State Education Agency (SEA) McKinney-Vento Dispute Resolution Process

Cocke County School System Dispute Resolution Process

This form initiates the dispute resolution process required by the McKinney-Vento Homeless Assistance Act. It can be used when a parent, guardian, or unaccompanied youth and the local educational agency (LEA) disagree on the LEA's decision over eligibility, school selection, or enrollment. Issues related to whether the student meets the definition of homeless should be resolved as part of eligibility.

The responsibility of the LEA is to continue to serve children and youth experiencing homelessness. If a dispute arises under the McKinney-Vento Act over eligibility, school selection, or school enrollment [42 U.S.C. 11432(g)(3)(E)], the Act requires LEAs to initiate the McKinney-Vento Dispute Resolution Process. Federal law [42 U.S.C. § 11432(g)(1)(C)] requires that the State have a Dispute Process. If an LEA has its own dispute resolution policy, the LEA's policy must align with the State's policy.

Level 1—Appeal to the School or the LEA Homeless Liaison

If a parent or unaccompanied youth wishes to appeal an LEA's decision related to eligibility, enrollment, or school selection:

1. The parent or unaccompanied youth must file a request for dispute resolution with the LEA homeless liaison:
    a. Request a dispute resolution form from the school or LEA homeless liaison.
    b. Complete the dispute resolution.
    c. Submit the completed dispute resolution form to the LEA homeless liaison within five (5) business days of receiving the LEA's decision related to eligibility, enrollment, or school selection, ***or*** submit the request to the school where the dispute is taking place (school staff shall immediately forward the request to the LEA homeless liaison).
    d. If the LEA homeless liaison is unavailable, the parent's or unaccompanied youth's request to initiate the dispute resolution process may be provided to the school's LEA designee.
2. The homeless liaison must document details of the complaint, including the date and time of the complaint and a written description of the situation and the reason for the dispute. A copy of the complaint must then be forwarded to the liaison's immediate supervisor and the LEA director of schools. The office of the LEA director of schools shall maintain a record of all disputes related to the education of homeless children and youth.
3. Within five (5) business days of their receipt of the complaint, the liaison must make a decision on the complaint and inform the parent or unaccompanied youth in writing of the result. It is the responsibility of the LEA to verify the parent's or unaccompanied youth's receipt of the written notification regarding the homeless liaison's Level 1 decision.
4. If the parent or unaccompanied youth disagrees with the decision made and wishes to move the dispute resolution process forward to Level 2, the parent or unaccompanied youth shall notify the LEA homeless liaison of their intent to proceed to Level 2 within five (5) business days of receipt of notification of the Level 1 decision.
5. If the parent or unaccompanied youth wishes to appeal the liaison's Level 1 decision, the LEA homeless liaison shall provide the parent or unaccompanied youth with an appeals package containing:

    a. A copy of the parent's or unaccompanied youth's complaint, which was filed with the LEA homeless liaisons at Level 1;
    b. The decision rendered at Level 1 by the LEA homeless liaison; and
    c. Any additional information from the parent, unaccompanied youth, and/or homeless liaison.

6. If the dispute remains unresolved, the process then moves to Level 2.
7. The office of the LEA director of schools shall maintain a record of all disputes related to the education of homeless children and youth. These records shall include disputes resolved at levels one, two, and/or three and shall be made available upon request to the department.

Level 2—Appeal to the LEA Director of Schools

1. If a parent or unaccompanied youth disagrees with the decision rendered by the district's homeless liaison at Level 1, the parent or unaccompanied youth may appeal the decision to the LEA's director of schools, or the director of schools' designee, using the appeals package provided at Level 1. The designee shall be someone other than the LEA homeless liaison.
2. The director of schools, or the director of schools' designee, will arrange for a personal conference within five (5) business days of the parent or unaccompanied youth's notification to the district of the intent to proceed to Level 2 of the dispute resolution process. Once arranged, the meeting between the director of schools, or designee, and the parent or unaccompanied youth is to take place as expeditiously as possible.
3. The LEA's director of schools, or the director of schools' designee, will provide a decision in writing to the parent or unaccompanied youth with supporting evidence and reasons. It is the responsibility of the district to verify the parent's or unaccompanied youth's receipt of the written notification regarding the director of schools' Level 2 decision.
4. A copy of the appeals package, along with the written decision made at Level 2, is to be shared with the LEA homeless liaison.
5. If the parent or unaccompanied youth disagrees with the decision made at Level 2 and wishes to move the dispute resolution process forward to Level 3, the parent or unaccompanied youth shall notify the LEA homeless liaison of intent to proceed to Level 3 within five (5) business days of receipt of notification of the Level 2 decision.
6. If the dispute remains unresolved, the process then moves to Level 3.
7. The office of the LEA director of schools shall maintain a record of all disputes related to the education of homeless children and youth. These records shall include disputes resolved at levels one, two, and/or three and shall be made available upon request to the department.

Level 3—Appeal to the State Coordinator

1. If a parent or unaccompanied youth disagrees with the decision rendered by the LEA Director of Schools at Level 2, the LEA director of schools, or designee, shall forward all written documentation and related paperwork to the McKinney-Vento state coordinator for review within five (5) business days of notifying the parent or unaccompanied youth of the decision rendered at Level 2.
2. It is the responsibility of the LEA to ensure that the documentation submitted is complete and ready for review at the time it is submitted to the state coordinator.
3. The McKinney-Vento state coordinator shall make a final decision within seven (7) business days of receipt of the complaint.
4. The final decision will be forwarded to the local LEA homeless liaison for distribution to the parent and the LEA director of schools or designee. If the dispute remains unresolved, the process then moves to Level 4.
5. The office of the LEA director of schools shall maintain a record of all disputes related to the education of homeless children and youth. These records shall include disputes resolved at levels one, two, and/or three and shall be made available upon request to the department.

Level 4—Appeal to the Assistant Commissioner of the Division of Federal Programs and Oversight (FPO)

1. If a parent, unaccompanied youth, or LEA disagrees with the decision rendered by the McKinney-Vento state coordinator at Level 3, the LEA director of schools, or designee, shall forward a written request to the assistant commissioner of FPO for review within five (5) business days of receipt of a decision rendered at Level 3.
2. The assistant commissioner of FPO shall then forward a request to the McKinney-Vento state coordinator to obtain all written documentation and related paperwork for review.
3. Upon request of the assistant commissioner of FPO, the McKinney-Vento state coordinator shall forward all written documentation and related paperwork to the assistant commissioner of FPO for review within three (3) business days of the request for documentation regarding the dispute.
4. The assistant commissioner of FPO, along with the appropriate other department personnel, shall make a final decision within seven (7) business days of receipt of all documentation and related paperwork.
5. The final decision will be forwarded to the LEA director of schools and the local level homeless liaison for distribution to the parent and/or unaccompanied youth.

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