
NATIONAL LAW CENTER ON HOMELESSNESS & POVERTY

Florida State Procedures – Dispute Resolution under McKinney-Vento Act

The McKinney-Vento Homeless Assistance Act (“McKinney-Vento”) is a federal law that says homeless children are entitled to equal access to state and local educational programs and services, including transportation and school nutrition programs. It also addresses problems that homeless children face in enrolling, attending and succeeding in school. Under McKinney-Vento, state education agencies, including the Florida Department of Education (“FDOE”) and Local Education Agencies (“LEA”), are required to review and revise laws, regulations, practices, or policies that may act as barriers to enrollment for homeless students. (§ 722(g)(1)(C)).

According to McKinney-Vento, LEAs must provide to the parent, guardian or youth written information regarding school selection or enrollment options available to their children. (§ 722(g)(3)(C)). LEAs must also continue educating a 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.

Sometimes disputes arise between parents of homeless children and LEAs. Under the McKinney-Vento Act, every state must establish procedures for the prompt resolution of these disagreements. (§ 722(g)(1)(C)). The FDOE has adopted a policy to provide guidance to LEAs in implementing the dispute resolution process for homeless children and youth.

The procedure currently in place in Florida is outlined below:

Step 1: School Enrollment

Under McKinney-Vento, homeless students have the right to attend either the school of origin, if it is in the student’s best interest, or the school of residence. The 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. The school of residence is defined as any public school that non-homeless students who live in the attendance zone in which the child or youth is actually living are eligible to attend.

LEAs shall consider and take enrollment action that is in the best interest of the child or youth. In determining what is in a student’s best interest, the LEA must, to the extent feasible, keep a homeless child or youth in the school of origin, unless doing so is against the wishes of his or her parent or guardian.

Step 2: Dispute Process

If a dispute arises over school selection or enrollment options available under the Act, the LEA or school must immediately admit the student to the requested school pending resolution of the dispute. In the case of unaccompanied youth, the local homeless liaison will ensure the youth is immediately enrolled in school pending resolution of the dispute. The school must also refer the student, parent or guardian to the local homeless liaison to carry out the dispute resolution process.

Schools must take every step to avoid barriers to attendance. The LEA must admit the student if the student is unable to produce the records normally required for enrollment. (§722(g)(3)(C)(i)). Florida statutes require schools to give a homeless child a temporary exemption of up to 30 school days to present or have on file such documentation. (Fla. Stat. §§ 1003.22(1); 1003.22(5)(e)).

The LEA must also provide transportation to the selected school for the duration of the dispute resolution process. At the request of the parent, or liaison in the case of unaccompanied youth, the LEA must provide transportation to the school of origin. (§722(g)(1)(J)(iii)(I)). If enrollment in the school of residency, transportation must be provided to the extent it is provided to housed students, and to the extent necessary to ensure it is not a barrier to attendance. (42 U.S.C. §§ 11432(g)(1)(I), (g)(4), (g)(7)).

In the event of an inter-district dispute (student moves to another district, continues at school of origin), the LEA of origin and the LEA of residency must agree upon a method to split responsibility and costs of providing transportation. (§722(g)(1)(J)(iii)(II)). If the LEAs can't agree, the responsibility and costs will be shared equally. (§ 722(g)(1)(J)(iii)(II)).

If a school selection or enrollment dispute is not resolved at the school level, the LEA or school must provide a written explanation of its decision to the parent, guardian, or unaccompanied youth, including the rights of the parent, guardian or student to appeal the decision through the LEA's enrollment dispute procedure and the FDOE's appeal process. The LEA or school must also notify the local homeless liaison of the dispute, and refer the parent, guardian or youth to the liaison.

With the help of the liaison, the parent, guardian or youth shall work through the expedited Dispute Resolution Process established by the LEA. The liaison will work with the LEA and school representatives to address any policies or procedures that are identified as barriers to attendance. The local homeless liaison must carry out the dispute resolution process within 10 working days of receiving notice of the dispute from the LEA or school.

On or by the 10th working day, the LEA or school must provide to the parent or guardian a written explanation of its selection or enrollment decision. (§722(g)(3)(B)(ii)). This written decision must also include a statement regarding the right to appeal the LEA-level decision to the FDOE.

The local homeless liaison is required to report each LEA-level incident of a school selection or enrollment dispute in the FDOE's Dispute Resolution Tracking System.

Step 3: State-Level Appeal

The state-level dispute resolution process is available for appeals from LEA-level decisions and inter-district disputes. The local homeless liaison is responsible for ensuring that information describing the state-level dispute resolution process and the appropriate forms are available to all parties wanting to file an appeal. The liaison must provide the FDOE School Dispute Resolution Appeal Process form to the parent, guardian or unaccompanied youth.

If the parent or guardian is dissatisfied with the LEA's determination, he/she may file an appeal with the liaison within 10 working days after receiving written notification of the LEA's enrollment decision. The Liaison will provide the appeal to the FDOE and log the appeal in the FDOE's Online Dispute Resolution Tracking System.

Within 10 working days, the State Homeless Education Coordinator will convene a FDOE panel, consisting of the Coordinator, the Director of Title 1 Programs, and the Chief of the Bureau of Student Assistance. Within 10 days, the panel will review the entire record of the dispute, including written statements, and provide a recommendation to the Commissioner of Education. Within 10 days, the Commissioner shall make the final determination. For educational purposes, the Commissioner's decision is final. The FDOE will provide a written decision regarding the appeal to all involved parties, including the LEA and the liaison.

Procedural Step:	Completed by:	Given to:	Due date:
Notice of Dispute	LEA or school	LEA, local homeless liaison, parent or guardian	
Dispute resolution process	Local homeless liaison		10 working days after notice
LEA-level written dispute resolution explanation, including notice of appeal rights	LEA	Parent, guardian or unaccompanied youth	10 working days
Reporting of the LEA-level dispute	Liaison	Report dispute to FDOE's Dispute Resolution Tracking System	Immediately
FDOE School Dispute Resolution Appeal Process Form	Parent, guardian, or unaccompanied youth, with assistance of the liaison	Local homeless liaison	Parent, guardian or unaccompanied youth must submit the Form within 10 working days of receiving the LEA's

			written decision. The local homeless liaison must provide the form to the FDOE.
Report the State-level appeal	Liaison	Log incidents of state-level appeals in the FDOE Dispute Resolution Tracking System	No time
FDOE panel convenes	State Homeless Education Coordinator	Panel comprised of the Coordinator, the Director of the Title I Programs, & the Chief of the Bureau of Student Assistance	Must convene FDOE panel within 10 working days of receiving notice of the appeal
FDOE Panel written determination	FDOE Panel	Commissioner of Education	Within 10 working days of the date the panel convenes, the panel will review the record of the dispute and issue a decision
Commissioner's Final Determination	Commissioner		Within 10 working days of receipt of the FDOE Panel's recommendation, the Commissioner shall make a final determination
Written Decision	FDOE	All involved parties	The FDOE will provide a written decision regarding the appeal

Additional Information

Instructions to Locate Your Local Homeless Liaison

Every school district in Florida has a homeless education liaison to assist homeless students in their families. The following instructions provide access to a list of the Homeless Children and Youth School District Liaisons for the State of Florida.

1. To find the liaison in your district, click on the following link: <https://app1.fldoe.org/flbpso/nclbchoice/bpsDirectory/directory.aspx>
2. In "Program Area," scroll down to "Title X Homeless Contacts."
3. In "District," select your district, or "All Districts" if you want a list of all liaisons in the State of Florida.
4. Click the "Submit" button.
5. The results of your search should populate below the Submit button.

FDOE School Dispute Resolution Appeal Process form

1. Click on the following link: <http://www.fldoe.org/bsa/title1/titlex.asp>
2. Scroll down to "Dispute Resolution Process"
3. Click on "FDOE Dispute Resolution Process" to download the document in word format.
4. Sample forms are located on pages 5-8.

FDOE Technical Assistance Paper

1. Click on the following link: <http://www.fldoe.org/bsa/title1/titlex.asp>
2. Scroll down to "Publications"
3. Click on "Technical Assistance Paper: 2007-2008 Title X, Part C Education for Homeless Children and Youth" to download the document in word format.

Contact

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