

Dispute Resolution Process: Resolution of Disputes Arising in the Homeless Children and Youth Education Program

The McKinney-Vento Act requires state educational agencies (SEAs) and local educational agencies (LEAs; commonly referred to as school districts) to follow a dispute resolution process when parents, guardians or unaccompanied youth disagree with schools over eligibility for services, school selection or school enrollment under the Act [42 U.S.C. § 11432(g)(3)(E)]. The dispute resolution process is intended to represent each party's views for objective consideration so that disagreements can be resolved expeditiously and in keeping with McKinney-Vento provisions.

The dispute resolution procedures for Kentucky's Homeless Children and Youth Education Program are outlined below and allow for the prompt resolution of disputes regarding the educational placement of children and youth experiencing homelessness. To the extent possible, every effort must be made to resolve any dispute at the local district level.

1. Disputes arising between and among more than one LEA regarding the enrollment of a homeless student or unaccompanied youth must be resolved by the state homeless education coordinator in accordance with the procedures established in Section 4, subsections (4) through (8) of [704 KAR 7:090](#).
2. All other disputes regarding eligibility, school selection or enrollment of a homeless student or unaccompanied youth must be received and resolved by the LEA in which enrollment is sought in accordance with the procedures established in Section 4, subsection (3) of 704 KAR 7:090.
3. Within thirty (30) student attendance days after notice of a dispute is received, the LEA in which enrollment is sought by a homeless child or unaccompanied youth must resolve the dispute using the following procedures:
 - a. The homeless child education liaison in the LEA in which enrollment is sought must ensure immediate enrollment and the provision of services to the homeless child or unaccompanied youth throughout the dispute resolution process;
 - b. All concerns regarding the education of a homeless child or unaccompanied youth must be referred to the homeless child education liaison in the LEA of enrollment. If a complaint arises regarding services or placement of a homeless child or unaccompanied youth, the homeless child education liaison in the LEA of enrollment must inform the homeless student or unaccompanied youth of his or her rights under the McKinney-Vento Act and state law, including 704 KAR 7:090;
 - c. The homeless child education liaison in the LEA of enrollment must promptly and thoroughly document all communications, determinations and evidence. All

documentation must be subject to the provisions of the Family Educational Rights and Privacy Act, 20 U.S.C. 1232g;

- d. The homeless child education liaison in the LEA of enrollment must decide on the dispute within a reasonable number of days and provide a copy of that determination to the complainant (parent, guardian or unaccompanied youth);
 - e. If the dispute is not resolved, the complainant must be advised by the homeless child education liaison in the LEA of enrollment of the opportunity to present a written request for mediation and, at the request of the complainant, assist the complainant with completing a written request for mediation, including documenting the specific point at issue;
 - f. The mediation, if requested by the complainant, must be facilitated by the homeless child education liaison in the LEA of enrollment and must be scheduled within a reasonable number of days of the written request and on a day and time reasonably calculated to be convenient to the needs of the homeless student or unaccompanied youth. The LEA representatives and the representatives of the homeless child or unaccompanied youth must have the opportunity to be present at the mediation;
 - g. During the mediation, the LEA representative(s) must discuss considerations that led to the placement decision and the specific point at issue as determined previously and specified within the written request for mediation. The mediation may also include discussion of the ability of the LEA of enrollment to provide continuity in educational programs, the need of the homeless student or unaccompanied youth for special instructional programs, the amount of time and arrangements required to transport the student to the school in which enrollment is sought, the age of the homeless student or unaccompanied youth, the school placement of siblings to the homeless student or unaccompanied youth, and the time remaining until the end of the semester or school year; and
 - h. The homeless child education liaison in the LEA of enrollment must document mediation proceedings and provide the documentation to the state homeless education coordinator with any request made pursuant to Section 4, subsection (4) of 704 KAR 7:090. The liaison will document this and all subsequent communications, determinations and evidences on the [Dispute Resolution Sample Form](#).
4. Any party to the dispute may request review by the state homeless education coordinator. Upon written request, the state homeless education coordinator must make a determination and communicate with the involved parties to discuss available alternatives and seek to resolve the dispute. Any party requesting review by the state homeless education coordinator must provide reasoning for the review, including specific questions of law or fact.

5. If a request for the review of the state homeless education coordinator is made, the LEA of enrollment must provide sufficient information as required by the department, including:
 - a. A description of the situation that prompted the complaint and subsequent request for review by the state homeless education coordinator;
 - b. The names and ages of the homeless child or children or unaccompanied youth involved;
 - c. The names of the involved LEA personnel and the LEAs involved; and
 - d. Copies of any documentation that served as the basis for LEA decisions and other documentation the LEA deems relevant and appropriate for consideration by the state homeless education coordinator.
6. The state homeless education coordinator must collect and review appropriate documentation and provide an initial decision to the parties to the complaint within twenty (20) student attendance days after a request for review is received by the department
7. Any party to the complaint may request that the state homeless education coordinator's decision be reviewed by a three (3) member panel, which must be convened by the state homeless education coordinator within the department, and the three (3) member panel must either adopt or reject the state homeless education coordinator's decision within a reasonable number of days after being convened.
8. If the three (3) member panel rejects the state homeless education coordinator's decision, the panel must provide an alternative finding, which must be supported with appropriate reasoning. The panel's decision is a final decision and is not appealable.
9. Unaccompanied youth as well as parents or guardians of homeless children must receive written notice of decisions made by the LEAs, state homeless education coordinator, or the three (3) member panel and the written notice must be provided in an understandable form.
10. During the dispute process, the placement and services for students experiencing homelessness and unaccompanied youths must continue pending the resolution of the dispute by the Kentucky Department of Education.