccompanied youth shall be informed of their right to appeal the decision made by the school district and the school district must provide, at a minimum, the following information:

- written contact information for the district homeless liaison and state coordinator with a brief description 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 district 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 above) the district's decision regarding eligibility, enrollment, or educational placement.



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### **Level 1: Appeal to the school or the district homeless liaison**

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

1. The parent or unaccompanied youth must file a request for dispute resolution with the district's homeless liaison:
  - a. Request a dispute resolution form from the school or district homeless liaison.
  - b. Complete the dispute resolution.
  - c. Submit the completed dispute resolution form to the district liaison within five (5) days of receiving the district's decision related to eligibility, enrollment, or school selection **or** submit the request to the school where the dispute is taking place (schools shall immediately forward the request to the district's homeless liaison).
  - d. In the event that the district's homeless liaison is unavailable, the parent's or unaccompanied youth's request to initiate the dispute resolution process may be provided to a school district designee.
2. The homeless liaison must log their receipt of the complaint, including the date and time, with a written description of the situation and the reason for the dispute, and a copy of the complaint must be forwarded to the liaison's immediate supervisor and the district's superintendent.
3. Within five (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 district 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 district's 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 district's 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 district's homeless liaisons at Level 1;
  - b. the decision rendered at Level 1 by the school district's 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.

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### **Level 2: Appeal to the district superintendent**

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 local school district's superintendent, or the superintendent's designee, using the appeals package provided at Level 1. The designee shall be someone other than the district's homeless liaison.
2. The superintendent, or superintendent'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 superintendent, or superintendent's designee, and the parent or unaccompanied youth is to take place as expeditiously as possible.
3. The local superintendent, or superintendent'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 superintendent'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 district's 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 district's 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**

1. The district superintendent 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 district 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 district's homeless liaison for distribution to the parent and the district superintendent.
5. The office of the school district superintendent shall maintain a record of all disputes related to the education of homeless children and youths. These records shall include disputes resolved at levels one, two, and/or three and shall be made available upon request to the Tennessee Department of Education.
6. If the dispute remains unresolved, the process then moves to Level 4.



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### **Level 4: Appeal to the state executive director of CPM**

1. The district, parent, 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 decision rendered at Level 3 to the executive director of CPM.
2. The executive director of CPM 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 executive director of CPM, the McKinney-Vento state coordinator shall forward all written documentation and related paperwork to the executive director of CPM for review within three (3) business days of the request for documentation regarding the dispute.
4. The executive director of CPM, along with the appropriate other department personnel 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 local district's superintendent and homeless liaison for distribution to the parent and/or unaccompanied youth.

### **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.**

If the dispute remains unresolved after level two as described above, it must be moved to level three. The district superintendent 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 two. The McKinney-Vento state coordinator shall make a final decision within seven (7) business days of receipt of the complaint. If the parent, unaccompanied youth, or district wishes to appeal a decision rendered by the McKinney-Vento state coordinator, the case may be reviewed by the executive director of CPM.

Finally, if a dispute arises at the school level over school selection or enrollment, the child or youth shall be immediately admitted to the school in which enrollment is sought, pending resolution of the dispute. In the case of an unaccompanied youth, the district homeless liaison shall ensure that the youth is immediately enrolled in school pending resolution of the dispute. Disputes between districts that remain unresolved shall be forwarded in writing to the McKinney-Vento state coordinator by either of the disputing districts. 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 districts' superintendents, the districts' 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.



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### **Inter-district Disputes**

If a dispute arises at the school level over school selection or enrollment, the child or youth shall be immediately admitted to the school in which enrollment is sought, pending resolution of the dispute. In the case of an unaccompanied youth, the homeless liaison shall ensure that the youth is immediately enrolled in school pending resolution of the dispute.

Disputes arising between school districts regarding the placement of a homeless child or youth in a district should be resolved between the districts at the local level in the best interest of the child and according to the law. Disputes between school districts that remain unresolved shall be forwarded in writing to the McKinney-Vento state coordinator by either of the disputing districts. 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 districts' superintendents, the districts' homeless liaisons, and the parent(s) of the homeless child or youth.