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# NATIONAL LAW CENTER ON HOMELESSNESS & POVERTY

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## **Vermont State Procedures – Dispute Resolution Under McKinney-Vento Act**

Pursuant to the McKinney Vento Homeless Assistance Act, a Local Education Agency (“LEA”) must continue to educate 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 the 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.

Vermont codified the sentiment of the federal McKinney Vento Act in the Vermont Statutes, 16 V.S.A. § 1075(e). According to the law, every supervisory union in Vermont must designate a homeless education liaison to the Vermont Department of Education. School personnel must be trained to identify and refer homeless students to the Homeless Education Liaison by using the Referral Form.

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

The liaison should determine the student’s homelessness status and school enrollment by using the Homeless Liaison Worksheet. The liaison should gather information about the parents or unaccompanied youth to determine eligibility. The liaison makes the enrollment decision based on: the best interest of the student, parent or guardian’s request, and McKinney Vento law requirements. If possible, the student will be enrolled in the last school he or she attended when permanently housed or the last school in which the student was enrolled. If that is not possible, the student will be enrolled in the school serving the geographic area in which the student currently resides. If the liaison’s decision conflicts with the enrollment request, he or she should provide a written explanation to the parent, guardian, or unaccompanied youth. It must explain the enrollment decision and also include information on the right to appeal to the school board and the Vermont Department of Education.

### **Step Two: Appeal to the School Board**

If the parent, guardian, or unaccompanied youth is unhappy with the liaison’s decision, he or she engage in the dispute resolution process. The student will be immediately enrolled during the dispute resolution process.

The parent, guardian, or unaccompanied youth may appeal the enrollment decision to the school board serving the geographic area. In an executive session, the board will consider the appeal. If the decision made by the school district is inconsistent with the enrollment request of the parent, guardian, or unaccompanied youth, it must be provided in writing. This notice must include the enrollment decision, an explanation of the decision, contact information for the liaison, a copy of

Vermont's Enrollment Dispute Resolution Process, and information with the right to appeal to the Vermont Department of Education.

**Step Three: Appeal to the Department of Education**

If still unresolved, the parent, guardian, or unaccompanied youth may file a written appeal of the enrollment decision with the Commissioner of the Vermont Department of Education. This appeal must be filed within five business days of the school board decision. It also must contain a copy of the enrollment decision from the school board. The Vermont Department of Education will investigate the issue and provide a written decision with regard to school enrollment.

**Appeal Documents and Timeline for Filing an Appeal**

<b>Name of Form:</b>	<b>Completed by:</b>	<b>Given to:</b>	<b>Due Date:</b>
Referral Form <a href="http://education.vermont.gov/new/pdffdoc/pgm_homeless/toolbox/educ_homeless_referral_form.pdf">http://education.vermont.gov/new/pdffdoc/pgm_homeless/toolbox/educ_homeless_referral_form.pdf</a>	School Personnel	Homeless Education Liaison	-
Homeless Liaison Worksheet <a href="http://education.vermont.gov/new/pdffdoc/pgm_homeless/toolbox/liaison_worksheet_0708.pdf">http://education.vermont.gov/new/pdffdoc/pgm_homeless/toolbox/liaison_worksheet_0708.pdf</a>	Homeless Education Liaison	Parent, Guardian, or Unaccompanied Youth	-
Appeal to School Board	Parent, Guardian, or Unaccompanied Youth	School Board in Geographic Area	-
Enrollment Decision Notice	School Board	Parent, Guardian, or Unaccompanied Youth	-
Appeal to Commissioner of the Vermont Department of Education	Parent, Guardian, or Unaccompanied Youth	Vermont Department of Education	Must be filed within 5 business days of Board of Education Decision
Enrollment Decision Notice	Vermont Department of Education	Parent, Guardian, or Unaccompanied Youth	-

## **Additional Information**

**Note:** The Vermont Board of Education is in the process of switching over to the Agency of Education on January 1, 2013. Forms and procedures are being updated accordingly. There may be changes coming in the near future to these procedures. This information was taken by Jennifer Ciszewski via telephone with Mike Mulcahy, State Director of the Vermont Homeless Children and Youth Project Staff on September 17, 2012, September 20, 2012. Contact information: (802) 828-5108, mike.mulcahy@state.vt.us.

Contact Information for Vermont: Mike Mulcahy, State Director of the Vermont Homeless Children and Youth Project Staff, (802) 828-5108, mike.mulcahy@state.vt.us.  
For additional information, please visit the Vermont Department of Education website for the Education for Homeless Children and Youth Program, [http://education.vermont.gov/new/html/pgm\\_homeless.html](http://education.vermont.gov/new/html/pgm_homeless.html)

### **To find Homeless Liaisons:**

[http://education.vermont.gov/new/pdffdoc/pgm\\_homeless/toolbox/educ\\_homeless\\_tutorial\\_liaisons\\_providers.pdf](http://education.vermont.gov/new/pdffdoc/pgm_homeless/toolbox/educ_homeless_tutorial_liaisons_providers.pdf)

Procedural Flow Chart

[http://education.vermont.gov/documents/EDU-Homeless\\_Education\\_Getting\\_It\\_Right\\_Flowchart.pdf](http://education.vermont.gov/documents/EDU-Homeless_Education_Getting_It_Right_Flowchart.pdf)

Vermont Dispute Resolution Process

[http://education.vermont.gov/documents/EDU-Homeless\\_Education\\_Enrollment\\_Requirements\\_and\\_Dispute\\_Resolution.pdf](http://education.vermont.gov/documents/EDU-Homeless_Education_Enrollment_Requirements_and_Dispute_Resolution.pdf)

2011-2012 Vermont Homeless Education Liaisons

[http://education.vermont.gov/new/pdffdoc/pgm\\_homeless/educ\\_homeless\\_liaisons.pdf](http://education.vermont.gov/new/pdffdoc/pgm_homeless/educ_homeless_liaisons.pdf)