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# NATIONAL LAW CENTER ON HOMELESSNESS & POVERTY

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## **Mississippi State Procedures – Dispute Resolution under McKinney-Vento Act**

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.

As of late 2012, the Mississippi Board of Education was working on a dispute resolution procedure. Until Mississippi procedures are settled, the complaint procedure set forth under the No Child Left Behind Act should be used. Thus, the procedure currently in place in Mississippi is outlined below:

### **Step One: 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 area 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. MS Bd. Code 6600(II)(1)(b). 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 Two: Dispute Resolution**

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.

Every district is required to appoint a designated homeless liaison, with someone in every school or central district office able to identify the liaison. The liaison is required to provide a copy of

the local complaint procedure to the parent, guardian or youth, and assist them in working through the complaint process.

If the LEA or school doesn't have a complaint procedure in place, the Mississippi School Board Code 4200 provides the following guidance:

- The liaison should discuss the complaint with the complainant and the complainant is to be provided copies of the policies that the local Board of Education has adopted concerning the education of homeless children and youth;
- A determination is to be made as to whether the requested services for the homeless student are consistent with local school board policy;
- If the complaint is not resolved, the complainant will be advised to present it in writing to the homeless liaison;
- A written proposed resolution of the complaint or plan of action is to be provided to the complainant within 5 days of the date of receipt of the written complaint.

If the complaint isn't resolved at this level within 5 days, the complainant may take the written complaint to the superintendent of the district of the school in which enrollment is sought. In addition to presenting the written complaint, an appointment will be made for the complainant to meet with the superintendent to discuss the complaint. Within 5 days of the discussion, the superintendent 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 MDE.

## **State Level: Appeal to the MDE**

If the complaint isn't resolved at the local level, the parent or guardian may file an appeal with the MDE. Complaints made under this process must be made in writing and signed by the complainant. Complaints should be mailed to the Mississippi Department of Education, Office of Federal Programs, P.O. Box 771, Jackson, MS 39205.

At minimum, the complaint should include:

- a description of the situation that prompted the complaint;
- the name(s) and age(s) of the child(ren) involved;
- name(s) of the involved school district personnel and the school district(s) involved;
- a description of the attempts that were made to solve the issue at the local level including copies of any documentation used up to that point.

The reviewing official will gather needed information and will forward it to the Director of the Office of Federal Programs, along with a recommendation for resolution or for further investigation. Within 30 days after receiving the complaint, the Director of the Office of Federal Programs will recommend a resolution and will inform interested parties in writing of the decision.

If a complainant/involved party disagrees with the decision, that party may, within 10 working days, appeal to the Deputy Superintendent of the Office of Instructional Enhancement and Internal Operations. The appeal must be in writing and state why the party disagrees with the decision of the Director of the Office of Federal Programs.

Within 30 days, the Deputy Superintendent shall make a final administrative decision, and will provide a written decision regarding the appeal to all interested parties. If the complainant disagrees with the determination made by the Deputy Superintendent, the next level of appeal is to the United States Secretary of Education. (34 CFR Part 299.11).

<b>Procedural Step:</b>	<b>Completed by:</b>	<b>Given to:</b>	<b>Due Date:</b>
Enrollment or Residency Dispute	Initiated by parent, guardian, or LEA	Processed by the local homeless liaison	
Written complaint	Parent or guardian	Superintendent of the district of the school of choice	
Superintendent's written resolution	Superintendent of school of choice	Parent or guardian	Within 5 days of the meeting with the parent/guardian
Appeal	Parent or guardian	MDE, Office of	Reviewing official

		Federal Programs	will forward to the Director of the Office of Federal Programs, with a proposed resolution
Director's written recommendation	Director of Federal Programs	All interested parties	Within 30 days of receiving the complaint
Appeal	Parent or guardian	Deputy Superintendent of the Office of Instructional Enhancement and Internal Operations	Within 10 working days of receiving the Director's decision
Final Administrative Decision (written)	Deputy Superintendent	All involved parties	Within 30 days of receiving notice of the appeal