

NATIONAL LAW CENTER ON HOMELESSNESS & POVERTY

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

The McKinney-Vento Homeless Assistance Act requires each State educational agency to ensure that homeless children and youths have equal access to public education (McKinney-Vento Act § 721.1). Each State is required to submit a plan to the Secretary to provide for the education of homeless children and youths within the State (§722(g)(1)). Local education agencies (LEA) are required under the Act to continue educating homeless or unaccompanied children or youths in the school of origin¹ for the duration of the homelessness or to enroll the children or youths in any public school where nonhomeless students living in the attendance area are eligible to attend, according to the best interest of the child or youth in question (§722(g)(3)(i)-(ii)). If a dispute occurs over school selection or enrollment, the child or youth must be immediately enrolled in the school in which enrollment is sought, pending the resolution of the dispute (§ 722(g)(3)(E)(i)). A written explanation of the school’s decision regarding school selection or enrollment, and the rights of the parent, youth, or guardian to appeal the decision, must be provided to the parent or guardian of the child or youth (§ 722(g)(3)(E)(ii)). Additionally, the child, youth, parent, or guardian must be referred to the local LEA liaison, who is required to carry out the dispute resolution process as expeditiously as possible after receiving notice of the dispute (§ 722(g)(3)(E)(iii)).

Each State is given broad discretion to implement dispute resolution procedures. The Connecticut State Department of Education (CSDE) has created a State Plan to comply with the requirements of the McKinney-Vento Act and to ensure that all children have access to a quality education. Connecticut’s state education law is codified at C.G.S. Section 10-186.

Step One: Enrollment

Children and youths who become homeless may choose to continue to attend school in the school they were attending before becoming homeless, or they may attend school in the attendance area where the child is living. The decision is based on the best interest of the child. Homeless children and youths are entitled to the comparable services offered to other students in the school. Homeless children and youths are also entitled to attend school without enrollment delays due to transportation problems, transfer of records, immunization or residency requirements, or guardian issues. Homeless students may not be segregated because they are homeless.

¹ Under § 722(g)(3)(G), “school of origin” is defined as “the school that the child or youth attended when permanently housed or the school in which the child or youth was last enrolled.”

Step Two: Enrollment Dispute

In Connecticut, the LEA is required to give the parent, guardian, or student notice of the right to request a hearing concerning the denial of the school accommodations (C.G.S. Section 10-186(a)). The parent, guardian, or student may request a hearing in writing by the board of education (C.G.S. Section 10-186(b)(1)), and a hearing must be held within ten days of the receipt of the request and a finding made within ten days of the hearing (C.G.S. Section 10-186(b)(1)(C)). The party claiming ineligibility for school accommodations has the burden of proving ineligibility by a preponderance of the evidence. The exception to this occurs in cases of denial of schooling based upon residency, and in such cases the party denied schooling shall have the burden of proving residency by a preponderance of the evidence (C.G.S. Section 10-186(b)(1)(C)). A parent, guardian, or student is entitled to a transcript of the hearings within thirty days such a request (C.G.S. Section 10-186(b)(2)).

Step Three: Appeal Process

A parent, guardian, or student has the right to appeal the finding to the State Board of Education within twenty days of notification of the decision by the LEA (C.G.S. Section 10-186(b)(2)). If an appeal is not made within twenty days, the decision of the LEA becomes final (C.G.S. Section 10-186(b)(2)). At the request of the aggrieved person, the board of education shall allow the enrolled or homeless student to continue attending the school pending the determination of the appeal. If an appeal is timely made, the hearing board must render its decision within forty-five days after receipt of the notice of appeal (C.G.S. Section 10-186(b)(2)).

If the hearing board determines that the child was illegally or unreasonably denied schooling, the hearing board will order the board of education to make arrangements to enable the child to attend the public school (C.G.S. Section 10-186(b)(4)). If the school board does not comply with the order in cases where the child or youth is wrongfully denied schooling, within fifteen days after the receipt of the order or thirty days in all other cases, there will be a forfeiture of the money appropriated by the state in the amount of fifty dollars for each child or youth for each day that the child is denied schooling (C.G.S. Section 10-186(b)(4)). However, if the hearing board determines that the child was not a resident of the school district and, therefore, not entitled to accommodations from the district, the board of education may assess tuition against the parent or guardian of the child or youth based on the following formula:

One one-hundred-eightieth of the town's net current local educational expenditure, as defined in section 10-261, per pupil multiplied by the number of days of school attendance of the child in the district while not entitled to school accommodations provided by that district.

There are no standardized forms associated with the appeal process in Connecticut, but the following resources have been recommended by Mr. Louis Tallarita, the Education Consultant in Connecticut:

The School Accommodations Workshop Package is available to assist school districts in preparing for and responding to requests for hearings held pursuant to Connecticut General Statutes Section 10-186. (http://www.sde.ct.gov/sde/lib/sde/pdf/legal/workshop_package.pdf)

Similarly, a School Accommodations Guide for Parents and Guardians (http://www.sde.ct.gov/sde/lib/sde/pdf/legal/parent_package.pdf) is available to aide families requesting hearings. Both provide details to the process held pursuant to Connecticut General Statutes Section 10-186.

Procedural Step:	Completed by:	Given to:	Due Date:
Enrollment or Residency Dispute	Initiated by parent, guardian, or student	Local board of education (Local Education Agency)	The LEA (Local Education Agency) is required to give the parent, guardian, or student notice of the right to request a hearing concerning the denial of school accommodations, and the hearing must be held within 10 days of the receipt of the request. A finding must be made within 10 days of the hearing.
Written Request for Dispute Resolution	Aggrieved party	State Board of Education	An appeal must be made within 20 days of the notification of the decision of the LEA. If not made within 20 days, the decision of the LEA is final. If an appeal is timely made, the hearing board must render its decision within 45 days after receipt of notice of the appeal.

Instructions to Locate Your Local LEA Liaison

To reach a school district's homeless liaison, please visit the following website and click on the desired school district: <http://www.sde.ct.gov/sde/cwp/view.asp?a=2678&q=333702>