

## Dispute Resolution Process

Appeals of enrollment decisions must follow the process developed by the Pennsylvania Department of Education for resolving disputes in the event that there would be a disagreement.

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. §11432(g)(1)(C). The state must ensure that 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. §11432(g)(2)(A).

There are two dispute levels:

- Level 1 – A dispute raised with an LEA, where a parent, guardian or unaccompanied youth initiates the dispute. The LEA must issue a written disposition of the dispute within 20 business days after the liaison is notified of the dispute. The disposition is provided to the parent, guardian or unaccompanied youth to explain the basis for the decision and advise the parent, guardian or youth of the right to appeal. All LEAs must inform families of the basis of their decision regarding enrollment or school selection, notify families of their right to remain in their school of choice pending resolution of the dispute, and explain the procedures for challenging the decision of the LEA.
- Level 2 - A complaint filed with a McKinney-Vento Coordinator when a parent, guardian or unaccompanied youth is dissatisfied with the LEA's disposition of a dispute or raising any issue of McKinney-Vento Act noncompliance, files a complaint or appeal with a McKinney-Vento regional or site coordinator or with the state coordinator. The child or youth remains 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. Any dispute raised by a homeless family or youth via telephone, letter or any mode of communication is treated as a complaint.

If a dispute arises over school selection or enrollment in a school:

1. The child or youth shall be immediately admitted to the school in which enrollment is sought, pending resolution of the dispute;
2. The parent or guardian must be provided with a written explanation of the school's decision on the dispute, including the right to appeal.
3. The child, youth, parent, or guardian shall be referred to the local educational agency liaison designated under paragraph (1)(J)(ii), who shall carry out the dispute resolution process as described in paragraph (1)(C) as expeditiously as possible after receiving notice of the dispute.
4. In the case of an unaccompanied youth, the homeless liaison shall ensure that the youth is immediately enrolled in school pending resolution of the dispute.

If disputes or complaints on non-compliance do arise regarding the education of homeless children and youth, the following system will be used.

### **Proposed Steps**

1. The Pennsylvania Department of Education recommends that the person having the complaint first contact the school or school district (i.e. , the local school district liaison for homeless students, the principal or superintendent) to present their concerns to the people closest to the situation and most likely to be able to resolve it quickly.
2. If step A is not successful or is not possible under the circumstances, contact should be made with the Regional/Site Coordinator or the Department of Education will accept complaints directly through the Education for Homeless Children and Youth Program at phone number (717) 783-6466.
3. Individual cases may be referred to the Department's Office of Chief Counsel and the Office of Deputy Secretary for Elementary and Secondary Education, as needed (by the State Homeless Coordinator).
4. The Department of Education will deliver a response within 20 business days of the receipt of the complaint. (The complaint may arrive in the form of a copy of the school/district letter or on the Dispute Letter Form, if given directly to a regional/site coordinator of the Homeless Children's Initiative.)

### **Dispute Form**

[Dispute Letter – English](#)

[Dispute Letter – Spanish](#)