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# NATIONAL LAW CENTER ON HOMELESSNESS & POVERTY

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## Michigan 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 origin<sup>1</sup> 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 following dispute resolution procedures for the placement of homeless students has been adopted by the Michigan Department of Education, Homeless Education Office, in order to meet the requirements of the McKinney-Vento Act.<sup>2</sup>

### **Step One: Enrollment**

Homeless students shall be immediately enrolled in the school preferred by the parents until the dispute is resolved. The school district shall provide a written explanation of the school placement decision to the parent, guardian, or the unaccompanied youth. A designated LEA liaison is responsible for carrying out the dispute resolution expeditiously. The school board shall inform the parents or guardians of the homeless children or youth of the Complaint Resolution Procedures.

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

The following process may be used by school districts that do not have dispute resolution procedures in place to handle disputes regarding the education of homeless children or youths. The process consists of the following two levels:

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<sup>1</sup> 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.”

<sup>2</sup> [http://michigan.gov/documents/mde/DisputeResolution\\_240490\\_7.pdf](http://michigan.gov/documents/mde/DisputeResolution_240490_7.pdf)

### *1. Local Level*

Each school district is required to have a designated homeless liaison. The homeless liaison is the first point of contact if a question arises as to the education of a homeless child or youth. If there is a complaint about services for a homeless student, the complainant must be provided with a copy of the local complaint procedure from the homeless liaison.

The following steps are recommended for school districts that do not have a complaint procedure in place. First, the homeless liaison should discuss the complaint with the complainant and provide the complainant with copies of the policies adopted by the local Board of Education concerning the education of homeless children or youths. A determination should be made as to whether the requested services for the homeless student are consistent with the local policy. If the complaint is not resolved, the complainant will be advised to present it in writing to the designated homeless liaison, and a written proposed resolution of the complaint or plan of action should be provided to the complainant within five (5) days of the date of the discussion. If, at this point, the complaint is still unresolved, it may be possible to appeal to the local Board of Education. Every effort must be made to resolve the dispute at the local level before advancing the dispute to the state level, the Michigan Department of Education (MDE).

### *2. State Level*

If the complaint is not resolved at the local level, the complaint may be directed to MDE. Complaints must be made in writing, signed by the complainant, and addressed to:

Michigan Department of Education, State Homeless Coordinator  
P.O. Box 30008  
Lansing, Michigan 48909

The complaint must include the following:

- a. A description of the situation that prompted the complaint
- b. The name(s) and age(s) of the student(s) involved
- c. The name(s) of the school district personnel and school district(s) involved
- d. A description of the attempts to resolve the complaint at the local level and copies of any documentation involved up to that point

The State Homeless Coordinator will obtain information from the parties involved and forward the information to the director of the Office of School Improvement with a recommendation for resolution or for further investigation. The Director of the Office of School Improvement will recommend a resolution and inform interested parties in writing of the decision within thirty (30) days after receiving the complaint.

### **Step Three: Appeal Process**

If a complainant or party involved disagrees with the decision, that party may appeal the decision to the Deputy Superintendent within ten (10) working days. The appeal must be in writing and include why the party disagrees with the decision of the Director of the Office of School Improvement. The Deputy Superintendent will render a final administrative decision and notify the complainant and the school districts involved in writing within thirty (30) days after receiving an appeal. If the party disagrees with the decision of the Deputy Superintendent, the party may request a review of the decision by the United States Secretary of Education in accordance with 34 CFR Part 299.11. While the dispute is being resolved, the child or children involved must be enrolled in school. In disputes involving the “best interest” of the child to determine the proper school district, the child or children must be enrolled in the school preferred by the parents, guardians, or unaccompanied youth unless previous arrangements have been made.

The information concerning the Michigan dispute resolution process has been provided by the Michigan Department of Education, and is available for reference online at: [http://michigan.gov/documents/mde/DisputeResolution\\_240490\\_7.pdf](http://michigan.gov/documents/mde/DisputeResolution_240490_7.pdf)

<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 student	LEA liaison	The LEA liaison is required to inform the parent, guardian, or student of the Complaint Resolution Procedures. The following steps are recommended for school districts that do not have a dispute resolution process in place: If the complaint is not resolved, the complainant must then present it in writing to the LEA liaison, and the complainant should be provided with a proposed resolution <b>within 5 days of the date of discussion.</b>
<b>Written Request for Dispute Resolution – Local Level</b>	Complainant	Local Board of Education	<b>No deadline specified.</b>
<b>Written Request for</b>	Complainant	Michigan Department	If the complaint is not

<p><b>Dispute Resolution – State Level</b></p>		<p>of Education, State Homeless Coordinator</p>	<p>resolved at the local level, it may be directed to MDE. Complaints must be made in writing, signed by the complainant and addressed to Michigan Department of Education, State Homeless Coordinator at the address listed above and must contain the information listed above. The State Homeless Coordinator will gather and forward information to the director of the Office of School Improvement, who will inform interested parties in writing of the decision <b>within 30 days after receiving the complaint.</b></p>
<p><b>Appeal Process</b></p>	<p>Complainant or party involved</p>	<p>Deputy Superintendent</p>	<p>The appeal must be in writing and include why the party disagrees with the decision. The appeal must be made within <b>10 working days of the decision of the Director of the Office of School Improvement.</b> The Deputy Superintendent will render a final decision and notify the parties involved in writing within <b>30 days after receiving an appeal.</b></p>

			Finally, if a party disagrees with the decision of the Deputy Superintendent, the party may request a review of the decision by the United States Secretary of Education.
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**Instructions to Locate Your Local LEA Liaison**

The following instructions provide access to a list of the McKinney-Vento District Homeless Education Liaisons from the Educational Entity Master (EEM) for the State of Michigan. This is a list of school district personnel assigned to this program.

1. TO LOCATE A SINGLE DISTRICT LIAISON:

Go to the EEM website: <http://136.181.145.66/eem>  
 Click “Search “  
 Click “Quick”  
 Search by Characteristic  
 In the “Choose Type of Entities window,” check the appropriate selection:  
 ISD District OR  
 LEA District OR  
 PSA District  
**\*\*Do not check ISD School, LEA School, or PSA School**  
 Click - Status: Open-Active  
 Click “Search”  
 On bottom left of the screen that is returned, click on “Mailing/Contacts” **In the “Mailing Labels & Contact List” window, check “Homeless Education Liaison,” currently last on the list**  
 Select “Download” with “Excel” showing, unless you want another format

2. STEPS TO DOWNLOAD HOMELESS EDUCATION LIAISONS FROM EEM:

Go to the EEM website: <http://136.181.145.66/eem>  
 Click “Search “  
 Click “Quick”  
 Search by Characteristic  
 In the “Choose Type of Entities window,” check:  
 ISD District OR  
 LEA District OR

PSA District

**\*\*Do not check ISD School, LEA School, or PSA School**

Click - Status: Open-Active

Click "Search"

On bottom left of the screen that is returned, click on "Mailing/Contacts"

**In the "Mailing Labels & Contact List" window, check "Homeless Education Liaison," currently last on the list**

Select "Download" with "Excel" showing, unless you want another format

**When you save this document, it will save in an HTML format unless you select Excel in the "Save as type" option in the Save As window.**