

Enrollment Dispute Resolution Process for Virginia Public Schools

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 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.

Dispute Resolution Process for School Selection or Enrollment

If a school chooses to send a child or youth to a school other than the school of origin or the school of residency selected by the family or unaccompanied 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 unaccompanied youth to appeal the decision [§722(g)(3)(B)(ii)]. The local homeless education liaison shall maintain a copy of such written notification. 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, unaccompanied 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.

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

- Initiate documentation on the Enrollment Dispute Resolution form¹;
- Ensure the child or unaccompanied 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;

¹ Sample form found in Superintendent's Memo No. 64, dated December 5, 2003, and included in the *Virginia Local Homeless Education Liaison Toolkit*, Appendix R.

- 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" document²];
- Contact any associated division's local homeless education liaison to participate in the decision-making process if another school division is involved;
- Consult with Project HOPE-Virginia for additional technical assistance, as needed; and
- 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 within 10 business days.

A parent, guardian or unaccompanied youth appeal of a school division's decision must be submitted to Project HOPE-VA within 10 business days of receiving the school division's written notice.

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

- Review school division records and information provided by the appealing family or unaccompanied youth to ensure proper procedures were followed; and
- Forward a recommendation to the Superintendent of Public Instruction regarding the appropriate placement for the student within five work days of receiving the appeal based on the review of school division records, any supplemental information provided, and consultation with Project HOPE-Virginia Advisory Board members, when appropriate.

The Superintendent of Public Instruction, or designee, will make the final determination. The family or unaccompanied youth, the school division(s), the Assistant Superintendent of Special Education and Student Services, the Director of Student Services, and Project HOPE-Virginia will be informed by the State Superintendent of Public Instruction, or designee, of the final disposition within 10 business days of receiving the case and recommendation from the State Coordinator for Homeless Education.

Upon notification by the Superintendent of Public Instruction, or designee, Project Hope-Virginia staff will:

- Provide technical assistance to the school division, as needed, to comply with the final determination.

² Sample form found in Superintendent's Memo #51, dated March 28, 2003 and included in the *Virginia Local Homeless Education Liaison Toolkit*, Appendix R.

- Contact the school division within 30 business days from the final disposition by the Superintendent of Public Instruction, or designee, to determine the status of the child or youth's enrollment