
NATIONAL LAW CENTER ON HOMELESSNESS & POVERTY

Arizona State Procedures – Dispute Resolution Under the McKinney-Vento Act

According to the McKinney-Vento Homeless Assistance Act, a Local Education Agency (LEA) must continue educating the child or unaccompanied youth in the school of origin for the duration of homelessness when the homelessness occurs between or during an academic year; or for the remainder of the academic year if the child or unaccompanied youth becomes permanently housed during that academic year; or enroll the child or youth in any public school that non-homeless students who live in the attendance area in which the child or youth is living are eligible to attend (McKinney-Vento Act § 722(3)(A)(i)(ii)). If a dispute arises over school selection or enrollment, the LEA must immediately enroll the student in the school in which enrollment is sought pending resolution of the dispute (§ 722(3)(E)(i)). Similar provisions apply to the placement of unaccompanied youths.

Step One: Dispute Resolution Process for School Selection or Enrollment

The McKinney-Vento Homeless Education Assistance Improvements Act of 2001 requires the State Educational Agencies (SEAs) have a procedure for the prompt resolution of disputes regarding the educational placement of homeless children and youth. The following procedure is to be implemented if a dispute arises over school selection or enrollment in a school:

1. If a dispute arises over school selection or enrollment, the Local Educational Agency (LEA) 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.
2. The LEA must provide transportation to the parent-selected school for the duration of the dispute resolution process.
3. With the help of the LEA Liaison, the parent, guardian, or homeless youth shall work through the expedited Dispute Resolution Process established by the LEA. The LEA shall provide the parent, guardian, or homeless youth with a written notice of the LEA's decision regarding school selection or enrollment and their right to appeal. Confirmation of the written notice to the parent, guardian, or homeless youth shall be provided to the Office of State Coordinator for the Education of Homeless Children & Youth. This can be accomplished by Certified Mail (United States Postal Service) or hand delivery with written signature by parent, guardian, or homeless youth.
4. If the parent, guardian, or unaccompanied youth is dissatisfied with the resolution, he/she may appeal the decision to the state level.
5. Parents, guardians, unaccompanied youths, or public school districts and charter holders may file appeals.

6. To initiate the state level dispute resolution process, within seven (7) work days after receiving written notification of the district level or inter-district decision, the parent, guardian, or homeless youth, with assistance from the Homeless Education Liaison, must forward to the Arizona Department of Education Homeless Education Coordinator:

1. a copy of the State Level Notice of Appeal Form; and
2. a copy of the LEAs written decision.

7. Upon receipt of a notice of appeal, the Homeless Education Coordinator shall, within seven (7) work days, convene a panel of at least two (2) Arizona Department of Education employees, including the Homeless Education Coordinator and the Deputy Associate Superintendent for the Unit or his/her designee.

8. 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 seven (7) workdays of the date the panel convenes, the Arizona Department of Education will issue this decision in writing.

9. The determination of the panel shall be final.

Form or Document:	Completed by:	Given to:	Due Date:
Written explanation of the school's decision regarding school selection or enrollment	LEA	Parent or Guardian	Not Specified
Notice of Right to Appeal	LEA	Parent or Guardian	Not Specified
Written opinion (should the decision be appealed)	Local LEA Liaison	Parent or Guardian	7 days of receipt of written complaint in the State appeal process

Additional Information

State Officials

Mr. Frank Migali - Education Program Specialist

State Coordinator for Homeless Education
 Arizona Department of Education
 1535 W. Jefferson St., BIN #14
 Phoenix, AZ 85007
 Phone: (602) 542-4963
 Fax: (602) 542-5175
 Email: frank.migali@azed.gov

<http://www.azed.gov/populations-projects/home/homeless/>

Database for Local Arizona Liaisons

<http://www.azed.gov/populations-projects/files/2012/06/liaison-database-06.14.12.xlsx>

Dispute Procedure

<http://www.azed.gov/wp-content/uploads/PDF/StudentFamilyvsLEADisputeProcedure.pdf>