

# Dispute Resolution Form – Homeless Education

The McKinney-Vento Homeless Assistance Act acknowledges that disputes may arise between the school district and homeless students and their parents/guardians. Guidance for school selection is provided in the law. The law includes dispute resolution among the required duties of the local district liaison. For more information, consult the Discipline Resolution Procedure in the WV State Plan for McKinney-Vento eligible students. If the dispute is escalated to the state level after mediation at the LEA, a decision will be communicated by the State's Superintendent Office within ten days.

## LEVEL 1: LIAISON DETERMINATION

Date of Complaint Received: \_\_\_\_\_

Name of District: \_\_\_\_\_ District Phone Number: \_\_\_\_\_

Student's Name: \_\_\_\_\_

Area of concern (e.g. School of origin): \_\_\_\_\_

Relevant Evidence:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Determination:

\_\_\_\_\_

Liaison's Signature: \_\_\_\_\_ Date of Resolution: \_\_\_\_\_

## APPEAL

Petitioner's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Question at issue on appeal:

\_\_\_\_\_  
\_\_\_\_\_

**LEVEL 2: MEDIATION AT LEA**

Parties Present: \_\_\_\_\_

*\*Attach notes from mediation*

Determination: \_\_\_\_\_  
\_\_\_\_\_

Liaison's Signature: \_\_\_\_\_ Date of Resolution: \_\_\_\_\_

**APPEAL**

Petitioner's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Question at issue on appeal:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**LEVEL 3: STATE COORDINATOR DETERMINATION**

Date Complaint Received: \_\_\_\_\_

Area of Concern (e.g. School or Origin): \_\_\_\_\_

Relevant Evidence:  
\_\_\_\_\_  
\_\_\_\_\_

Determination: \_\_\_\_\_  
\_\_\_\_\_

State Coordinator's Signature: \_\_\_\_\_ Date of Resolution: \_\_\_\_\_

**LEVEL 5: FINAL STATE DETERMINATION**

Area of Concern (e.g. School or Origin): \_\_\_\_\_

Final Determination: \_\_\_\_\_

Administrator's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## **Dispute Resolution Procedures**

*Below is the process for dispute resolution (722(g)(1)(C) of the McKinney-Vento Act). This guidance is from the West Virginia State Plan within the subsection Title IA Part I Education for Homeless Children and Youth program, McKinney-Vento Homeless Assistance Act, Title VII, Subtitle B.*

### **Describe procedures for the prompt resolution of disputes regarding the educational placement of homeless children and youth.**

The WVDE promotes collaborative decision-making processes regarding educational stability decisions and articulates such processes in its Joint Guidance on Educational Stability for Homeless Children and Children in Foster Care published by the WVDE and the West Virginia Department of Health and Human Resources in 2017. This guidance spells out the following procedures for the educational stability of homeless children and youth.

**Best Interest Determination:** The ***School of Residence*** is the school designated for the geographic attendance area that encompasses a child's current residence. All public-school students in West Virginia are assigned to a school of residence based on each county school system's attendance area map. The ***School of Origin*** is the school in which a child is enrolled prior to being identified as homeless.

A homeless child's School of Origin may also be their School of Residence after they are displaced from their home due to residential instability. However, homelessness often results in a residence change that is outside a child's original school's attendance area. In these situations, a sudden change in school can lead to educational instability that will result in negative impact on achievement, attendance, behavior as well as emotional and physical well-being. An LEA (in collaboration with families, child welfare agencies and other partners, as appropriate) must ensure that a homeless child remains in his or her School of Origin unless a determination is made that it is not in the child's best interest.

**Considerations:** When determining a homeless child's best school placement, the relevant collaborators should consider multiple factors. Though the specific factors may vary depending on context, relevant collaborators must make a holistic and well-informed

determination based on a variety of student-centered factors which include but are not limited to:

- Preferences of the child (when age appropriate);
- Preferences of the child's parent(s) or education decision maker(s);
- The child's attachment to the School of Origin, including meaningful relationships with staff and peers; • Placement of the child's sibling(s);
- Influence of the School of Origin's climate on the child, including safety.
- The availability and quality of services in the School of Origin to meet the child's educational and social emotional needs;
- History of school transfers and how they have impacted the child;
- How the length of the commute would impact the child, based on the child's developmental stage and age;
- Whether services required in a child's Individual Education Plan (IEP), Section 504 plan of the Rehabilitation Act or English Learner (EL) plan can be maintained at present levels at the School of Residence; and 84
- Consideration for meeting the immediate short-term need for educational stability while also considering the long-term plan for facilitating a smooth educational transition for the child when housing is stable.

**Timeline:** The LEA must have processes in place to facilitate the Best Interest Determination as quickly as possible to prevent a disruption in educational services for the child. To the extent feasible and appropriate, the LEA must ensure that a child remains in his or her School of Origin while this determination is being made.

**Participants:** The LEA's relevant collaborators for Best Interest Determinations should be the child (depending on the age and developmental level), the child's family, an LEA homeless liaison, school administration, the child's teachers/counselor and/or other relevant school personnel (i.e. school staff responsible for IEP, EL plans or Section 504 plans), district transportation director, others as deemed appropriate.

**Process:** The LEA should establish a mechanism through which relevant parties can meaningfully participate in the Best Interest Determination process. The process should be established within the school district and be initiated as soon as possible after a homeless child identification is made.

The McKinney-Vento Act views the School of Origin as the default option to promote educational stability. Families may request the School of Origin or the School of Residence (where the child is living at the time) as their preferred school placement. It is the responsibility of the LEA and relevant collaborators to determine which school placement is in the child's best interest. The LEA must document the Best Interest Determination decision making process and may use sample forms provided by the SEA to do so.

Upon completion of the determination process the LEA shall provide the child's guardian/custodian with the written Notice of Best Interest Determination clearly stating the decided upon school placement and rationale for the decision.

**Dispute Resolution:** If any of the relevant collaborators do not agree on the appropriate placement, the LEA must facilitate an enrollment dispute resolution procedure as follows:

- Because the initial BID process involves school and district-level decision makers, it is anticipated that the negotiated decision should be agreed upon by all parties. However, if it is impossible to reach agreement, any disputing party may appeal the decision to the WVDE McKinney-Vento Coordinator;
- A homeless student should be enrolled in the school the family has chosen during the resolution process;
- Upon receiving a dispute notification, the WVDE McKinney-Vento Coordinator shall request and review all determination documents from the LEA, conduct interviews as needed, and issue a recommendation to the State Superintendent of Schools. A written decision shall be provided by the State Superintendent's Office within 10 business days of receiving the dispute notification;
- The WVDE McKinney-Vento Coordinator will follow up with the school/LEA 15 business days after the final determination is issued to verify the child's enrollment status