

McKinney-Vento Homeless Education Act of 2001

Title X, Part C

DISPUTE RESOLUTION

PROCEDURES

As Amended by the No Child Left Behind Act of 2002

Public Law 107-110



Flagler County Public Schools

**Office of Homeless Education
Flagler County Public Schools, Federal Grant Programs Office
1769 East Moody Boulevard, GSB-2, 3rd Floor
Bunnell, FL 32110**

Flagler County Public Schools **Procedures and Dispute Resolution Process**

Disputes and disagreements are to be settled as close to the point of conflict as possible. The Flagler County Public School's homeless education liaison, hereafter referred to as local homeless liaison, shall assist the family and school to ensure compliance with federal and state legislation and policy governing the education of children and youth experiencing homelessness. The local homeless liaison shall work with appropriate local school division representatives to address any policies or procedures that are identified as barriers in the access to and success within a free appropriate public education. The Florida Department of Education (FLDOE) State Homeless Education Coordinator may be consulted at any time for technical assistance.

If a dispute arises over school selection or enrollment, the Flagler County Public Schools must immediately enroll the homeless student in either the school of origin or the school of residency, whichever is sought by the parent, guardian, or homeless youth, pending resolution of the dispute. The Flagler County Public Schools must also provide transportation to the selected school for the duration of the dispute resolution process. In cases of an inter-district dispute, the LEA of origin and the LEA in which the homeless child or youth is living must agree upon a method to apportion the responsibility and costs for providing the child with transportation to and from the school of origin. If the LEAs cannot agree upon a method, the responsibility and costs for transportation are to be shared equally.

With the help of the local homeless liaison, the parent, guardian, or homeless youth shall work through the expedited Dispute Resolution Process established by Flagler County Public Schools. The LEA shall provide the parent, guardian, or homeless youth with a written notice of the Flagler County Public School's decision regarding school selection or enrollment and their right to appeal, and copy the local homeless liaison. If the parent, guardian, or unaccompanied youth is dissatisfied with the resolution, he or she may appeal the decision to the FLDOE, with the assistance of the local homeless liaison.

The state-level dispute resolution process is available for appeals from district-level decisions and inter-district disputes. Parents, guardians, unaccompanied youths, or public local educational agencies may file appeals. The local homeless liaison is responsible for ensuring that information describing the state-level dispute resolution process and the appropriate forms are available to all parties wanting to file an appeal. To initiate the state-level appeals process, within ten (10) working days after receiving written notification of the district-level or inter-district decision, the parent, guardian, or unaccompanied youth may file an appeal with the local homeless liaison, who must provide it to the FLDOE. The local homeless liaison is required to notify the FLDOE of the state-level appeal by providing the appeal. The liaison also must log incidents of state-level appeals in the FLDOE Online Dispute Resolution Tracking System at <https://data.fldoe.org/homelessdispute>.

Upon receipt of a notice of appeal, the State Homeless Education Coordinator must, within ten working days, convene a FLDOE panel, comprised of the Coordinator, the Director of the Title I Programs, and the Chief of the Bureau of Student Assistance. This panel shall review the entire record of the dispute, including any written statements submitted, and make a determination based on the child's or youth's best interest. Within ten working days of the date the panel convenes, the panel shall provide its recommendation to the Commissioner of Education. Within ten working days of receipt of the recommendation, the Commissioner shall make the final determination. For educational purposes, the decision of the Commissioner in such cases is final. The FLDOE will provide a written decision regarding the appeal to all parties involved, including the Flagler County Public School's homeless liaison.

Florida Department of Education Dispute Resolution Process

Step 1- School Enrollment

1. A parent or a guardian of a homeless student has the right to enroll his or her child or youth in either the school of origin, which may be the last school attended by the student when permanently housed (to the extent feasible, and if in the best interest of the homeless student) or the school which serves the location where the student currently resides.
2. Flagler County Public Schools or the school must provide to the parent, guardian, or unaccompanied youth, written information regarding school selection or enrollment options available to homeless students under the McKinney-Vento Act [Section 722(g)(3)(C)].
3. If a school selection or enrollment dispute develops over the selection or enrollment options available under the McKinney-Vento Act, the LEA or school must immediately enroll the homeless child or youth to the school in which enrollment is sought by the parent or guardian, pending resolution of the dispute.
4. In the case of an unaccompanied youth, the local homeless liaison ensures the youth is immediately enrolled in school pending resolution of the dispute.

Step 2- Enrollment Dispute

5. If a school selection or enrollment resolution is not reached at the school level, the Flagler County Public Schools or the school must notify the local homeless liaison of the dispute, and refer the parent, guardian, or unaccompanied youth to the local homeless liaison.
6. The local homeless liaison carries out the dispute resolution process within ten working days of receiving the dispute notice from Flagler County Public Schools or the school.
7. On or by the tenth working day, Flagler County Public Schools or the school shall provide a written explanation of the school selection decision to the homeless child's or youth's parent or guardian. [Section 722(g)(3)(B)(ii)]. This decision should include a statement regarding the right to appeal the Flagler County Public Schools-level decision to the Florida Department of Education (FLDOE).
8. The local homeless liaison shall report each Flagler County Public Schools-level incident of a school selection/enrollment dispute in the FLDOE's Dispute Resolution Tracking System which is located at: <https://data.fldoe.org/homelessdispute>.

Step 3- State-level Appeal Process

9. The local homeless liaison must provide the *FLDOE School Dispute Resolution Appeal Process* form to the parent, guardian, or unaccompanied youth. This form is available at <http://www.fldoe.org/bsa/title1/titlex.asp> and in Appendix C.
10. The parent, guardian, or unaccompanied youth may file an appeal, within ten working days after receiving the written notification of the Flagler County Public Schools-level school selection or enrollment decision with the local homeless liaison, who must provide it to the FLDOE.

11. The local homeless liaison is required to notify the FLDOE of the state-level appeal by providing the appeal. The liaison also must log incidents of state-level appeals in the FLDOE Online Dispute Resolution Tracking System at <https://data.fldoe.org/homelessdispute>.
12. Upon receipt of a notice of appeal, the State Homeless Education Coordinator must, within ten working days, convene a FLDOE panel, comprised of the Coordinator, the Director of the Title I Programs, and the Chief of the Bureau of Student Assistance.
13. This panel shall review the entire record of the dispute, including any written statements submitted, and make a determination based on the child's or youth's best interest.
14. Within ten working days of the date the panel convenes, the panel shall provide its recommendation to the Commissioner of Education.
15. Within ten working days of receipt of the recommendation, the Commissioner shall make the final determination. For educational purposes, the decision of the Commissioner in such cases is final.
16. The FLDOE will provide a written decision regarding the appeal to all parties involved, including the Flagler County Public Schools homeless liaison.

Feasibility Checklist for McKinney Vento Act

School of Origin Considerations

- Continuity of instruction

Student is best served due to circumstances that look to his or her past

- Age and grade placement of the student

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 time

- Distance of the commute and its impact on the student's education or special needs

A lengthy commute may affect the student's concentration, attitude, or readiness for school; the advantages of the school environment outweigh the disadvantages introduced by the commute

- Personal safety of the student

The school of origin has advantages for the safety of the student

- Student's need for special instruction, such as Section 504 or special education and related services can be better met

- Length of anticipated stay in a temporary shelter or other temporary location

The student's current living situation is outside of the school-of-origin attendance zone but his living situation or location continues to be uncertain; the student will benefit from the continuity offered by attending school in the same location

- Likely area of the family's or youth's future housing

Location of future housing is uncertain, could be in any number of communities

- Time remaining in the school year

There is only a short time left in the school year

- School placement of siblings

Other siblings are attending this same campus/district

Local Attendance Zone Considerations

- Continuity of instruction

Student is best served due to circumstances that look to his or her future

- Age and grade placement of the student

Maintaining friends and contacts with peers in the school of origin is not particularly critical to the student's meaningful school experience and participation; student has been in the new school of origin for only a brief time

- Distance of the commute and its impact on the student's education or special needs

A shorter commute may help the student's concentration, attitude, or readiness for school; the local attendance zone school can all of the necessary educational and special needs resources for the student

- Personal safety of the student

The local attendance zone school has advantages for the safety of the student

- Student's need for special instruction, such as Section 504 or special education and related services can be better met

- Length of anticipated stay in a temporary shelter or other temporary location

The student's current living situation is within the school attendance zone and his living situation appears more stable and less likely to change suddenly; the student will benefit from the developing relationships with peers in school who live in his immediate community

- Likely area of the family's or youth's future housing

Location of future housing is uncertain, but could very well be in this community

- Time remaining in the school year

There is considerable time left in the school year

- School placement of siblings

No other siblings are attending the school-of origin campus; other siblings are attending the school-of-origin campus/district but there is nothing to keep them from changing schools

School of Origin (continued)

Student must meet all of the attendance criteria for school

Tardiness or absences are likely to become a problem because the student may miss the school bus or other transportation provided by the district due to inconvenient pick-up times in order to accommodate the distances/time needed to get to school; students experiencing homelessness are not exempt from the regular student provisions pertaining to tardiness or absences, and transportation provided through alternative means may not be reliable

Student's participation in after-school tutoring or extra-curricular activities

School district's are not obligated to provide transportation home from after-school activities, so a student dependent upon school transportation may not be able to participate fully in these activities; some schools require students who are performing below standard to participate in after-school tutoring in order to be assured of promotion and other educational benefits; student does not plan to participate in any after-school activities

Parent is able to participate in parent teacher organizations and in conferences with teachers to address their student's needs

Distance to school and access to transportation may or may not hinder a parent's ability to fully participate in the educational environment and experiences of the student; limited access to teachers and school activities could lessen the school experience for the student; distance to school could make this a difficult obstacle

Administration of medicines or special care to students; access to parents in case of illness

Parents must decide if they will be able to meet the school requirements for dealing with the administration of medicines to a student or for picking up a student from school who is ill

Other considerations:

Local Attendance Zone (continued)

Student must meet all of the attendance criteria for school

Tardiness and absences are likely to be minimal because of the travel times required to get to school as a result of the location of the school; pick-up times for the school bus are more convenient because of the proximity of the school.

Student's participation in after-school tutoring or extra-curricular activities

Students proximity to the school will be less likely to impact on participation in after-school tutoring and extracurricular activities; student is more likely to participate in required afterschool activities that could affect promotion or other educational benefits

Parent is able to participate fully in parent teacher organizations and in conferences with teachers to address their student's needs

Distance to school access to transportation may or may not hinder a parent's ability to fully participate in the educational environment and experiences of the student; limited access to teachers and school activities could lessen the school experience for the student; proximity to school could lessen this obstacle

Administration of medicines or special care to students; access to parents in case of illness

Proximity of school may make it easier to meet the school requirements for dealing with the administration of medicines to a student or for picking up a student from school who is ill

Other considerations:



Flagler County Public Schools School Placement Decision

Note to School Personnel: *This form is to be filled out whenever any school personnel denies, in whole or in part, any request for an educational service (e.g., enrollment, transportation, tutoring, transfer of school records, school supplies, medical or social services referrals, etc.), whether written or verbal, made by a homeless student or his or her parent or guardian, or takes any other adverse action regarding a homeless student. The completed form must be given to the parent or guardian in every such instance. A copy of the completed form must also be faxed to the Homeless Education Office at 386-437-7526 x2104.*

Date: _____ Name of School: _____

Student's Name: _____ Student ID No.: _____

On _____, you requested the following educational services for this student:
(Date)

We are unable to do what you have asked because of the following reasons:

Signed: _____
(Signature) (Print Name and Title)

Notice of Right to Appeal

You have a right to appeal this denial. If you want to appeal, fill out the Appeal Form that is attached. Then give the form to the principal at your child's school.

The principal will reconsider the decision. The principal will make a new decision as soon as possible, but within 10 school days after the date you turn in the Appeal Form. The principal could grant your request, or the principal could uphold the denial.

The principal must tell you about the decision in writing. If you agree with the principal's decision, you will be asked to sign on the decision to say that you agree.

If you do not agree with the principal's decision, do not sign the decision. Your appeal will be sent up automatically to the Office of Appeals for another review. The telephone number at the Office of Appeals is 386-437-7526 x2104. You can contact them if you have questions about your appeal.

Cc: Dr. Pamela Jackson-Smith
Homeless Education Coordinator

**Florida Department of Education
School Dispute Resolution Appeal Process Form
(Student vs. School District)**

School District Name: _____

Student's Name/I.D. #: _____

Student's Grade: K 1st 2nd 3rd 4th 5th 6th
 7th 8th 9th 10th 11th 12th

Requested School Name: _____

Requested School Address: _____

Requested School Phone: _____

Is the requested school the same as the school of origin? Yes No

If "No," what is the name of the school of origin: _____

Local Homeless Liaison: _____

Liaison's Phone: _____

The following should be filled out by the parent, guardian, unaccompanied youth, or other designee:

Did you receive a school placement decision in writing from the local homeless liaison, school, or school district that included information on your right to appeal this decision? Yes No

If "Yes," when did you receive it? Date: _____

Why are you appealing the school district's decision? (Please attach additional pages as needed.)

Which rights do you feel the school or school district have not honored? (Please attach additional pages as needed.)

Form completed by: _____

Relationship: Parent Guardian Unaccompanied Youth Other: _____

Current Phone: _____

Current Address: _____

Signature of Person Completing Form

Date

Note: Please return this form and a copy of the written school placement decision to the Florida Department of Education no later than ten days after you receive the school district's written decision.

Please have the homeless liaison fax this form with the accompanying document(s) to:

**Florida Homeless Education Coordinator
Florida Department of Education
850-245-0697**

**Florida Department of Education
School Dispute Resolution Appeal Process Form
(School District vs. School District)**

Date: _____

School District 1: Name of school district/state filing dispute: _____

Name of person completing form: _____

Person's Title: _____

Current Phone: _____

Current Address: _____

Local Homeless Liaison for School District 1: _____

Current Phone: _____

School District 2: Name of school district /state that dispute is being filed against: _____

Contact Name: _____

Current Phone: _____

Current Address: _____

Student's Name/I.D. #: _____

Student's Grade: K 1st 2nd 3rd 4th 5th 6th

7th 8th 9th 10th 11th 12th

Requested School Name: _____

Requested School Address: _____

1. Please explain the nature of the dispute with the other school district. (Please attach additional pages as needed.)

2. What do you believe is in the "best interest" of the child/youth? Why? (Please attach additional pages as needed.)

3. Please document what has been done to date to settle this dispute. (Please attach additional pages as needed.)

Signature of Person Completing Form

Date

Please have the homeless liaison fax this form with the accompanying document(s) to:

**Florida Homeless Education Coordinator
Florida Department of Education
850-245-0697**



Flagler County Public Schools School Dispute Resolution Process

Requested School Name: _____

Requested School Address: _____

Requested School Phone/Fax: _____

Is this the school of origin? (School of origin is defined as the school that the child attended when permanently housed or the school in which the child was last enrolled.) Yes No

If "No," provide the name and address of the last school the child attended: _____

Student's Name/I.D. #: _____

Student's Grade: K 1st 2nd 3rd 4th 5th 6th

7th 8th 9th 10th 11th 12th

Student's Current Address: _____

Student's Current Phone: _____

Parent/Guardian/Disputing Party's Name: _____

Relationship: Parent Guardian Unaccompanied Youth Other

Current Address: _____

Current Phone: _____

Does the student live in a shelter? Yes No

Reason for dispute: _____

Principal's Actions on the Dispute

Local homeless liaison was notified of the dispute on this date: _____

Principal took action within how many school day(s) after receiving notice of dispute: _____

Describe action taken by the principal to resolve the dispute: _____

Was the dispute resolved? Yes No

Provide explanation below (provide additional pages, if needed): _____

If the dispute was not resolved, did the school or liaison provide the parent, guardian, or unaccompanied youth with a written school placement decision that included information on his/her right to appeal this decision to the school district? Yes No

Signature of Principal or Local Homeless Liaison _____

Date _____



Flagler County Public Schools
School Dispute Resolution Process

Requested School Name: _____

Requested School Address: _____

Student's Name/I.D. #: _____

Student's Grade: K 1st 2nd 3rd 4th 5th 6th
 7th 8th 9th 10th 11th 12th

School District's Actions on the Dispute

The local homeless liaison was notified of the dispute on this date: _____

The school district took action within how many school day(s) after receiving notice of dispute: _____

Was the dispute resolved to the satisfaction of the parent, guardian, or unaccompanied youth? Yes No

Did the local homeless liaison carry out the dispute resolution process? Yes No

If the dispute was resolved, describe the actions taken by the local homeless liaison to resolve the dispute to the satisfaction of the parent/guardian or unaccompanied youth: _____

If the dispute was not resolved to the satisfaction of the parent/guardian or unaccompanied youth, provide the date that the school district representative convened a meeting of the involved parties and briefly describe the outcome of the meeting:

Date meeting convened: _____

Outcome: _____

Please attach to this form the written decision that was given to the homeless child's or youth's parent/guardian or unaccompanied youth. Did the decision include a statement regarding the right to appeal its decision to the Florida Department of Education (FLDOE)? Yes No

On what date did the liaison logged in the dispute incident in the FLDOE Online Dispute Resolution Tracking System at <https://data.fldoe.org/homelessdispute/>? _____

On what date did the local homeless liaison provide the FLDOE *School Dispute Resolution Appeal Process* form to the parent, guardian, or unaccompanied youth?

On what date, if applicable, did the local homeless liaison notify the FLDOE that the parent/guardian or unaccompanied youth filed a state-level appeal? _____

If there is an appeal to the FLDOE, on what date did the liaison logged in the dispute appeal in the FLDOE Online Dispute Resolution Tracking System at <https://data.fldoe.org/homelessdispute/>? _____

Signature of Local Homeless Liaison or School District's Designee

Date