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# NATIONAL LAW CENTER ON HOMELESSNESS & POVERTY

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## **Kentucky 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.

Kentucky’s Policy on Dispute Resolution Process for Homeless Students is codified under 704 KAR 7:090. In Kentucky, the LEA, comprised of district and school administrators, has the responsibility to remain compliant with the McKinney-Vento Act. The McKinney-Vento Act, Section 722(g) (1) (C) requires each state education agency establish procedures for the prompt resolution of disputes regarding the educational placement of homeless children and youth.

### **Step One: School Enrollment**

McKinney-Vento requires the school selected by parents or legal guardians to immediately enroll homeless children in their district of origin or a different district to the extent feasible if another is preferred. Enrollment of the child is required despite any lack of routinely required records. When these records are not available, a liaison must immediately be referred to the parent or guardian and the child must remain enrolled while the liaison helps to obtain the records. The school of origin is defined as the school last attended by the child or youth when permanently housed, or the last school in which the child or youth was enrolled.

### **Step Two: Enrollment Dispute**

The McKinney-Vento Act requires every state to establish procedures to promptly resolve disputes regarding the placement of homeless students. If a dispute arises over school selection or enrollment in a school, the child shall be immediately admitted to the school in which enrollment is sought, pending resolution of the dispute. When a homeless student has been denied enrollment entirely or determined to be placed in a school different from the school of origin or preferred district, the school district's homeless child education coordinator shall inform the representative of the homeless student of the right to an informal hearing with the school district. Additionally, the parent or guardian must be notified by the LEA of the right to appeal the decision. In the case of a pending dispute, the LEA must enroll the student the preferred school chosen by the homeless child or parent. The coordinator shall assist the representative to complete a written request for the hearing which shall be based on a placement that was initiated, or declined to be initiated, by the school district not more than two school weeks prior to the request. The informal hearing shall be scheduled within two days of the written request and shall

be convenient to the needs of the representative of the homeless student. During the hearing, the school district shall discuss any considerations that led to the placement decision which may include the ability of the school district to provide continuity in educational programs, the need of the homeless student for special instructional programs, the amount of time and arrangements required to transport the student to the original school district, the age of the homeless student and the school placement of siblings, and the time remaining until the end of the semester or the end of the school year.

In cases where an agreement cannot be reached among all involved parties, either party may request the assistance of the state homeless children education coordinator. Upon written request, the coordinator shall meet with the involved parties to discuss available alternatives and seek to resolve the dispute.

The placement and services for the homeless student shall be continued pending the resolution of the dispute by the Department of Education.

**Step Three: Appeal Process**

The Superintendent of Public Instruction must designate a State Coordinator for homeless education to oversee the appeals process. Any parent, guardian, or unaccompanied youth who is not satisfied with the final LEA decision regarding enrollment may appeal the decision to the State Coordinator. If an appeal is deemed to be incomplete, the State Coordinator must contact the person making the appeal and explain the deficiency while providing the opportunity to complete the appeal.

The State Coordinator shall issue a final written decision to the parent, guardian, or unaccompanied youth and the LEA involved within 10 days following receipt of the complete appeal.

<b>Procedural Step:</b>	<b>Completed by:</b>	<b>Given to:</b>	<b>Due Date:</b>
<b>Enrollment or Residency Dispute</b>	Initiated by parent, guardian, or LEA	Processed by LEA Superintendent	A written explanation of the LEA’s decision shall be provided to the parent, guardian, student of lawful age, or unaccompanied youth – including a statement of the right to appeal the decision to the state Board of Education. <b>No deadline specified.</b>

<b>Written or Oral request for dispute resolution</b>	Parent, Guardian, Unaccompanied Youth	Kentucky Department of Education, copy of the request to the State Coordinator	A written explanation of the State Coordinator's decision shall be provided to the parties of record and explanation shall be kept on file by the Department of Education.
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