



## Dispute Resolution Process

### Education for Children and Youth Experiencing Homelessness Program

Pursuant to the McKinney-Vento Act, every state must develop procedures for the prompt resolution of disputes regarding the educational placement of homeless children and youths. 42 U.S.C §11432(g)(1)(C). The state must ensure that Local Education Agencies (LEAs) comply with requirements set forth in the McKinney-Vento Act including ensuring immediate enrollment, providing written notice to families concerning school selection, enrollment decisions and providing enrollment and pendency in the school of choice while a dispute is being resolved. 42 U.S.C §11432(g)(2)(A).

The Pennsylvania Department of Education (PDE) has developed the following procedures to govern the resolution of disputes regarding enrollment, school selection, homeless status and complaints of non-compliance with legal requirements pertaining to the education for homeless children and youths:

#### **Level 1 – A dispute may be raised with a LEA.**

If a dispute arises over school selection or enrollment, the child or youth involved must immediately be admitted to the school in which they are seeking enrollment, pending resolution of the dispute 42 U.S.C.§11432(g)(3)(E)(i). PDE recommends that the parent, guardian or unaccompanied youth who initiates the dispute contact the LEA liaison for individuals experiencing homelessness as soon as possible after receiving notice of the dispute. If the person initiating the dispute does not contact the LEA liaison directly, the LEA shall be responsible for contacting the LEA liaison regarding the dispute as soon as possible and referring the family or youth involved to the liaison.

The LEA liaison shall ensure that the child or youth is immediately enrolled, explain the dispute resolution process to families and help them to use it 42 U.S.C. §11432(g)(3)(E)(iii). The LEA shall issue a written disposition of the dispute within 20 business days after the LEA liaison is notified of the dispute. The disposition shall be provided to the parent, guardian or unaccompanied youth and shall explain the basis for the decision and advise the parent, guardian or youth of the right to appeal. 42 U.S.C. §11432(g)(3)(E)(i).

*NOTE:* The LEA should use and maintain copies of PDE's "Notice of Procedural Safeguards" form (see attached) which ensures that all LEAs (a) inform families of the basis of their decision regarding enrollment or school selection; (b) notifies families of their right to remain in their school of choice pending resolution of the dispute and (c) explains the procedures for challenging the decision of the LEA.

**Level 2 – A complaint may be filed with a McKinney-Vento coordinator.**

If the parent, guardian or unaccompanied youth is dissatisfied with the LEA's disposition of a dispute or would like to raise any issue of McKinney-Vento Act noncompliance, they may file a complaint or appeal with a McKinney-Vento site or regional coordinator or with the state coordinator. (See attached list which contains contact information for all of the McKinney-Vento coordinators in Pennsylvania). In lieu of filing an appeal with a McKinney-Vento coordinator, a parent, guardian or unaccompanied youth may elect to appeal the LEA decision directly to a court of competent jurisdiction. Participation in the appeal procedure is not required prior to taking legal action.

- Parents, guardians, and unaccompanied youths should be informed that they can provide written or oral documentation to support their position; and
- Parents, guardians, and unaccompanied youths should be given the opportunity to challenge the school system's assertions.

A regional or site coordinator with whom a complaint or appeal is filed must notify the state coordinator immediately. Upon being notified, the state coordinator will review the complaint or appeal and assign it to a site or regional coordinator for disposition. The coordinator to whom the appeal is assigned may contact, interview and accept documentation from any individual or LEA involved, and shall issue a written disposition within 20 business days after the complaint or appeal has been assigned. The disposition shall be provided to the LEA and the parent, guardian or unaccompanied youth involved. The child or youth shall continue to be

enrolled in the school in which he or she is seeking enrollment until the complaint or appeal is resolved or until a disposition from a McKinney-Vento coordinator is received.

If a decision cannot be reached or agreed upon as the regional coordinator level, the dispute will be forwarded to the state coordinator for resolution. The state coordinator will view all information and interview all concerned parties involved. The Office of Chief Counsel will be included in the resolution process as needed. If mediation services are needed, the state coordinator will assist in the mediation and may also invite those involved to have the dispute mediated at any time in the process through the Dispute Resolution Program operated by the Commonwealth Office of General Counsel (OGC). The [OGC Dispute Resolution Program](#) is a voluntary informal process through which a trained mediator assists in reaching a mutually acceptable resolution.

Participating in mediation is not a waiver of the right to file a lawsuit nor is participation in mediation required prior to taking legal action.

*NOTE:* The parent, guardian or unaccompanied youth may file a complaint with the McKinney-Vento site, regional or state coordinator on the attached complaint form. However, the use of the attached form is not mandatory. Any dispute raised by a homeless family or youth concerning school enrollment or any other right under the McKinney-Vento Act whether received via telephone, letter or any mode of communication shall be treated as a complaint.

#### Attachments

[Dispute Letter-English](#) (PDF)

[Dispute Letter-Spanish](#) (PDF)

LOCAL EDUCATION AGENCY LETTER OF AGREEMENT  
Pennsylvania's Education for Children and Youth Experiencing Homelessness (ECYEH)  
Program  
Roles and Responsibilities

Name(s) of Participating School District or Schools:

and

Name of ECYEH Region: 7

are committed to complying with the requirements and goals of Pennsylvania's Education for Children and Youth Experiencing Homelessness (ECYEH) Program to educate entities/staff who work with children, youth and families, on the rights of children and youth experiencing homelessness and will work collaboratively to eliminate the barriers that may impede enrollment, attendance, or receipt of services that support academic success.

The collaborators will strive to accomplish Pennsylvania's Education for Children and Youth Experiencing Homelessness Program objectives that are specific to their own area(s) of involvement. The above-named public/private entity pledges to collaborate with the above-named region to provide the following specific items/services:

1. Identification of a full-time school employee to serve as homeless liaison.
2. Ensure that McKinney-Vento students enroll in and have full and equal opportunity to succeed in school.
3. Ensure that children/youth in homeless situations are identified by school personnel through outreach and coordination with other entities and agencies.
4. Ensure that public notice of McKinney-Vento rights is disseminated in locations frequented by parents, guardians, and unaccompanied youth, in a manner and form understandable to them.
5. Ensure that school personnel providing McKinney-Vento services receive professional development and other support.
6. Ensure that children/youth/families have access to and receive educational services for which they are eligible, including Head Start, early intervention (IDEA Part C) and other preschool programs.

7. Ensure that children/youth/families receive referrals to health care, dental, mental health, substance abuse, housing and other services.
8. Ensure that disputes are resolved and assistance to access transportation is provided.
9. Ensure that unaccompanied youth are enrolled in school and experience no barriers that prevent them from receiving credit for full or partial coursework satisfactorily completed at a prior school.
10. Participate in appropriate professional development and technical assistance.

Superintendent: \_\_\_\_\_  
(PRINT NAME)

\_\_\_\_\_  
(SIGNATURE) (DATE)

Homeless Liaison: \_\_\_\_\_  
(PRINT NAME, TITLE)

\_\_\_\_\_  
(SIGNATURE) (DATE)

Regional Coordinator: Jeff Zimmerman  
(PRINT NAME)

*Jeff Zimmerman*  
(SIGNATURE) (DATE)

# Procedural Safeguards Notice of Denial of Enrollment

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*To be completed by a school whenever an enrollment or school selection request of a student experiencing homelessness is denied*

**Date:** \_\_\_\_\_

**Name and Title of School Employee Completing Form:** \_\_\_\_\_

**Requested School:** \_\_\_\_\_

**School District:**

(This may be the school the child was attending when they became homeless, the school the child is currently attending or the school where the child is now living.)

In compliance with Section 722(g)(3)(E) of the McKinney-Vento Homeless Assistance Act, the following written notification is provided to:

**Parent or Guardian or Youth:** \_\_\_\_\_

**After receiving your request for enrollment or school selection for the student(s) listed above, we hereby provide notice that the request is denied. The reason for the determination is the following:**

The school district hereby notifies the parent or guardian of the student or the unaccompanied youth of the following rights:

- The student has the right to enroll immediately in the requested or preferred school pending full resolution of the dispute.
- If the student(s) want to remain in the same school they were attending or the school they attended when they first became homeless, the student is entitled to transportation back to the prior school pending full resolution of the dispute if the placement (including any transportation involved) is feasible, reasonable and in the best interest of the student.

- **You have the right to appeal this decision.** You may do so by completing the second page of this notice (Compliant Form) or by contacting Pennsylvania's McKinney-Vento Homeless state coordinator by phone at (717) 783-6466.
- The family/unaccompanied your can challenge the school district's decision by providing additional written material or by discussing the matter with the school, school district personnel, McKinney-Vento school district liaison or McKinney-Vento regional or site coordinator.
- The McKinney-Vento school district liaison can assist the family or youth in appealing the school district's decision. A copy of Pennsylvania's Education of Children and Youth Experiencing Homelessness Complaint Form is attached.
- The family/youth can have an advocate or attorney handle the matter.
- You may also as for help from the Commonwealth's Office of General Counsel's.
- Dispute Resolution Program. This is a voluntary informal mediation process through which a trained impartial mediator helps parties reach a mutually acceptable resolution. Using mediation does not wait a family/youth's right to file a lawsuit before or after the mediation.
- For more information Visit the [Homeless Education on the PDE Website](#).

**School District's Homeless Liaison involved in the decision**

**Name:** \_\_\_\_\_

**Title:** \_\_\_\_\_

**Phone:** \_\_\_\_\_

**Name of McKinney-Vento Regional Coordinator consulted in making this determination:**

**I hereby confirm that I received this notice,**

\_\_\_\_\_  
**(Signature of parent, guardian or unaccompanied youth)**



## Pennsylvania's Education for Children and Youth Experiencing Homelessness – Dispute Letter

Date:

State Coordinator  
Education for Children and Youth Experiencing Homelessness  
Pennsylvania Department of Education  
333 Market Street, 5th Floor  
Harrisburg, PA 17126-0333

Dear State Coordinator:

My name is \_\_\_\_\_ . My child(ren) attend school in the \_\_\_\_\_ School District.

I need your help with the following problem(s). I have checked the box that fits my situation. I have included a brief statement in the space provided.

The school district would not enroll my child (children).

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Child(ren) couldn't begin school because they didn't have all their medical and/or school records.

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Child(ren) not permitted to stay in their current school.

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Special education testing/placement services denied or unavailable.

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School District will not provide transportation to stay in the current school.

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Other

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I have written on the reverse side what has already been done to help me.  
(Optional)

Please call me at (    ) \_\_\_\_\_, or at (    ) \_\_\_\_\_.

Or, you can write to me at: (print full address)

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Thank you in advance for looking into this matter.

\_\_\_\_\_  
Parent Name