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# NATIONAL LAW CENTER ON HOMELESSNESS & POVERTY

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## **Tennessee 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.

Tennessee state law provides a detailed policy for compliance with McKinney-Vento.

### **Step 1: School Enrollment**

Under the Tennessee state implementation plan, the LEA “shall, according to the child’s or youth’s best interest . . . 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 actually living are eligible to attend.”

If the child or youth is already enrolled in a school, the LEA must ensure child or youth continues at that school while the child or youth is homeless whether the family becomes homeless between or during the academic year or for the remainder of the academic year if permanent housing is obtained during the year.

### **Step 2: Enrollment Dispute**

Any dispute regarding the educational placement of a homeless child or youth shall be reported to the LEA school board office, where a record of the dispute should be made and referred to the homeless education coordinator. LEA officials should review the State Plan and the McKinney-Vento Homeless Education Act. LEA officials should also review the LEA Assurances to the Tennessee Department of Education regarding the removal of barriers to enrollment, school selection, and the provision of comparable services. All parties (principals, homeless coordinators, child's parents/guardians, social worker, and youth involved) shall meet, discuss the issue; and arrive at a decision.

Resolutions of disputes regarding educational placement shall be accomplished within ten school days. Disputes not resolved within ten school days are to be reported to the state coordinator for the education of homeless children and youth. The state coordinator will then take the necessary action to promptly resolve the dispute in accordance with the McKinney-Vento Homeless Education Act. The child/youth must be immediately admitted to the school in which he/she is seeking enrollment, pending resolution of the dispute. The parent/guardian must be provided

with a written explanation of the school's decision on the dispute and shall have the right to appeal the decision.

**Finding Your LEA**

To find the appropriate LEA may be located through the state coordinator, Dr. James Francis (information below), or referred by the school district. The Tennessee website also provides a list of LEA’s by district for homeschooling contact. While the homeschooling LEA should be the same as the homeless student LEA, certain districts may vary. For additional help see: <http://www.tn.gov/education/homeschool/>

Click on “Home School Coordinators (in LEA’s) Rev [date]” on the left side of the screen. The information is in Microsoft Excel format, organized by district.

**Tennessee State Contact Person**

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 Coordinator  
 Homeless Education Program  
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 Office of Federal Programs  
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**Tennessee Dispute Resolution Chart**

Steps:	Completed by:	Given to:	Timeline
Initial Dispute		LEA School Board Office	
Enrollment of Homeless Youth	School into which Youth Seeks Enrollment		Immediate Admittance
Written Explanation	School	Parent/Guardian  *Must include explanation of school’s decision and right to appeal decision	
Create Record of Dispute	LEA School Board Office	Homeless Education Coordinator	
Meeting to Discuss	All Parties (principals,		Resolution within 10

Status	homeless coordinators, child's parents/guardians, social workers, youth involved)		school days
***Disputes Not Resolved within 10 School Days		State Coordinator for the Education of Homeless Children and Youth	
State Coordinator's Decision	State Coordinator		

**Additional Information**

1. <http://www.tennessee.gov/education/fedprog/doc/fptnstateplan.pdf>
2. [http://www.tennessee.gov/education/fedprog/Homeless\\_Dispute\\_Resolution.shtml](http://www.tennessee.gov/education/fedprog/Homeless_Dispute_Resolution.shtml)
3. <http://www.tn.gov/education/homeschool/>