
NATIONAL LAW CENTER ON HOMELESSNESS & POVERTY

Virginia State Procedures – Dispute Resolution Under the 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.

Dispute Resolution Process for School Selection or Enrollment in Virginia include the following guidelines:

- Disagreements and disputes are to be settled as close to the point of conflict as possible.
- Each local homeless education liaison shall assist the family and school to ensure compliance with federal and state legislation and policy governing the education of children and youth experiencing homelessness.
- The liaison shall work with appropriate local school division representatives to address any policies or procedures that are identified as barriers in the access to and success within a free appropriate public education.
- The Office of the State Coordinator of Homeless Education (Project HOPE-Virginia) may be consulted at any time for technical assistance.

Step One: School Enrollment

If a school chooses to send a child or youth to a school other than the school of origin or the school selected by the family or youth, the school shall consult with the local homeless education liaison prior to making a final placement determination. If the school's denial of enrollment is supported by a review of feasibility and best interest, the school shall provide the parent or guardian of the child or youth with a written explanation of the school's decision regarding school selection or enrollment, including the rights of the parent, guardian, or youth to appeal the decision (§722(g)(3)(B)(ii)). If an appeal is requested either in writing or verbally, as outlined in §722(g)(3)(E), the school shall:

- Immediately admit the student to the school in which enrollment is sought and provide all services for which the student is eligible, pending resolution of the dispute; and

- Refer the child, youth, parent, or guardian to the designated local homeless education liaison who shall carry out the dispute resolution process as expeditiously as possible after receiving notice of the dispute.

Step Two: Enrollment Dispute

When a local liaison is notified of an enrollment dispute by Project HOPE-Virginia, a local school division staff member, family member, unaccompanied youth experiencing homelessness, or other entity, the liaison shall:

- Initiate documentation on the Enrollment Dispute Resolution form ;
- Ensure the child or youth is immediately admitted to the school in which enrollment is sought and provided with all services for which the student is eligible, pending resolution of the dispute. Transportation must be arranged while the dispute is being resolved;
- Review feasibility and best interest guidance documents with the school and appropriate central office personnel. (See §722(g)(3)(B) and the "Determining Feasibility for School Placement" document available from Project HOPE-Virginia.);
- If another school division is involved, contact the division's local homeless education liaison to participate in the decision- making process;
- Consult with Project HOPE-Virginia for additional technical assistance as needed; and
- Within ten (10) business days, provide the family or unaccompanied youth with a written determination of the school division's placement decision, including the ability to appeal the decision at the state level by contacting Project HOPE-Virginia.

Step Three: Appeal Process

When an appeal is made to the state level via Project HOPE-Virginia, the State Coordinator or designee shall:

- Review local school division records to ensure proper procedures were followed; and
- Based on the review of school division records and consultation with Project HOPE-Virginia Advisory Board members, when appropriate, forward a recommendation to the Superintendent of Public Instruction regarding the appropriate placement for the student within five (5) work days of receiving the appeal.
- The Assistant Superintendent of Special Education and Student Services, or designee, will make the final determination. The family or unaccompanied youth, the local school division(s), the Director of Student Services, and Project HOPE-Virginia will be informed by the State Superintendent of Public Instruction of the final disposition within

ten (10) business days of receiving the case and recommendation from the State Coordinator for Homeless Education.

- Project HOPE-Virginia staff will provide technical assistance to the school division, as needed, to comply with the final determination.
- Project Hope-Virginia staff will follow-up with the school division thirty (30) business days after the final disposition by the Assistant Superintendent of Special Education and Student Services to determine the status of the child or youth's enrollment.

Form or Document: Completed by: Given to: Due Date:
Written Notification of Enrollment Decision

<http://education.wm.edu/centers/hope/liaison/documents/toolkitAppendixD.pdf>

School Parent, Guardian, or Youth Within ten (10) business days
Enrollment Dispute Resolution Form

http://www.doe.virginia.gov/administrators/superintendents_memos/2003/adm064b.pdf

Local Homeless Education

Liaison Project HOPE-Virginia Not Specified

Determining Feasibility for School Placement

<http://education.wm.edu/centers/hope/liaison/documents/toolkitAppendixD.pdf>

Local school division staff member, family, unaccompanied youth, or
other entity N/A: This document does not require submission. Not Specified

Recommendation regarding the appropriate placement for the student State
Coordinator or Designee Superintendent of Public Instruction Within five (5)
work days of receiving the appeal

Additional Information

Instructions to Locate Your Local LEA Liaison

The following instructions provide access to a list of the Virginia Homeless Education Liaisons:

1. Go to the Project Hope – Virginia website
: <http://education.wm.edu/centers/hope/liaison/index.php>
2. Click on the “liaison listing” link shown at the bottom of the page.
3. This will open a PDF showing the liaison for each school district along with their contact information.

State Coordinator

Patricia A. Popp, Ph.D.

Project HOPE-Virginia

College of William and Mary

School of Education

Post Office Box 8795

Williamsburg, VA 23187-8795

Phone: (757) 221-4002 or (877) 455-3412

TDD: (757) 221-2302

Fax: (757) 221-5300

Email: homlss@wm.edu

Website: <http://education.wm.edu/centers/hope/>