



LEA-Level Dispute Resolution Procedure & Form (ADE Sample)

The McKinney-Vento Homeless Assistance Act acknowledges that disputes may arise between the school district, the student experiencing homelessness, and the student's parents/guardians. As detailed in the federal statute, the McKinney-Vento Homeless Liaison is responsible for implementing the requirements of the best interest determination process to select the school in which the student experiencing homelessness is to attend, as well as requirements pertaining to the dispute resolution process.


This packet is to inform you of your right and the process to file an appeal to dispute the selection of the school and services that have been arranged. Below is a list of the items included in this packet:

1. Contact information for the school district's McKinney-Vento Homeless Liaison and State Coordinator.
2. Timelines for resolving the LEA/Charter District and State-level appeals, along with a written step-by-step description of how to dispute the school district's decision.
3. The Dispute Resolution form to be completed and returned to the McKinney-Vento Homeless Liaison (see contact information below). **Submission of this form will initiate the dispute process.**
4. A copy of the Written Notification of McKinney-Vento Eligibility Decision regarding school placement, enrollment, and services.
5. A copy of the Rights of Homeless Students.

Please note that the **student has the right to enroll or remain enrolled** in the requested school pending the resolution of the dispute. Upon receipt of the dispute resolution packet, the McKinney-Vento Homeless Liaison will begin the process for review. If applicable, **transportation** must be **arranged** expeditiously.

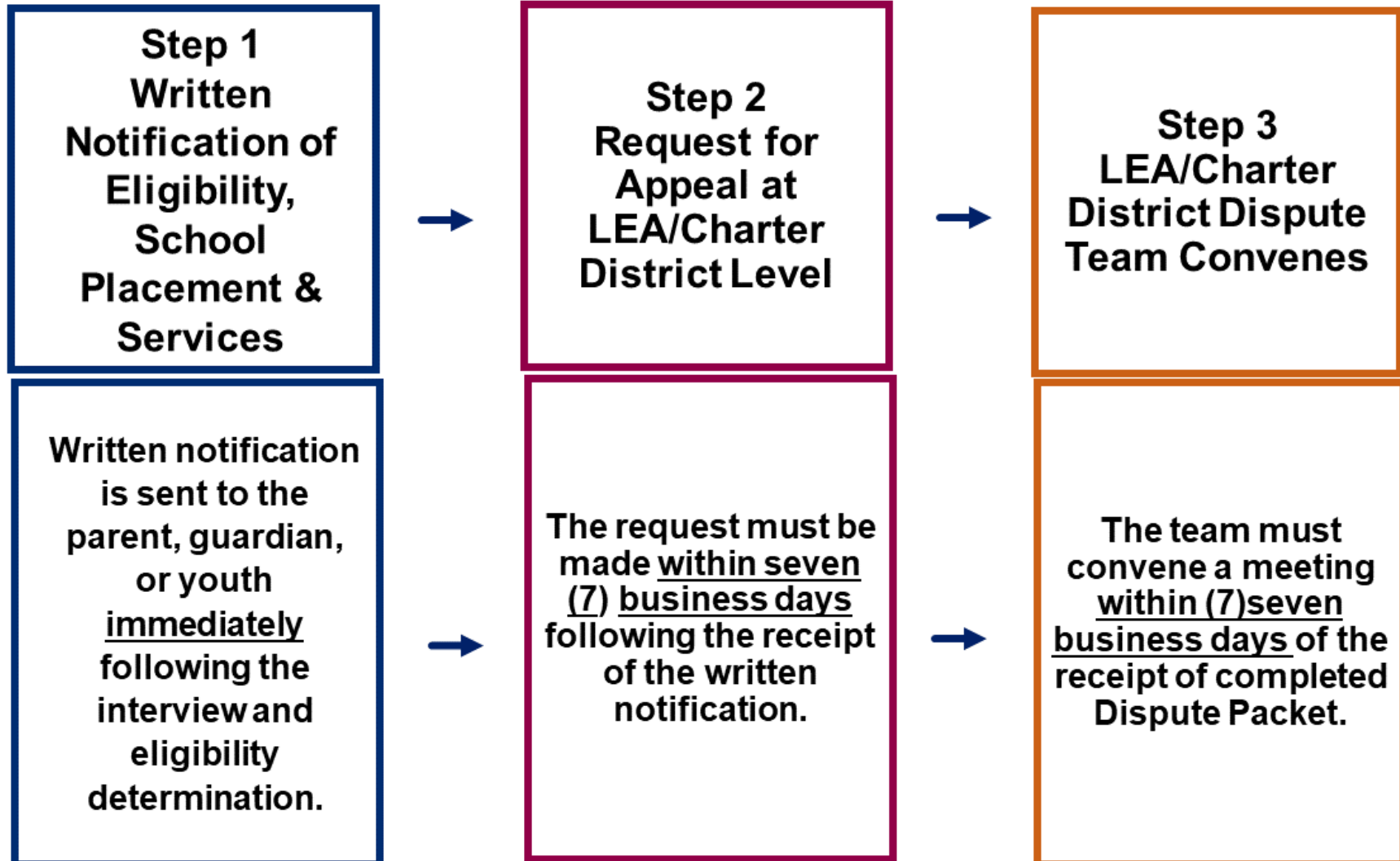
If, at any time, you have questions regarding the dispute resolution process, you can contact the district McKinney-Vento Homeless Liaison or the State Homeless Education Coordinator to assist you with the process.

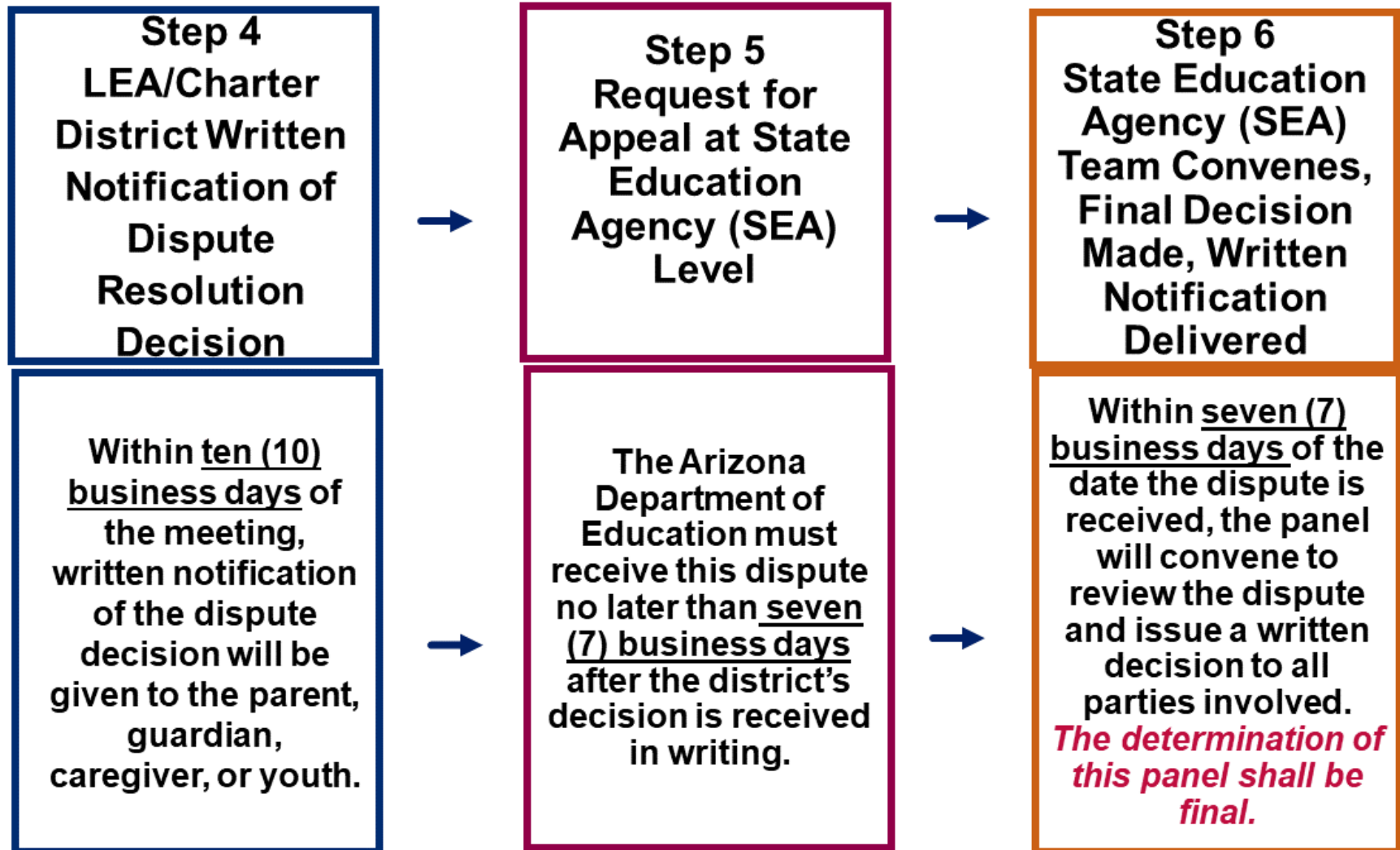
Contact information for the LEA's/Charter District's McKinney-Vento Homeless Liaison and the State Homeless Education Program Coordinator

School District Name Physical Address	Arizona Department of Education State Homeless Education Program 1535 W. Jefferson Street Phoenix, AZ 85007
School District McKinney-Vento Homeless Liaison McKinney-Vento Homeless Liaison Name Phone Number Email Address	State Homeless Education Program Coordinator Rita Rodriguez (602) 542-4963 Homeless@azed.gov 



Timelines for resolving the LEA/Charter District and State-level appeal







Dispute Resolution Form

Today's Date: _____

Information About the Petitioner	
Please provide the first and last name of the individual requesting the appeal:	
What is the relationship to the student:	
Please provide a mailing address: <i>If you do not have a mailing address, please state that.</i>	
Please provide your email address: <i>If you do not have an email address, please state that.</i>	
Please provide your phone number: <i>If you do not have a phone number, please state that.</i>	

Information About the Student or Students	
Please provide the student/s information (include detailed information): <ul style="list-style-type: none">• Full name• Date of birth• Grade level• Student ID	
Student 1	
Student 2	
Student 3	
Student 4	
Student 5	



Information About the LEAs/Charter Districts	
What is the name of the school of origin? <i>The school of origin is the school that a child or youth attended when permanently housed or the school in which the child or youth was last enrolled, including a preschool.</i>	
If there are additional schools your child or youth attended since you were permanently housed, provide the name of the schools.	
What school district is the school of origin a part of? <i>If you do not know the answer to this question, you can skip it.</i>	
What is the name of the school of residency? <i>The school of residency is the school where the student is temporarily residing.</i>	
What school district is the school of residency a part of? <i>If you do not know the answer to this question, you can skip this question.</i>	
What is the name of the McKinney-Vento Homeless Liaison you have been working with? <i>If you do not know please state that.</i>	
Provide the names of any additional district staff members that have been working with you regarding this matter.	

Information About the Written Notification	
Did you receive a written notification regarding the McKinney-Vento eligibility decision from the LEA/Charter District?	
If you received a written notification regarding the decision, what date did you receive it?	
Was a best interest determination (BID) meeting held? If yes, when was the meeting held?	
If you received a written notification regarding the decision of the BID meeting, what date did you receive it?	



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Information About Your Request for an Appeal

Please provide an explanation regarding the reason for your request to appeal. You may include as much detail as possible. Items you may consider including are as follows:

- Information regarding the specific point at issue
- What rights you feel the school or district has not honored
- Supporting documentation from individuals providing support to you and your family such as shelter case managers, community support personnel, school staff, other stakeholders

Use this section to provide an explanation regarding the reason for your request to appeal.

I agree this information is accurate to the best of my knowledge, and to participate in the dispute resolution meeting that the LEA/Charter District will coordinate.

Signature of the Petitioner

Date

Please return the Dispute Resolution Form to the McKinney-Vento Homeless Liaison. The contact information can be located on page 1 of this form.

School District Personnel Receiving the
Dispute Resolution Form

Date Dispute Resolution Form Received



Attention liaison, you will provide a copy of the written notification and Rights of Homeless Students to the parent guardian or youth.

Written Notification of McKinney-Vento Eligibility Decision (ADE Sample form)

This letter shall serve as written notification of the decision made regarding McKinney-Vento eligibility, school selection and enrollment determination, in compliance with the McKinney-Vento Act [42 U.S.C. §11432(g)(3)(E)(ii)]

Name of Parent(s)/Guardian(s) _____

Name of Student(s) _____

☐ It has been determined that your situation does qualify the student noted in this letter as McKinney-Vento Eligible based on the following:

☐ The student(s) qualify for McKinney-Vento services, and it is in the best interest of the student(s) to remain in the School of Origin (Enter the school district and school name in this section.) _____

☐ The district will provide transportation. The McKinney-Vento Homeless Liaison will arrange this.

☐ The district will not provide transportation based on the following: (Provide details surrounding the decision.) _____

☐ The student(s) qualify for McKinney-Vento services, and they are not in the physical care of a parent or legal guardian due to hardship. Furthermore, the student meets the definition of an Unaccompanied Youth.

☐ The student(s) qualify for McKinney-Vento services, but it may not be in the best interest of the student(s) to remain at their School of Origin (Enter the school district and school name) and will be supported in enrolling in their new Local Attendance Area School (Enter the school district and school name). This determination was based upon: (Provide an explanation of the decision. If it was based on the outcome of a BID meeting provide those details in this section, including the date). _____

☐ It has been determined that your situation does NOT qualify the student(s) noted in this letter as McKinney-Vento eligible. If your living situation changes, you may re-apply. You also have the right to appeal this decision. Contact the McKinney-Vento Homeless Liaison for assistance. The student(s) listed above has/have the right to enroll or remain enrolled in the requested school pending the resolution of the dispute. The decision was based on the following:

☐ The current primary nighttime residence is considered fixed, regular, and adequate.

☐ The current living situation reported is considered a choice or preference and not due to hardship.

☐ The student is in the company of a parent or legal guardian.

☐ Other: (Provide an explanation of the decision.) _____

Please see the accompanying document, *Rights of Homeless Students*, for additional information regarding our commitment to the educational rights of homeless children, youth, and unaccompanied youth.

Thank you,

McKinney-Vento Homeless Liaison Name
LEA/Charter District Name
Email address
Phone

Enclosure: Rights of Homeless Students



Attention liaison, you will provide a copy of the written notification and Rights of Homeless Students to the parent guardian or youth.

Rights of Homeless Students

The LEA/Charter District shall provide an educational environment that treats all students with dignity and respect. Every homeless student shall have access to the same free and appropriate educational opportunities as students who are not homeless. This commitment to the educational rights of homeless children, youth, and unaccompanied youth, applies to all services, programs, and activities provided or made available.

McKinney-Vento Definition of Homeless:

The term "homeless children and youth"— means individuals who lack a fixed, regular, and adequate nighttime residence [42 U.S.C. § 11434a(2)]

A student may be considered eligible for services as a "Homeless Child or Youth" under the McKinney-Vento Homeless Assistance Act if he or she is presently living in one of the following situations:

- sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason,
- living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations,
- living in emergency or transitional shelters; or are abandoned in hospitals,
- have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings,
- living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings, or
- is a migratory child who qualifies as homeless for the purposes of this subtitle because the children are living in circumstances described above.



Homeless Education

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Homeless Education

Rights of Homeless Students

To remove educational barriers for children and youths experiencing homelessness, the McKinney-Vento Act mandates the following: **Immediate Enrollment:** Documentation and immunization records cannot serve as a barrier to the enrollment in school [42 U.S.C. §11432(g)(3)(C)].

School Selection and Maintained Enrollment: McKinney Vento eligible students have a right to select from the options outlined below. Students may remain enrolled in their selected schools for the duration of homelessness, and until the end of the academic year upon which they are permanently housed or enroll the child or youth in any public school that ~~nonhomeless~~ students who live in the attendance area in which the child or youth is living are eligible to attend. [42 U.S.C. §11432(g)(3)(A), 42 U.S.C. §11432(g)(3)(B) and 42 U.S.C. §11432(g)(3)(I) (i)].

School of Origin	School of Residency
The school the student attended when permanently housed	The school in the attendance area in which the student currently resides
The school in which the student was last enrolled	

Transportation Services: McKinney-Vento eligible students attending their School of Origin have a right to transportation to and from the School of Origin [42 U.S.C. §11432(g)(1)(J)(iii)].

Participation in Programs: McKinney-Vento eligible students are guaranteed the right to services comparable to services offered to other students in the school [42 U.S.C. §11432(g)(4) & (6)(iii)].

Unaccompanied Youth Experiencing Homelessness: McKinney-Vento eligible students are guaranteed the right to immediate enrollment without proof of guardianship [42 U.S.C. §1432(g)(1)(H)(iv)].

Access to Extracurricular Activities: Removal of barriers to accessing academic and extracurricular activities for homeless students who meet relevant eligibility criteria [42 U.S.C. §11432(g)(1)(F)(iii)].

Dispute Resolution: If you disagree with school officials about enrollment, transportation, or fair treatment of a homeless child or youth, you may file a complaint with the school district [42 U.S.C. §11432(g)(3)(E)].

Appointment of a Local Homeless Liaison: The McKinney-Vento Act mandates the appointment of a local Homeless Liaison in every school district or local education agency (LEA) to ensure that homeless children and youth are enrolled in and have a full and equal opportunity to succeed in school [42 U.S.C. §11432(g)(1)(J)(ii) and U.S.C. §11432(g)(6)(A)].

For more information, refer to [Arizona Department of Education, Homeless Education, 42 USC CHAPTER 119, SUBCHAPTER VI, Part B: Education for Homeless Children and Youths, and the AZ State ESSA Plan](#). You may also contact:

LEA Homeless Liaison

LEA Name

LEA Homeless Liaison Office Address

LEA Homeless Liaison Phone Number

LEA Homeless Liaison Email address

State Homeless Education Program Coordinator

Arizona Department of Education

1535 W. Jefferson Street

Phoenix, AZ 85007

(602) 542-4983

Homeless@azed.gov

