

Brunswick School Department

DISPUTE RESOLUTION PROCEDURE FOR HOMELESS STUDENTS AND FAMILIES

The No Child Left Behind (NCLB) Act of 2001 (PL107-110, Section 722) expands the responsibility of Maine Department of Education and LEA's to ensure educational rights and protections for children and youth experiencing homelessness. All LEA's must ensure coordination of their efforts on behalf of homeless children and youth with the McKinney-Vento Homeless Education Assistance Improvement Act, Title X, Part C and DOE directives. Part of that coordination is to implement procedures for the prompt resolution of disputes regarding school selection and enrollment for homeless children and youth.

McKinney-Vento definitions:

- "School of selection" as the school of origin, or the school of residence
- "School of origin" as the school the child or youth attended when permanently housed or the school in which the child or youth was last enrolled
- "Enrollment" as attending classes and participating fully in school activities

Parents, guardians, and unaccompanied youth must be able to initiate the dispute resolution process either in writing or orally directly at the selected school site.

Dispute Resolution Process

Below are five components for resolving disputes regarding school selection and enrollment for homeless children and youth:

- If a dispute arises over school selection or enrollment, the child/youth **must** be immediately enrolled in the school in which he/she is seeking enrollment, pending resolution of the dispute [PL107-110, Section 722(g) (3)(E)(iv)]. Enrollment is defined as "attending classes and participating fully in school activities".
- The school must refer the student, parent, guardian to the LEA's homeless liaison to carry out the dispute resolution process as expeditiously as possible. The homeless liaison must ensure that the dispute resolution process is also followed for unaccompanied youth.
- During the hearing, the school district shall discuss considerations that led to the placement decision which may include the ability of the school district to provide continuity in educational programs, the need of the homeless student for special instructional program, the amount of time and arrangements required to transport

the student to the original school district, the age of the homeless student and the school placement of siblings, and the time remaining until the end of the semester or the end of the school year.

- A written explanation of the school's decision regarding school selection or enrollment must be provided if a parent, guardian, or unaccompanied youth disputes such a school selection or enrollment decision, including the right to appeal {PL 107-110, 772(g)(3)(E)(II)}. The written explanation shall be complete, as brief as possible, simply stated, and provided in a language that the parent, guardian, or unaccompanied youth can understand.
- If the dispute remains unresolved at the district level or is appealed, then the district homeless liaison shall forward all written documentation and related paperwork to the Truancy, Dropout, Alternative Education, and McKinney-Vento State Coordinator. Upon the review of the LEA and parent, guardian, or unaccompanied youth information, the State Homeless Coordinator will notify the parent, guardian, or unaccompanied youth of the final school selection or enrollment decision within ten (10) working days of receipt of materials. You may reach the State Homeless Coordinator, Gayle Erdheim, by phone at 207-624-6637 or by e-mail at gayle.erdheim@maine.gov

School districts must enroll students experiencing homelessness immediately. If, after enrollment, it is determined that a student is not homeless as defined in the law, school districts should follow the policies that are in place to address other forms of fraud. Written notice should be given to the parent, guardian, or youth, including his or her right to appeal the decision.

Maine Department of Education's Recommendations

LEAs working with parents, guardians, and unaccompanied youth should:

- Inform parents, guardians, or unaccompanied youth that they can provide written or oral documentation to support their positions about school selection or enrollment.
- Inform parents, guardians, or unaccompanied youth that they can seek assistance of social services, advocates, lawyers, and/or service providers in the dispute process.
- Provide a simple dispute form that parents, guardians, or unaccompanied youth can complete and turn in to the school to initiate the dispute resolution process.
- Provide a copy to the parents, guardians, or unaccompanied youth for their records when the dispute form is submitted to the school.

- Provide a copy to the parents, guardians, or unaccompanied youth for their records of the outcome of the dispute, even when the dispute is immediately resolved satisfactorily without a dispute hearing.