

# ***Eligibility, School Selection, and the Dispute Resolution Process***

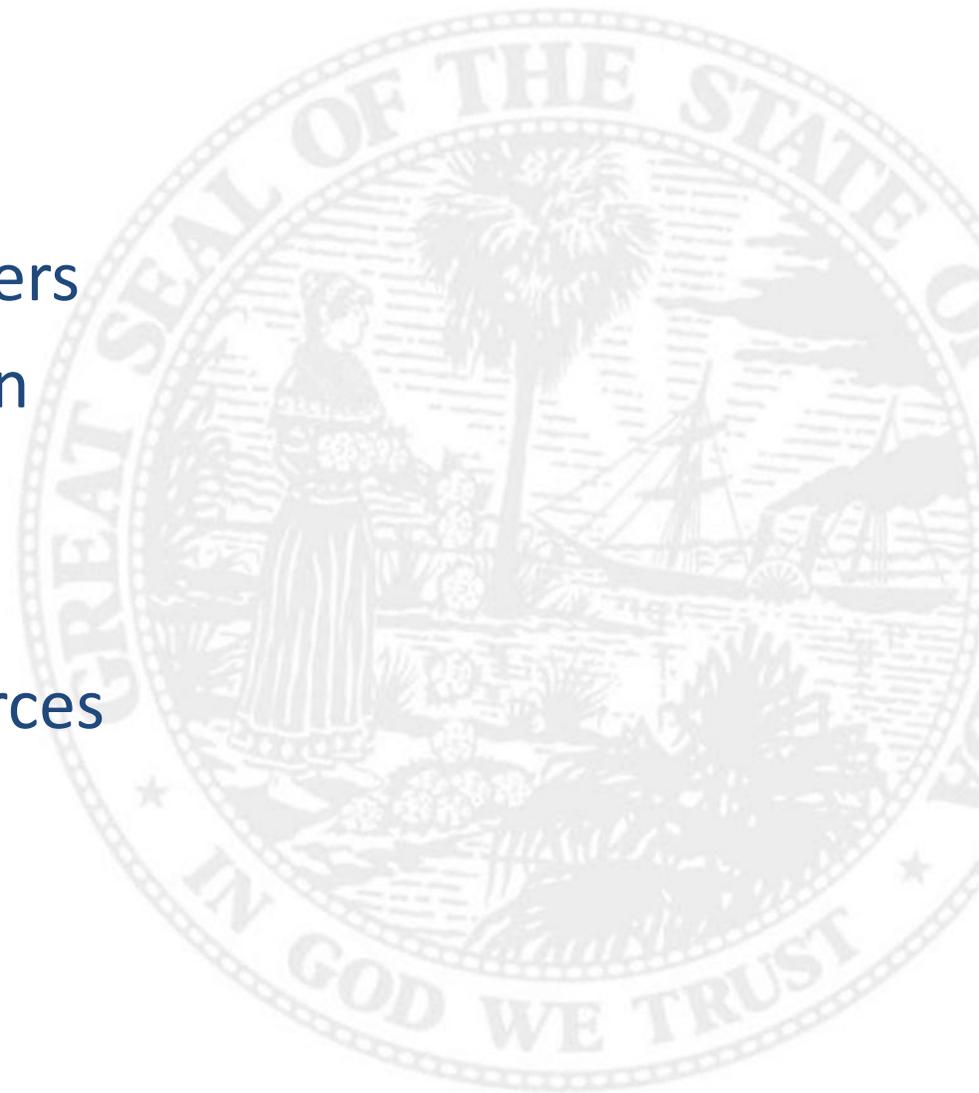
FASFEPA and ECTAC  
Spring Technical Assistance Forum

Grand Hyatt Tampa Bay  
Tampa, Florida  
May 5, 2014

Title X Homeless Education Program  
Florida Department of Education  
Bureau of Federal Educational Programs

## Goals for this session:

- Context
- Proactive Reminders
- Dispute Resolution
  - Review basics
  - Group Activity
  - Tips and resources

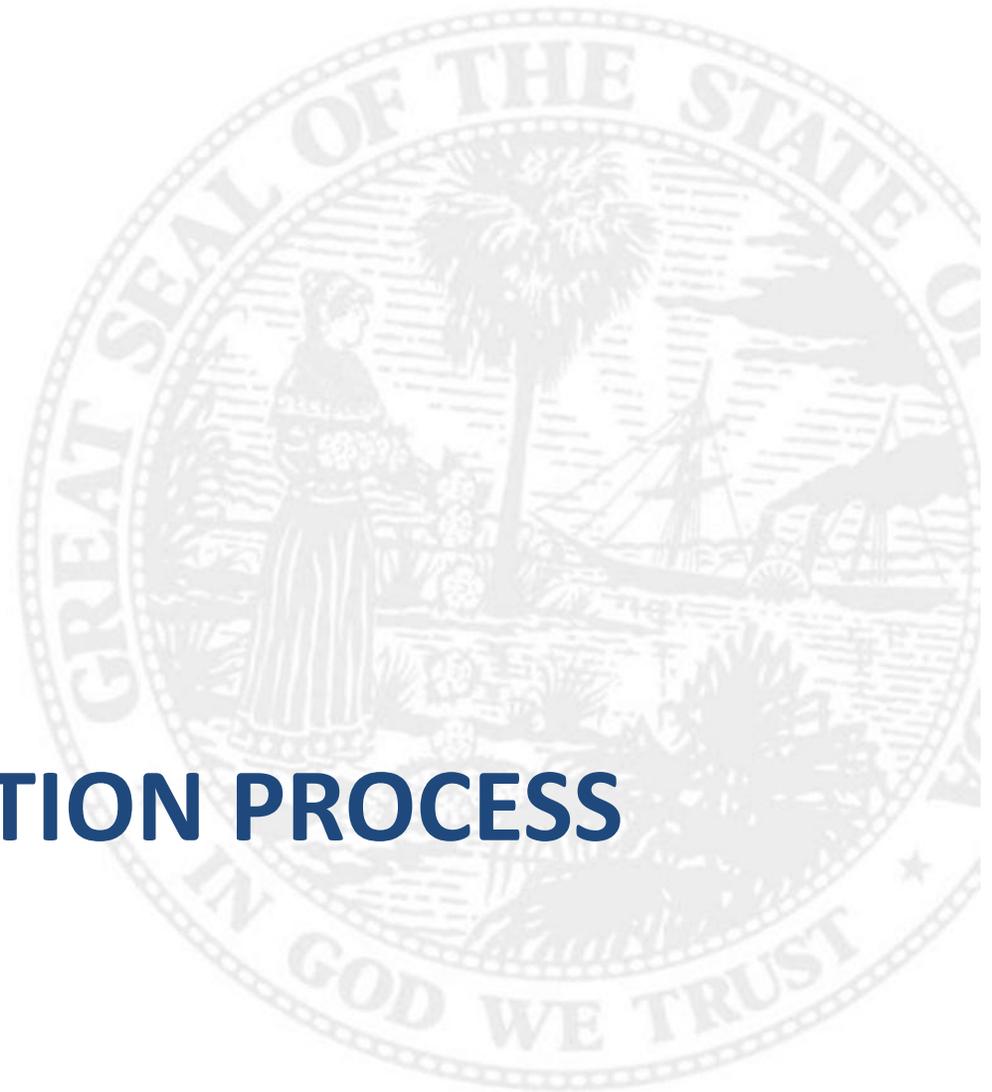


## An ounce of prevention....

- Liaison training
- LEA MV monitoring (include DR review)
- Tracking technical assistance and complaints
- Using feasibility worksheets
- Clear expectations
- Withholding judgment
- Using an intake form while exploring case
- Review Dispute Resolution process – focus group with liaisons

Know the Law

# DISPUTE RESOLUTION PROCESS



# McKinney-Vento Act Section 722(g)(1)(C)

“(g) STATE PLAN.—

“(1) IN GENERAL.—Each State shall submit to the Secretary a plan to provide for the education of homeless children and youths within the State. Such plan shall include the following...

“(C) A description of procedures for the prompt resolution of ***disputes regarding the educational placement*** of homeless children and youths.

# McKinney-Vento Act - Section 722(g)(3)(E)

(E) ENROLLMENT DISPUTES.—If a dispute arises over **school selection or enrollment in a school**—

(i) the child or youth shall be immediately admitted to the school in which enrollment is sought, pending resolution of the dispute;

(ii) the parent or guardian of the child or youth shall be provided with a written explanation of the **school's decision** regarding school selection or enrollment, including the rights of the parent, guardian, or youth to appeal the decision;

(iii) the child, youth, parent, or guardian shall be referred to the local educational agency liaison designated under paragraph (1)(J)(ii), who shall carry out the dispute resolution process as described in **paragraph (1)(C)** as expeditiously as possible after receiving notice of the dispute; and

(iv) 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.

# US Department of Education 2004 Non-Regulatory Guidance – G-5 & G-9

- Written notice – school decision, reason, right to appeal
- If disputed:
  - Immediately enroll in school of choice
  - Refer to liaison to carry out Dispute Resolution Process (DRP)
- G-5 - Inter-district enrollment disputes should be resolved at the SEA level
- G-9 - SEA process to appeal LEA DRP decisions

**LET'S DISCUSS – GROUP ACTIVITY**



*Florida Department of*  
**EDUCATION**

Check Your District's

# **DISPUTE RESOLUTION PROCESS**



# Critical Components of a Dispute Resolution Process

- Local procedure implemented by the liaison
- Written notification
- Immediate enrollment in school of preference during dispute resolution
- Informal and accessible
- Per guidance, must have an SEA level of appeal

# Written Notice

- Contact information for liaison and SC
- Simple, detachable form to complete and submit to initiate dispute (school should give parent a copy)
- Step-by-step description of appeal process
- Notice of right to immediately enroll
- Notice of right to appeal to state
- Timelines for LEA and SEA level appeals

# Getting Started

- Review the McKinney-Vento Dispute Resolution process for your district
  - Are memoranda and forms created,
  - school feasibility criteria established?
  - See link at FDOE

[FDOE Dispute Resolution Process](#)

Florida Department of Education: Bureau of Student Assistance - Windows Internet Explorer

http://www.fldoe.org/bsa/title1/titlex.asp

File Edit View Favorites Tools Help

Google Search

Florida Department of Education: Bureau of Student ...

- [National Association for the Education of Homeless Children and Youth \(NAEHCY\) Conference in Albuquerque, NM - October 27-30, 2012](#)
- [The Florida Association of State and Federal Education Program Administrators \(FASFEPA\) and the East Coast Technical Assistance Center \(ECTAC\) Conference in Tampa, Florida - May 6-9, 2013.](#)

### Data

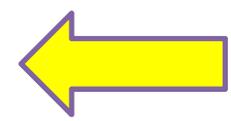
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- Homeless Education Data and Reports
  - Data Elements
  - [Homeless Education Trend Data](#) (PDF, 151KB)
  - [2011-2012 Homeless Students Count](#) (PDF, 51KB)
  - [2010-2011 Homeless Students Count](#) (PDF, 45KB)
  - [2009-2010 Homeless Students Count](#) (PDF, 80KB)
    - [Homeless Student, PK-12](#) (PDF, 46KB)
    - [Homeless Unaccompanied Youth](#) (PDF, 35KB)
    - [Federal/State Project, Area and Model](#) (PDF, 53KB)
    - [Disaster-Affected Student](#) (PDF, 41KB)
    - [Homeless Causes](#) (PDF, 38KB)

### Dispute Resolution Process

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- Online Dispute Resolution
  - [FDOE Dispute Resolution Process](#) (Word, 192KB)
  - [FDOE Tracking System](#) (Note: Access limited to Florida LEA Homeless Education Liaisons only)



### Additional Resources

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- [Florida Office of Homeless](#)
- [Florida Coalition for the Homeless](#)
- [Florida Supportive Housing Coalition](#)
- [Florida Housing Coalition, Inc.](#)
- [National Association for the Education of Homeless Children and Youth](#)
- [National Center for Homeless Education](#)
- [National Coalition for the Homeless](#)
- [National Law Center on Homelessness and Poverty](#)
- [U.S. Dept. of Housing and Urban Development](#)

## Education of Homeless Children and Youth Dispute Resolution Tracking System

Information regarding student's address, phone number, and information protected by the Family Educational Rights and Privacy Act (FERPA) and Protection of Pupil Rights Amendment (PPRA)

### Log In

Please Login Below

District:

Password:

This computer and the attached network are the property of the Florida Department of Education and are intended for authorized users only. Any use of this computer, network and applications (authorized or unauthorized) constitutes consent by the user to monitoring, retrieval, and disclosure of any information stored within the computer, the network or other media. Use of this computer in violation of applicable law or Department policies may subject the user to criminal, civil, or administrative proceedings

## Education of Homeless Children and Youth Dispute Resolution Tracking System

You are logged in as District

[Log Out](#)

Information regarding student's address, phone number, and information protected by the Family Educational Rights and Privacy Act (FERPA) and Protection of Pupil Rights Amendment (PPRA)

**[Submit New Record](#)**

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This district has not records in the database.

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For assistance, please contact Lorraine Allen [lorraine.allen@fldoe.org](mailto:lorraine.allen@fldoe.org)

## Education of Homeless Children and Youth Dispute Resolution Tracking System

[◀◀ Main Menu](#)

You are logged in as

[Log Out](#)

**District**

Information regarding student's address, phone number, and information protected by the Family Educational Rights and Privacy Act (FERPA) and Protection of Pupil Rights Amendment (PPRA)

**Complete the following form. All fields are required.**

Student First Name:	<input type="text"/>
Student Last Name:	<input type="text"/>
Student ID:	<input type="text"/>
Grade Level:	<input type="text" value="-- select --"/>
School:	<input type="text" value="-- select a school --"/>
Date of Notification of Dispute (mm/dd/yyyy):	<input type="text"/>
Type of Report:	<input type="radio"/> Original <input type="radio"/> Appeal
Reason for Dispute (limited to 4000 character or about 660 words):	<input type="text"/>

## Education of Homeless Children and Youth Dispute Resolution Tracking System

You are logged in as **District**.

[Log Out](#)

Information regarding student's address, phone number, and information protected by the Family Educational Rights and Privacy Act (FERPA) and Protection of Pupil Rights Amendment (PPRA)

### Submit New Record

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#### Records entered to date

Name	ID	Grade	School	Date	Type	DOE TA provided	edit
xx, xx	xxxxxxxxxx	1	Name of School	09/27/2013	Original		<a href="#">Edit</a>

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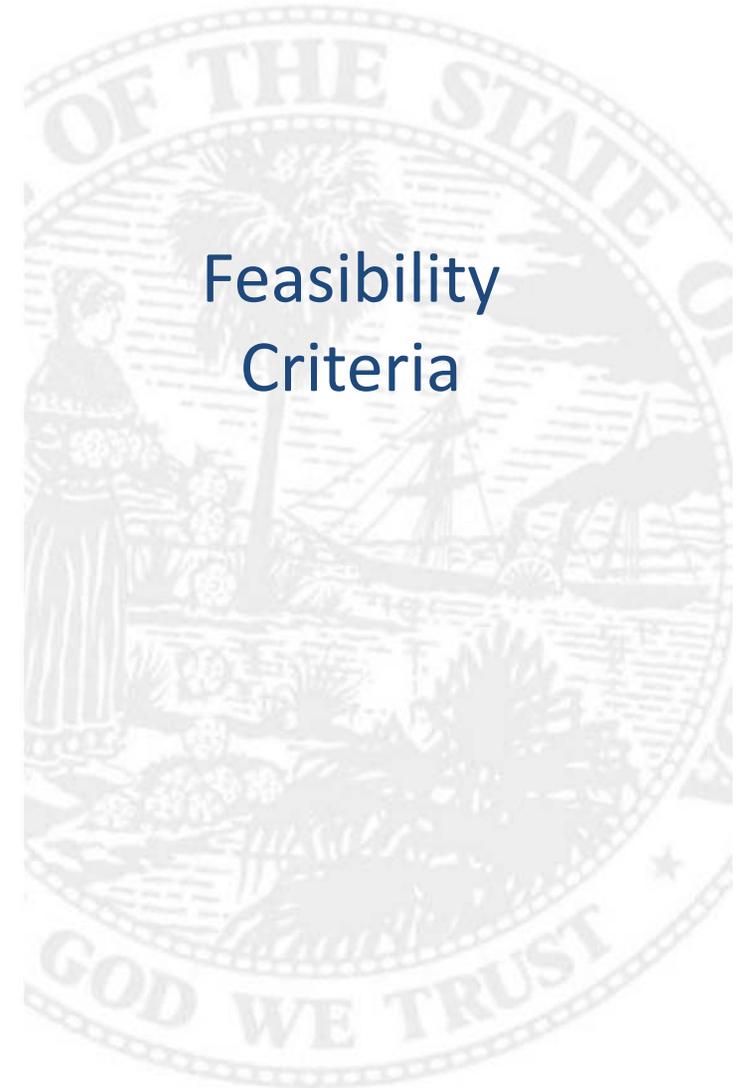
For assistance, please contact Lorraine Allen [lorraine.allen@fldoe.org](mailto:lorraine.allen@fldoe.org)

## School Selection: A Checklist for Decision Making

(adapted from the Texas Homeless Education Office)

School of Origin Considerations	Local Attendance Area School Considerations
<input type="checkbox"/> <b>Continuity of instruction</b> <i>Student is best served due to circumstances that look to his or her past.</i>	<input type="checkbox"/> <b>Continuity of instruction</b> <i>Student is best served due to circumstances that look to his or her future.</i>
<input type="checkbox"/> <b>Age and grade placement of the student</b> <i>Maintaining friends and contacts with peers is critical to the student's meaningful school experience and participation. The student has been in this environment for an extended period of time.</i>	<input type="checkbox"/> <b>Age and grade placement of the student</b> <i>Maintaining friends and contacts with peers in the school of origin is not particularly critical to the student's meaningful school experience and participation. The student has attended the school of origin for only a brief time.</i>
<input type="checkbox"/> <b>Academic strength</b> <i>The child's academic performance is weak, and the child would fall further behind if he/she transferred to another school.</i>	<input type="checkbox"/> <b>Academic strength</b> <i>The child's academic performance is strong and at grade level, and the child would likely recover academically from a school transfer.</i>
<input type="checkbox"/> <b>Social and emotional state</b> <i>The child is suffering from the effects of mobility, has developed strong ties to the current school, and does not want to leave.</i>	<input type="checkbox"/> <b>Social and emotional state</b> <i>The child seems to be coping adequately with mobility, does not feel strong ties to the current school, and does not mind transferring.</i>
<input type="checkbox"/> <b>Distance of the commute and its impact on the student's education and/or special needs</b> <i>The advantages of remaining in the school of origin outweigh any potential disadvantages presented by the length of the commute.</i>	<input type="checkbox"/> <b>Distance of the commute and its impact on the student's education and/or special needs</b> <i>A shorter commute may help the student's concentration, attitude, or readiness for school. The local attendance area school can meet all of the necessary educational and special needs of the student.</i>
<input type="checkbox"/> <b>Personal safety of the student</b> <i>The school of origin has advantages for the safety of the student.</i>	<input type="checkbox"/> <b>Personal safety of the student</b> <i>The local attendance area school has advantages for the safety of the student.</i>
<input type="checkbox"/> <b>Student's need for special instruction</b> <i>The student's need for special instruction, such as Section 504 or special education and related services, can be met better at the school of origin.</i>	<input type="checkbox"/> <b>Student's need for special instruction</b> <i>The student's need for special instruction, such as Section 504 or special education and related services, can be met better at the local attendance area school.</i>
<input type="checkbox"/> <b>Length of anticipated stay in a temporary shelter or other temporary location</b> <i>The student's current living situation is outside of the school-of-origin attendance zone, but his/her living situation or location continues to be uncertain. The student will benefit from the continuity offered by remaining in the school of origin.</i>	<input type="checkbox"/> <b>Length of anticipated stay in a temporary shelter or other temporary location</b> <i>The student's current living situation appears stable and unlikely to change suddenly, the student will benefit from the developing relationships with peers in school who live in his local community.</i>

# Feasibility Criteria



[date]

[name of parent or guardian]  
[address]  
[city], FL [zip]

Regarding: School Placement Decision

Dear [name of recipient]:

This letter is to inform you that we believe it is in the best interest of your child, [name of student], not to be placed in [name of School of Origin], but rather in [name of school], which is the school for which the student is currently zoned. The reasons for this decision are [provide a detailed explanation here].

If you do not agree with this decision, you have the right to dispute. Please contact the [name of school district] Homeless Education Liaison, [name of liaison], [title of liaison], within ten (10) days of receipt of this letter regarding your situation. The Homeless Education Liaison may be contacted via telephone at [phone number of liaison].

During the dispute resolution process, your child may remain at [name of school of origin], until a school placement decision is finalized.

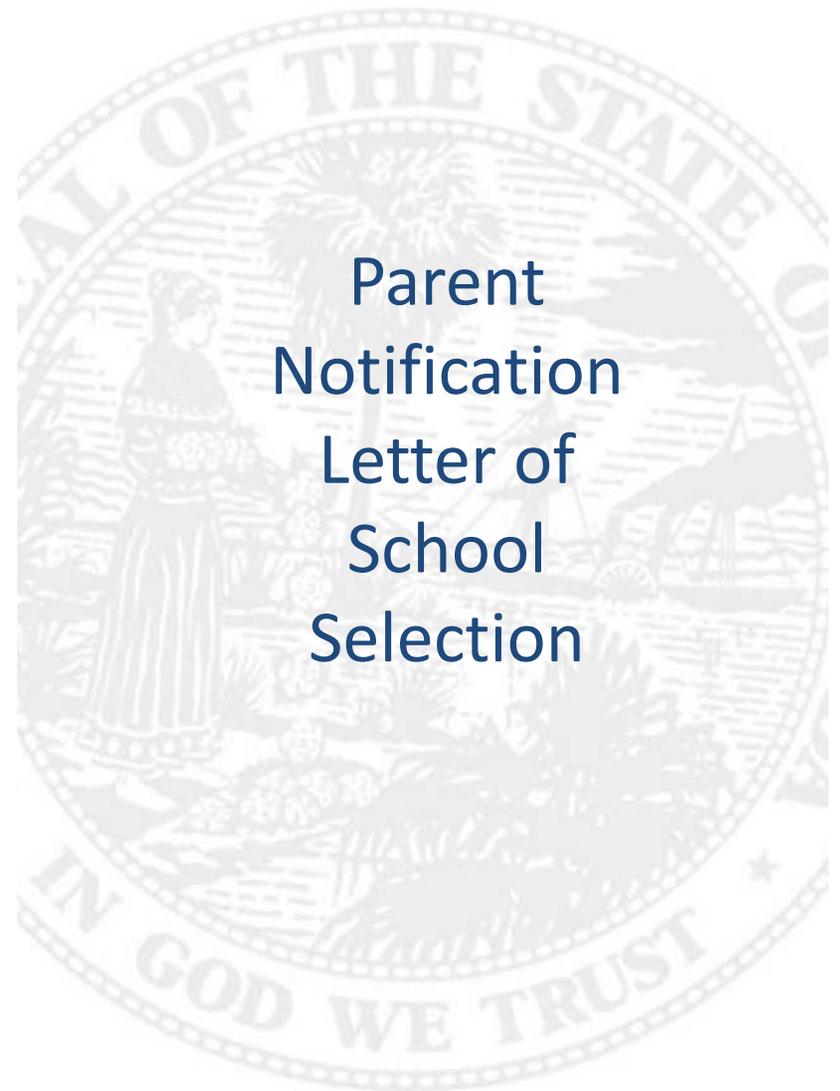
Thank you.

[name of sender]  
[Homeless Education Liaison or title of sender]  
[address of Homeless Education Liaison or sender]  
[city], FL [zip code]  
[phone number of Homeless Education Liaison or sender]

Cc: [name of sender's supervisor], [title of sender's supervisor]  
[name of principal of School of Origin], Principal, [name of School of Origin]  
[name of principal of currently zoned school], Principal, [name of currently zoned school]

Enclosures:

- School Selection Checklist
- Homeless Education Brochure



# TYPES OF CONFLICTS



# McKinney-Vento Disagreements (Disputable)

- Remaining in school of origin
- Immediate enrollment in school of residency
- Homeless status when student was appropriately identified as homeless previously (e.g., doubled-up in same location for two years)
- Homeless status questioned due to additional information

## MV Compliance – Not Dispute

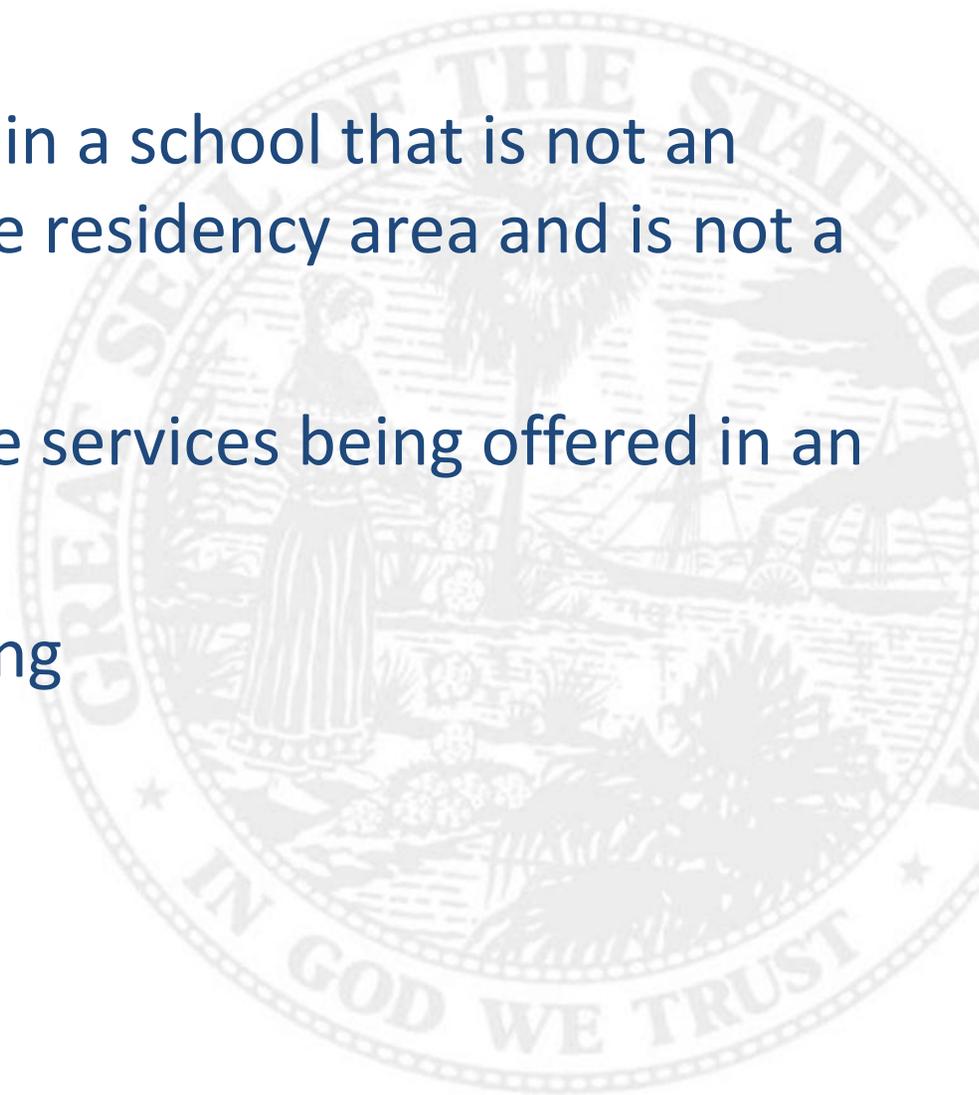
- School failed to inform of MV educational rights
- Student is not provided free meals
- Systemic non-compliance by an LEA which requires state intervention (failure to identify homelessness; lack of outreach and coordination within schools and community)

## Not MV Compliance: Services are allowable/beneficial

- Preschool student could benefit from school of origin transportation
- Additional activities could enhance homeless identification (e.g., using a residency questionnaire)
- Summer school could improve student's academic performance but is not required to pass a course

## Not MV

- Student wishes to enroll in a school that is not an option for students in the residency area and is not a school of origin
- Parent disagrees with the services being offered in an IEP
- Student never lost housing



## Documentation to maintain

- Clear, concise description of the issue
- Timeline of contacts (school, SEA, parent/youth)
- Emails between school and parent
- Log of phone contacts and meetings
- Best interest determination
- Eligibility information

# Best/Promising Practices

- Have liaisons notify SC when issuing written notice
- Create an Advisory Board or MV Dispute Panel
- Designate administrative law judges, ombudsperson, or other decision-makers who are independent but receive comprehensive training



*Difficulties are meant to  
rouse, not discourage.  
The human spirit is to  
grow strong by conflict.*

William Ellery Channing

# Contact Information

**Lorraine Husum Allen**

[Lorraine.Allen@fldoe.org](mailto:Lorraine.Allen@fldoe.org)

Phone: (850) 245-0668

**Skip Forsyth**

[Skip.Forsyth@fldoe.org](mailto:Skip.Forsyth@fldoe.org)

Phone: (850) 245-0089

**Bureau of Federal  
Educational Programs**

<http://www.fldoe.org/bsa/title1/titlex.asp>



## A Checklist of Good Practices for Avoiding and Managing McKinney-Vento Disputes

Prior to a Dispute	Addressed in Dispute Policy	Good Practices Promoted	Actions
All school and LEA staff members are trained on a continual basis in the procedures in the LEA for a parent, guardian, or unaccompanied youth to initiate a dispute.			
The local homeless liaison is familiar with the state and local homeless dispute resolution policy.			
The LEA dispute process and the McKinney-Vento dispute process are reviewed for compatibility and to ensure efficiency.			
The local homeless liaison understands how to implement the dispute process according to LEA and SEA policies.			
The local homeless liaison is trained to understand which topics are appropriate for McKinney-Vento disputes and which are not.			
The local homeless liaison is advised to conduct face-to-face conversations with parents or youth when a conflict begins to arise in attempt to avoid a dispute.			
Timelines in the dispute policy are clear and consistent; the timeline for a parent to file a dispute and the timeline for the LEA to respond are specific.			
The parent, guardian, or unaccompanied youth is informed of the response time for the dispute and the way in which he or she will receive the decision and from whom.			
The dispute resolution process enables decisions to be rendered expeditiously.			
A form exists for written notice and includes a place for reasons for the LEA decision and instructions for filing a dispute.			
School and LEA staff members are trained in ways to treat parents, guardians, and unaccompanied youth respectfully, while maintaining the confidentiality of the case.			
Third parties involved to review disputes are trained in the process and on the McKinney-Vento Act.			



## A Checklist of Good Practices for Avoiding and Managing McKinney-Vento Disputes

During the Dispute	Addressed in Dispute Policy	Good Practices Promoted	Actions
The parent, guardian, or unaccompanied youth is provided written notice of the LEA's decision; a copy is kept on file.			
The local homeless liaison or school staff explains the dispute process verbally to the parent, guardian, or unaccompanied youth.			
When the parent, guardian, or unaccompanied youth files a dispute, the school immediately enrolls and provides full services to the child or youth in the school that the parent, guardian, or unaccompanied youth desires.			
The local homeless liaison notifies the State Coordinator of the dispute.			
The local homeless liaison ensures that disputes are carried out in a timely manner, according to timelines.			
The local homeless liaison ensures that the parent or guardian is able to meet deadlines, or knows to provide assistance or flexibility and to address other barriers for the parent to implement the process.			
The local homeless liaison states the right of the parent or guardian to seek assistance in the dispute process from an advocate or attorney.			
The local homeless liaison assists unaccompanied youth with the process.			
The local homeless liaison obtains information and documentation in appropriate ways and in compliance with FERPA.			
The local homeless liaison informs the parent, guardian, or unaccompanied youth that he or she can provide written and oral documentation to support his or her position.			
The local homeless liaison compiles sufficient information and documents for the State Coordinator or other third parties, and includes documentation provided by the parent, guardian, or unaccompanied youth.			
The SEA has a standard form for its response/decision to ensure consistency across disputes.			
All necessary parties are apprised of the resolution and their role in its implementation.			
If the parent or guardian does not get what he/she wants in the dispute, the local homeless liaison discusses the outcome with him/her and works with him/her on strategies to implement the solution and keep the best interest of the child at the forefront.			



## A Checklist of Good Practices for Avoiding and Managing McKinney-Vento Disputes

Following the Dispute	Addressed in Dispute Policy	Good Practices Promoted	Actions
The local homeless liaison reviews the case with all parties involved at the LEA and SEA level for lessons learned and barriers that must be addressed.			
Appropriate changes in procedures and policies are implemented.			
Training that addresses lessons learned or barrier removal is incorporated in the regular training provided to school and LEA staff on dispute resolution.			
The State Coordinator keeps all disputes on file and reviews for common issues or LEA TA needs.			
The State Coordinator understands the process for revising the McKinney-Vento dispute policy.			

### Dispute Policy and Practice Improvement Action Plan

What Needs to be Done	Person Responsible	Deadline