
NATIONAL LAW CENTER ON HOMELESSNESS & POVERTY

Indiana State Procedures – Dispute Resolution under 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.

Indiana's state education law is codified at Ind. Code Ann. § 20 et. seq. The section that specifically defines homeless children is IC 20-50-1-1.

The Indiana Department of Education has adopted a policy to provide guidance to local school districts in implementing the dispute resolution process for homeless children and youth when that decision is not or cannot be made at the local level.

Step One: School Enrollment

The child or youth must be immediately enrolled in the school requested by the individual or organization submitting the complaint. 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.

Step Two: Enrollment or School Placement Dispute

Each school district may adopt its own dispute resolution process, however they must all follow certain guidelines. First, the child or youth must be immediately enrolled in the school requested by the individual or organization submitting the complaint. 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. Second, the student may not be expelled without due process of the law. Third, the parent or guardian of the affected student(s) must be provided a written explanation of the school's decision regarding school selection or enrollment, including the rights of the parent, guardian, or youth to appeal the decision. The child, youth, parent, or guardian must be referred to the McKinney-Vento Liaison for the corporation, who shall carry out the dispute resolution process as expeditiously as possible after receiving notice of the dispute.

The following is an example of an individual school districts dispute resolution process, other districts process and procedures may vary. For Indianapolis Public Schools (IPS) the process is as follows:

The McKinney-Vento Liaison:

Ginger Arvin, Phone: (317) 226-3870 /
arving@ips.k12.in.us

The McKinney-Vento Liaison oversees IPS' identification of homeless or unaccompanied youth, informs the parents or guardians of homeless youth and unaccompanied youth of their rights, assists in locating services for the youth, and coordinates resolution of disputes regarding enrollment.

How to Present a Dispute

If a dispute arises over school selection or enrollment, the McKinney-Vento Liaison needs to be advised of the dispute on the same day it occurs. The parent or guardian **may** advise the Liaison of the dispute. The IPS representatives involved in enrolling the student **must** advise the Liaison of the dispute.

What the McKinney-Vento Liaison Will Do

The McKinney-Vento Liaison will:

- Provide a copy of this procedure to the parent or guardian or unaccompanied youth;
- Assure the child or youth is immediately enrolled (granted the opportunity fully to participate in school activities) or granted continued enrollment in the school in which he/she is seeking enrollment pending resolution of the dispute;
- Assist the parent or guardian in completing the Request for Dispute Resolution form;
- Inform the parent or guardian of the right to submit written or oral information to support a Request for Dispute Resolution;
- Assist the IPS enrolling officials in completing the Response form;
- Gather other relevant information from both parties; and
- Submit to the IPS Director of Special Education a Report recommending resolution of the dispute and the basis for the recommendation and provide copies to the parent/guardian.
- Additionally, in the event of an inter-district dispute, the McKinney-Vento Liaison will represent IPS in the resolution of the dispute by the Indiana Department of Education.

What the Director of Special Education Will Do

The Director of Special Education will:

- Review the Report of the McKinney-Vento Liaison;
- Gather any additional information that will assist in resolving the dispute; and
- Provide to the parent/guardian, the McKinney-Vento Liaison, and the IPS enrolling officials a Report of IPS' final resolution.

Step Three: Appeal Process

When an agreement cannot be reached, the aggrieved party may appeal to the Indiana State Board of Education. The party requesting an appeal or resolution of a dispute by the State Board of Education will submit a written request to the State Board Liaison at the Indiana Department of Education. The Board shall hold a hearing on the timely written application of the interested party. The Board shall make its determination under the following procedure:

- a. A hearing shall be held on each matter presented.
- b. Each interested party, including (where appropriate) the parents, student, transferor corporation, transferee corporation, or the state, shall be given at least ten (10) days notice of the hearing by certified mail or personal delivery. The date of giving the notice is the date of mailing or delivery.
- c. Any interested party may appear at the hearing in person or by counsel, present evidence, cross-examine witnesses, and present in writing or orally summary statements of position, and a written or recorded transcript of the hearing shall be made.
- d. The hearing may be held by the Indiana State Board of Education or by a hearing examiner appointed by it who must be a state employee. The hearing, at the option of the State Board of Education or hearing examiner, may be held at any place in Indiana.

The State Coordinator for the Education for Homeless Children and Youth Program will provide technical assistance to interested parties and the State Board as requested and as necessary. The Indiana State Board of Education or hearing examiner (Part 2, section (C)(d), above) shall make written findings of fact and recommendations. The determination of the Indiana State Board of Education shall be made on the basis of record, summaries, and findings, but it is required to examine only those parts of the entire record as it deems necessary.

A notice of the Board's determination shall be mailed to each party by certified mail. No action to contest the validity of the decision may be instituted at any time later than thirty (30) days after the mailing of the notice. The determination of the Indiana State Board of Education as a result of the proceedings described above is final and binding on the parties to the proceeding.

Additional Resources

<http://www.doe.in.gov/student-services/mckinney-vento-homeless>

<http://www.doe.in.gov/student-services/dispute-resolution>

Instructions to Locate Your Local District Liaison

The following instructions provide access to the Liaison list for the State of Indiana. This is a list of school district personnel assigned to this program.

1. Go to the Indiana McKinney-Vento Homeless page: <http://www.doe.in.gov/student-services/mckinney-vento-homeless>

2. Under Requirements for Schools there will be a sentence that say “Click here to find your liaison”.
3. Click the link on “liaison”. This will open an Excel file.
4. Find the appropriate liaison for the school; schools are listed alphabetically.

Information on each school will include the address, contact name, position, phone number and email of each liaison.

Procedural Step:	Completed by:	Given to:	Due Date:
Enrollment or Residency Dispute	Initiated by child, youth, parent, or guardian	Local McKinney-Vento Liaison	The Liaison for the corporation shall carry out the dispute resolution process as expeditiously as possible after receiving notice of the dispute. Written communication of the decision must be provided to the individual or organization. No deadline specified, but may vary by district.
Written Request for Dispute Resolution	Aggrieved Party	State Board Liaison at the Indiana Department of Education	The Board will hold a timely hearing. A notice of the Board’s determination shall be mailed to each party by certified mail. No action to contest the validity of the decision may be instituted at any time later than thirty (30) days after the mailing of the notice. The determination of the Indiana State Board of Education is

			final and binding on the parties to the proceeding.
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