

**Michigan Dispute Resolution and Complaint Procedures
for McKinney-Vento Homeless Education Programs**

REVISED January 2018

To align with the Every Student Succeeds Act, Title IX, Part A

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INTRODUCTION

The McKinney-Vento (MV) Homeless Assistance Act acknowledges that disputes may arise between the school district and homeless students and their parents/guardians regarding the education of homeless children and youth. Guidance for eligibility, enrollment, school selection and other decisions are provided in the MV Act, with detailed support provided in the US Department of Education (USED) Education for Homeless Children and Youths Program Non-Regulatory Guidance; Title VII-B of the McKinney-Vento Homeless Assistance Act, as amended in March 2017 by the Every Student Succeeds Act (ESSA). Local Educational Agency (LEA) dispute resolution policies should be consistent with the State dispute resolution policy. The benefit of a common dispute policy is to create consistency as homeless students move across school district lines due to their homelessness. Any LEA dispute resolution policies or procedures that differ from the MDE Dispute Resolution Policy and Procedures must be approved by the MDE State Coordinator for Homeless Education.

The following procedures for Local Education Agencies (LEAs) are specified in the MV Act (Section 722 (g)(3)(E)(i – iii):

Enrollment: Immediately enroll the homeless student in the school preferred by the parents until the dispute is settled. Provide the parent, guardian, or unaccompanied youth with a copy of the educational rights of homeless students (in a format and language understood by the parent, guardian, or youth).

Written explanation: Provide a written explanation of the LEA or SEA decision related to school selection or enrollment to the parent/guardian or unaccompanied youth, including the right for parent/guardian/youth to appeal the determination.

District/Liaison: The parent/guardian/youth must be referred to the designated LEA homeless education liaison, who is required to carry out the dispute resolution as expeditiously as possible after receiving notice of the appeal/dispute.

Unaccompanied Youth: It is the responsibility of the District Liaison to ensure that the youth is immediately enrolled in the school in which the youth seeks enrollment, pending resolution of all levels of the appeal/dispute.

Inter-District Disputes: Enrollment or transportation disputes between districts must be referred first to the Regional MV Grant Coordinator, then to the MDE State Coordinator for Homeless Education.

Not All Disagreements are Disputable: Eligibility, enrollment and school selection are disputable; transportation, full participation and academic support are not disputable.

SECTION 1 – APPEALS, DISPUTES AND DISPUTE RESOLUTION

The MDE Homeless Education Program has adopted the following dispute resolution process. LEAs may adopt this procedure or develop their own, if the local procedure is first approved by the MDE Homeless Education Program.

In a case where a disagreement occurs between the LEA MV Liaison and the parent/guardian of a homeless child/youth or an unaccompanied homeless youth regarding the eligibility, school selection or enrollment of a homeless child or youth, the procedures below must be followed.

LOCAL LEVEL

Every effort must be made to resolve the dispute at the local level before it is brought to the State Level. If the LEA does not have an MDE-approved dispute resolution procedure in place, the Liaison must follow the MDE Dispute Resolution Procedure.

Step 1: District McKinney-Vento Liaison

If a question arises concerning the education of a homeless child or youth, the first person contacted in the school district must be the MV homeless liaison. The Petitioner may make contact in person or by phone, email, or in writing with the District MV Liaison. Each school district is required to have a designated homeless liaison, and staff in every school and district central office must be able to quickly identify and refer to their district's MV homeless liaison.

The District MV Homeless Liaison MUST:

- Discuss the concern or complaint with the Petitioner and provide the Petitioner with a copy of the State/District Dispute Resolution policy/procedures for the education of homeless children and youth.

- Make an initial determination as to whether the request being made for the homeless student is consistent with the MV Act and/or MDE policy and put this determination in writing to the parent/guardian/youth. (Sample forms available in Section 3 of this document.)
- Advise (and assist) the Petitioner in presenting their appeal in writing to the District MV Homeless Liaison **within two (2) school days of this discussion**. (Sample forms available in Section 3 of this document.)
- Provide a written proposal of resolution of the complaint or a plan of action to the Petitioner **within two (2) school days of the date of receipt of the written complaint**. (Sample forms available in Section 3 of this document.)
- Inform the Petitioner of the right to appeal and provide the Petitioner with a copy of the LEA or MDE Dispute/Complaint Resolution Procedures at this time, noting the timeline requirements (two [2] school days to submit).
- **THE STUDENT(S) MUST BE ENROLLED AND SERVED IMMEDIATELY, AND REMAIN ENROLLED AND SERVED AT THE REQUESTED SCHOOL(S) UNTIL ALL LEVELS OF THE DISPUTE ARE RESOLVED.**

REGIONAL LEVEL

Step 2: MV Homeless Education Grant Coordinator

If the Petitioner wishes to appeal the determination of the District Liaison, the Petitioner must notify the Liaison in person or by phone, email, or in writing **within two (2) school days of the receipt of the Liaison's determination**. The District Liaison will immediately share all documents relevant to the case with the MV Grant Consortium Coordinator. This includes a log of phone calls, email messages exchanged, and written documentation shared between the Petitioner and the Liaison.

The MV Grant Coordinator will review the case documents and make a written recommendation to the all parties regarding the resolution of the appeal, in the best interests of the student's education, **within two (2) school days of the receipt of the Petitioner's written appeal**.

STATE LEVEL

Step 3: MDE State Coordinator for Homeless Education

If the appeal is not resolved in a satisfactory manner at the Regional Level, the Petitioner must notify the MV Regional Grant Coordinator in person or by phone, email, or in writing **within two (2) days of receiving the Coordinator's determination**.

The next appeal will be directed to MDE State Coordinator for Homeless Education by the MV Grant Coordinator. Appeals made under this process must be made in writing, must include the rationale for the state-level appeal and must be signed by the Petitioner. Either the Liaison or Grant Coordinator may assist the Petitioner in preparing the written statement of appeal.

State level appeals must be received **within two (2) days of the appeal request from the Petitioner**. The MV Grant Coordinator must submit a letter/email message summarizing by date all local and regional correspondence regarding the dispute (electronic communication preferred), attach copies of all prior correspondence and relevant documentation, and send electronically to kies-lowep@michigan.gov.

Documentation submitted to the State Coordinator must include:

- A description of the situation that prompted the appeal
- The name(s), age(s), school(s) and grade(s) of the children/youth involved in the case
- The name and current contact information of the Petitioner
- The name(s) and contact information of the District Liaison and all school personnel involved in any step of the appeal/dispute
- Copies of all prior correspondence and relevant documentation (including signed statements signed by the Petitioner and Liaison/Coordinator)

These documents should be attached to a timeline summarizing overall events in the appeals, with a brief description of the attempts that were made to solve the issue at the local and regional levels, including copies of any documentation to date.

The State Coordinator for Homeless Education will gather any additional information needed by contacting the parties involved and will review the case with the MDE Special Populations Manager in the Office of Field Services.

Within three (3) school days after receiving the appeal documentation, the State Homeless Education Coordinator and a Special Populations Manager will render a final decision and notify the all involved parties in writing.

The final decision in MV disputes rests with the MDE Homeless Education Program Office. There are no federal level appeals for Homeless Education disputes through the US Department of Education.

If a parent/guardian/youth wishes to contact the Coordinator for the Education of Homeless Children and Youth at the U.S. Department of Education, that number is (202) 401-0962. However, the vast majority of such contacts are directed back to the State Coordinators.

AGAIN, PLEASE NOTE:

While the appeal is being resolved, the child/children in question **MUST REMAIN ENROLLED IN, TRANSPORTED TO, ATTENDING AND FULLY PARTICIPATING** in the school initially requested. If the dispute is concerning the school of “best interest,” the student(s) must be enrolled and served in the school preferred by the parent/guardian or unaccompanied youth until all levels of the appeal are resolved.

All public school districts are **REQUIRED** to have a current MV Dispute Resolution Procedure on file under the ESSA-MV Act, and as required in the MV District Self-Assessment in the Grants Electronic Management System (GEMS) through the MDE Homeless Education Program (required to be completed once per three-year MV Grant cycle).

SECTION 2 – McKINNEY-VENTO (MV) COMPLAINTS/COMPLAINT PROCEDURES

While there is no requirement or formal procedure in the MV Homeless Assistance Act for filing complaints regarding LEA or SEA Homeless Education Programs, the MDE acknowledges that situations may arise regarding situations that are “not disputable” and not covered within the Dispute Resolution Procedures for the education of homeless children and youth. We seek to ensure that the voice of every student and parent experiencing homelessness is heard and considered by the department.

Please remember that ALL District staff who handle enrollment must be trained by the District MV Liaison and/or MV Regional Grant Coordinator in MV law and the critical details on eligibility, enrollment and school selection for children and youth experiencing homelessness. This initial contact is important for properly managing MV cases, working with upset parents/guardians, maintaining district compliance and avoiding any possible legal issues. If you or your district staff have not yet received this training, please contact your [Regional MV Grant Coordinator](#).

District Responsibilities for MV Complaints -

District Homeless Education Liaisons, Regional Grant Coordinators or other school staff who interact with a parent, guardian or unaccompanied youth experiencing homelessness who has a concern NOT REGARDING ELIGIBILITY, ENROLLMENT OR SCHOOL SELECTION and who seems extremely upset, angry or excessively loud should follow the recommended procedures below.

- Keep YOUR voice low and calm when talking to anyone in tense situations. It helps the upset person to be calm, as well.
- Ask the parent/guardian/ youth to join you or the MV Liaison in a **private room or office** (rather than interacting in the main office or school hallway). Many of our complaints have been related to parents’ perception of how they have been treated and spoken to by the front office staff.

- Let the parent/guardian/youth know that you understand (or are trying to understand) their concern by calmly restating or reflecting their concern back to them.

Example – “Alright, Ms./Mr. Jones, let me make sure that I understand you correctly. You are concerned about or not satisfied with _____, right? Let me get the Liaison/Principal/Person-in-Charge to talk with you about that in a more private location, alright?”

If you are the MV Liaison or it is not possible to get another staff to speak with the parent/guardian/youth:

- Tell the parent/guardian/youth quietly: “I can see you are upset. Since your concern is not one that is included in the District McKinney-Vento Dispute Resolution Procedures, we can direct you to the State Coordinator of the MDE McKinney-Vento Program, if you’d like.”
- Provide the parent/guardian/youth with the [MDE MV Complaint Form](#) and let them know that the MDE State Coordinator can also be reached by phone or email. (Point out the contact information for the Coordinator on the form.)
- Be sure to mention that MDE requests that the form be completed to ensure better communication between the State Homeless Education Coordinator and the Complainant, because it allows them to be clearly understood and heard, rather than making a call or sending an email while they are still feeling angry or frustrated. It does not have to be submitted to the MDE, unless the person chooses to send the complaint or form in writing. They may also call or email the State Coordinator directly.
- Next, the Liaison or person in charge has the option to allow the parent/guardian/youth to complete the form in a private area at the school (if available) or to encourage the person to take their time to complete the form outside of the school, as they choose. The parent/guardian/youth may return the form to the school, if they wish, and ask the Liaison to send it directly to the State Coordinator. (Many will not do this because the complaint may be about the school staff.) If assistance is needed to email the form to the State Coordinator, please be prepared to assist in this.
- **THERE IS NO FORMAL TIME LIMIT ON SENDING A COMPLAINT TO THE MDE STATE COORDINATOR FOR HOMELESS EDUCATION.** If there is a remedy sought, it is recommended that the contact be made within a week or two, at most.

PLEASE NOTE: These same District Staff/Liaison responsibilities and steps apply to any **MDE staff taking phone calls** regarding a MV complaint or a concern from an emotional parent/guardian/youth. Such calls should be directed to the State Coordinator for Homeless Education. In the absence of the State Coordinator, such calls should be directed to the Special Populations Unit Manager. Annual training for MDE support staff on these procedures should be provided by the State Coordinator for Homeless Education.

State Coordinator for Homeless Education Responsibilities for Complaints -

While there is no requirement or formal procedure in the MV Homeless Assistance Act for filing complaints regarding LEA or SEA Homeless Education Programs, the Every Student Succeeds Act (ESSA) does require State Coordinators to “respond to inquiries from parents, guardians and homeless youths to ensure they receive the full protections of the law and relevant services.” [Section 722 (f)(7) and USED MV Guidance, E-2]

When a complaint (formal or informal) is received by the State Coordinator for Homeless Education or the MDE Homeless Education Program, in general, the complaint should be immediately logged and documented by the State Coordinator. This includes complaints by phone, email, hard copy or shared in person.

Important information to include in this log entry includes:

- Date, time and method of the receipt of the complaint (phone call, email, hard copy)
- Complainant’s name and current contact information
- Names and grades of any children or youth involved in situation
- Name of district and school involved (ISD, if they know this)
- Names of any school or state staff involved in situation
- Details of complaint – Who, what, when, where, why...
 - Date situation occurred
 - What was occurring at that time (trying to enroll, talking on phone or in person, etc.)
 - Description of concerning event or situation (general, not a “he said/she said”).
- What, if any, resolution is the complainant seeking to the concern?
- Any next steps offered to the Complainant by the State Coordinator (document for follow through)
- Any follow up response by the Complainant or the State Coordinator after steps offered are completed.

Steps for the State Homeless Education Coordinator to follow –

- Document and log the complaint (using above details)
- Restate the main details of the complaint to the Complainant (while receiving the complaint) to ensure full understanding
- Restate the resolution that the complainant is seeking
- Explain what next steps can be expected, given the specific situation –
 - District may be asked to investigate the incident or situation and report to MDE
 - Upon completion of investigation district may receive findings which require a compliance plan to be developed and completed

- District may be required to participate in mandatory technical assistance to remedy deficiencies, as appropriate
- District may be included in monitoring in the next available On Site Review cycle (or immediately, as appropriate)
- Complainant may be referred to legal resources, as appropriate
 - National Law Center on Homelessness and Poverty
 - Michigan Office of Civil Rights
 - Local or County Legal Aid Office, if available
- Share complaint with Special Populations Manager, OFS Director and possibly State Superintendent or MDE Legal Counsel, as appropriate, for guidance and recommendations
- Document all steps in resolution of complaint and file the complaint in formal MDE MV files for the pertinent school year and district(s), i.e., GEMS, MEGS+, Shared Drive
- Utilize the complaint situation (anonymously) as a teaching example in providing training and technical assistance with other MV liaisons, districts and consortia

Questions regarding dispute or complaint resolution procedures should be directed to:

[Your Regional MV Grant Coordinator](#)

Pam Kies-Lowe, State Coordinator for Homeless Education

Kies-LoweP@michigan.gov

517-373-6066 MDE office 

517-488-9161 MDE cell

SECTION 3 – SAMPLE FORMS & CONTACT INFORMATION

The MDE McKinney-Vento Homeless Education Program has provided [sample forms for Written LEA Determination, Parent/Guardian/Youth Appeal or Dispute and MDE MV Complaints](#). If you have additional questions, please contact your [Regional MV Grant Coordinator](#).