
NATIONAL LAW CENTER ON HOMELESSNESS & POVERTY

Missouri 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.

Missouri's state education law is codified at Mo. Rev. Stat. § 160 *et seq.* Specifically, Mo. Rev. Stat. § 167.020 (3) requires the homeless student to request a proof of residency waiver from the district board, which is based on hardship or good cause. The Missouri Department of Elementary and Secondary Education oversees the Homeless Education program, which ensures that homeless children and youth are enrolled in school.

The Department of Elementary and Secondary Education has recommended a dispute resolution procedure regarding the placement and enrollment of homeless students. This process is seen as board policy and is not part of Missouri's state laws.

Step One: School Enrollment

The district's homeless coordinator ("Coordinator") must make school placement decisions based on the homeless child or youth's best interest and the wishes of the parent, guardian, or unaccompanied youth. If the school of best interest is different from the school requested by the parent or unaccompanied youth, the Coordinator must provide the parent or unaccompanied youth with a written statement explaining the decision and their appeal rights.

Step Two: Enrollment Dispute

When a question regarding the education of a homeless child or youth arises, the school district must inform the complainant of the district's dispute resolution procedure. Every effort must be made to resolve the complaint or dispute at the local level before it is brought to the Department of Elementary and Secondary Education.

If a parent or unaccompanied youth decides to initiate an enrollment dispute, the student must be enrolled in school. If the complaint concerns the school of best interest for the homeless student, the student shall remain in the school that they currently attend until the dispute is resolved unless arrangements have been made to allow the student to attend the school of origin. 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 Three: Appeal at School District Level

Missouri is a local control state, so each Local Education Agency (LEA) has their own dispute resolution procedure. The following procedure is recommended by the Missouri Department of Elementary and Secondary Education.

A. Appeal to School District's Homeless Coordinator

If the parent or unaccompanied youth ("Complainant") wants to appeal a student's placement in a school district, they must first make an appointment with the Coordinator to discuss their complaint. The school or superintendent can identify the Coordinator for the Complainant. The Complainant should also request a copy of the district board of education policies concerning homeless students and review them.

If the dispute remains unresolved after their first discussion with the Coordinator, the Complainant can file a complaint in writing with the Coordinator for further review. The complaint should request that the Coordinator provide a written proposed resolution of the dispute or plan of action within five (5) days of receiving the complaint. The Complainant and Coordinator may mutually agree on extending this time period; however, resolution of the dispute should be made in the shortest possible time. The Coordinator should then review the proposal or plan of action with the Complainant.

B. Appeal to Local School District Superintendent

If the dispute remains unresolved at the Coordinator level, the Complainant may forward the complaint to the school district superintendent for review. Following delivery of the complaint, the Complainant and superintendent shall have a meeting to discuss the dispute. The Complainant should request that the superintendent provide a written resolution within five (5) days of the discussion. The Complainant and superintendent may mutually agree on extending this time period; however, resolution of the dispute should be made in the shortest possible time.

C. Appeal to School District Board of Education

If the dispute remains unresolved at the superintendent level, the Complainant may take the dispute before the school district board of education for resolution.

Step Four: Appeal at State Level

A. Appeal to Department of Elementary and Secondary Education

If the dispute remains unresolved at the school district level, the complainant may bring their complaint to the Department of Elementary and Secondary Education.

The Complainant must mail their complaint in writing to the State Homeless Coordinator, Federal Discretionary Grants, P.O. Box 480, Jefferson City, Missouri 65102-0480. The complaint must include: (1) a detailed description of the dispute; (2) the name(s) and age(s) of the children involved; (3) the name(s) of involved school district personnel and the district(s) they represent; and, (4) a description of the attempts that were made to resolve the issue at the school district level. The complaint must also be signed by the Complainant.

The Director of Federal Discretionary Grants (“Director”) informs the school district of the complaint. Then, the Director gathers necessary information, such as documentation and the party’s statements. If needed the Director may independently investigate through an on-site visit. The Director must resolve the dispute and inform the parties of the decision in writing within thirty (30) days of receiving the complaint. The parties may mutually agree on extending this time period; however, resolution of the dispute should be made in the shortest possible time.

B. Appeal to Deputy Commissioner of Education

If the Complainant disagrees with the Director’s decision, they must appeal to the Deputy Commissioner of Education (“Deputy”) within ten (10) working days of receiving the Director’s decision. The complainant must submit this appeal in writing and state why they disagree with the director’s decision.

Within thirty (30) days of receiving the appeal, the Deputy will make a final decision and inform the complainant and other interested parties in writing. Although the Deputy has thirty (30) days, resolution of the dispute should be made in the shortest possible time.

Sources:

Information on the Missouri State dispute resolution process can be found at: <http://dese.mo.gov/qs/gr/homeless/documents/Complaint%20Procedure.pdf>.

Missouri’s current State Coordinator for its Homeless Education Program is Ms. Donna Cash. Her phone number is (573) 522-8764 and her email address is donna.cash@dese.mo.gov.

Additional Information:

Instructions to Locate Your Local LEA Homeless Liaison:

1. Go to the website for the State of Missouri’s Homeless Liaison contact list for each school district: <http://dese.mo.gov/qs/gr/homeless/qs-gr-homeless-liaisons.htm>.
2. Click on “School District Homeless Liaisons.”
3. The Homeless Liaisons are listed by their County-District Code (C/D).

- a. If you do not know your County-District Code, go to the School Directory webpage at <http://mcids.dese.mo.gov/guidedinquiry/District%20and%20School%20Information/Missouri%20School%20Directory.aspx>.
- b. Click on the drop down menu next to “District,” and the County-District code name will be in parentheses next to the school district.

School District Level Appeals Process Timeline*

Procedural Step:	Completed by:	Given to:	Due Date:
Request appointment & copy of district policies	Parent or unaccompanied youth (“Complainant”)	Local school district homeless coordinator (“Coordinator”)	No deadline specified.
Meeting with Coordinator	Coordinator	Complainant	No deadline specified.
Written Complaint	Complainant	Coordinator	No deadline specified.
Written proposed resolution	Coordinator	Complainant	Within 5 days of receiving the complaint.
Review of proposal	Coordinator	Complainant	No deadline specified.
Forward complaint	Complainant	School District Superintendent	No deadline specified.
Meeting	Superintendent	Complainant	Complainant should request that the superintendent provide a written resolution within 5 days of the meeting.
Written resolution	Superintendent	Complainant	Within 5 days of the meeting.
Complaint	Complainant	School District Board of Education	No deadline specified.

***The local school district level appeals process may vary for each individual school district. Contact the local district homeless coordinator for information on the dispute resolution procedure.**

State Level Appeals Process Timeline

Procedural Step:	Completed by:	Given to:	Due Date:
Complaint, signed & in writing	Complainant	Department of Elementary and Secondary Education	No deadline specified.
Notify school district, gather necessary information, and (possibly) conduct investigation	Director of Federal Discretionary Grants	N/A	No deadline specified.
Written decision	Director of Federal Discretionary Grants	Complainant and school district	Within 30 days of receiving the complaint.
Written Appeal	Complainant	Deputy Commissioner of Education	Within 10 working days of receiving the Director's decision.
Final decision, in writing	Deputy Commissioner of Education	Complainant and other interested parties	Within 30 days of receiving the appeal.