

NATIONAL LAW CENTER ON HOMELESSNESS & POVERTY

Kansas 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.

The Education for Homeless Children and Youth program in Kansas is intended to ensure that homeless children and youth have access to the same free, appropriate public education, including public preschool education, as provided to other children and youth. Therefore, homeless children shall be eligible for transportation services, compensatory education services, bilingual education services, special education services, school meal programs, preschool programs, or any other programs offered by the local school division for which the homeless child or youth is otherwise eligible. Kansas will review and revise their laws and policies to eliminate barriers to the enrollment, attendance, and success in school of children and youth experiencing homelessness and provide such children and youth with the opportunity to meet the same challenging State student academic achievement standards to which all students are held. Kansas State law provides that students in homeless situations must not be separated from the mainstream school environment because of their homelessness.¹

Step One: School Enrollment

Parents or guardians of students in homeless situations can keep their children in their schools of origin (to the extent feasible) or enroll them in any public school that students living in the same attendance area are eligible to attend. Students have the right to enroll in school immediately, even if they do not have required documents, such as school records, medical records, proof of residency, or other documents. If a student is sent to a school other than that requested by a parent or guardian, the school must provide a written explanation of its decision and the right to appeal.²

Step Two: Enrollment Dispute

Disagreements and disputes are to be settled as close to the point of conflict as possible. Each local homeless education liaison shall assist the family and school to ensure compliance with federal and state legislation and policy governing the education of children and youth

¹ <http://www.ksde.org/LinkClick.aspx?fileticket=52cxtMDpAxA%3d&tabid=372&mid=11115>.

² <http://www.ksde.org/LinkClick.aspx?fileticket=cWmSVta-j5I%3d&tabid=372&mid=11115>.

experiencing homelessness. The liaison shall work with the appropriate school division representatives to address any policies or procedures that are identified as barriers in the access to and success within a free appropriate public education. The Office of the State Coordinator of Homeless Education may be consulted at any time for technical assistance.

If a school chooses to send a child or youth to a school other than the school of origin or the school of residency selected by the family or unaccompanied youth, the school shall consult with the local homeless liaison prior to making a final placement determination. If the school's denial of enrollment is supported by a review of feasibility and best interest, the school shall provide the parent or guardian of the child or youth with a written explanation of the school's decision regarding school selection or enrollment, including the rights to the parent, guardian, or unaccompanied youth to appeal the decision [§722(g)(3)(B)(ii)]. The local homeless education liaison shall maintain a copy of such written notification. If an appeal is requested either in writing or verbally, as outlined in §722(g)(3)(E), the school shall:

- Immediately admit the student to the school in which enrollment is sought and provide all services for which the student is eligible, pending resolution of the dispute; and
- Refer the child, unaccompanied youth, parent, or guardian to the designated local homeless education liaison who should carry out the dispute resolution process as expeditiously as possible after receiving notice of the dispute.

When the liaison is notified of an enrollment dispute by the State Coordinator, a school district staff member, a family, or unaccompanied youth experiencing homelessness, or another entity, the liaison shall:

- Initiate the documentation on the Enrollment Dispute Resolution form;
- Ensure the child or unaccompanied youth is immediately admitted to the school in which enrollment is sought and provided with all services for which the student is eligible, pending resolution of the dispute. Transportation must be arranged while the dispute is being resolved;
- Review feasibility and best interest guidance documents with the school and appropriate central office personnel. [§722(g)(3)(E)] and “Determining Feasibility for School Placement” document;
- Contact any associated district's local homeless education liaison to participate in the decision making process if another school district is involved;
- Consult with the State Coordinator for additional technical assistance, as needed; and
- Provide the family or unaccompanied youth with a written determination of the district's placement decision, including the ability to appeal the decision at the state level by contacting the Kansas State Homeless Coordinator within 10 business days.

Step Three: Appeal Process

A parent, guardian, or unaccompanied youth appeal of a school district's decision must be submitted to the Kansas State Homeless Coordinator within 10 business days of receiving the school district's notice.

When an appeal is made to the state level, the State Coordinator or designee shall:

- Review school district records and information provided by the appealing family or unaccompanied youth to ensure proper procedures were followed; and
- Forward a recommendation to the Director of Title Programs and Services regarding the appropriate placement for the student within five working days of receiving the appeal based on the review of school district records, any supplemental information provided when appropriate.

The Director of Title Programs and Services, or designee will make the final determination. The family or unaccompanied youth and the school district(s) will be informed of the final disposition within 10 business days of receiving the case and recommendation from the State Coordinator for Homeless Education. Upon notification by the Director of Title Programs and Services, or designee, the State Coordinator will:

- Provide technical assistance to the school district, as needed, to comply with the final determination.
- Contact the school district within 30 business days from the final disposition by the Director of Title Programs and Services, or designee, to determine the status of the child or youth's enrollment: <http://www.ksde.org/LinkClick.aspx?fileticket=9rRhW912jI%3d&tabid=372&mid=11116>

Dispute process and Timeline for Filing a Dispute/Appeal

Procedural Step:	Completed by:	Given to:	Due Date:
Written Notification of School Selection or Enrollment Decision	The receiving school when an enrollment request is denied; or parent, guardian, or unaccompanied youth	Kept by the Local Homeless Education Liaison.	None
Verbal or Written Dispute Notification	A parent, guardian, or unaccompanied youth	Local Homeless Education Liaison	None
Enrollment Dispute Resolution Form	Local Homeless Education Liaison	Kept and updated throughout the review process	None

Written Notification of School Selection or Enrollment Decision with right of appeal	Local Homeless Education Liaison	A parent, guardian, or unaccompanied youth	None
Written Appeal	A parent, guardian, or unaccompanied youth	The Kansas State Homeless Coordinator	10 business days after receipt of the Written Notification of School Selection or Enrollment Decision with right of appeal
Recommendation of Placement	The Kansas State Homeless Coordinator	Director of Title Programs and Services	5 working days after written appeal is received
Final Determination	Director of Title Programs and Services, or designee	A parent, guardian, or unaccompanied youth	10 business days after receipt of Recommendation of Placement

Additional Information

Additional information on Kansas's Educating Homeless Children program (EHCY) can be located within the Kansas State Department of Education website: <http://www.ksde.org/EHCY> program main page: <http://www.ksde.org/Default.aspx?tabid=372>

How to find your District's Homeless Liaison

On the EHCY Program's main page there is a link to a PDF document with the list of contacts. This list was most recently updated on 09/10/2012. The list can be found here. [2011-2012 Kansas EHCY Data](#) It includes the name, their position within the district, the school address, the Liaison's email address and telephone number.