

Dispute Resolution Process for Virginia Public Schools Eligibility for McKinney-Vento Services

Disagreements are to be settled as close to the point of conflict as possible. Each local homeless education liaison (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 Office of the State Coordinator for Homeless Education (Project HOPE-Virginia) may be consulted at any time for technical assistance.

To comply with §722(g)(3)(E) of the McKinney-Vento Act as amended by the *Every Student Succeeds Act* (Title IX, Part A, of P.L. 114-95), if a school, in consultation with the liaison denies a student eligibility under McKinney-Vento, the liaison or designee shall provide the parent or guardian of the child or youth or the unaccompanied homeless youth with a written explanation of the school's decision regarding eligibility for McKinney-Vento rights. The right to appeal the decision and the process to be followed must be included in this written notice.

The liaison must maintain a copy of such written notification. If an appeal is requested either in writing or verbally, the school division shall:

- immediately admit the student to the school¹ in which enrollment is sought and provide all services for which the student is eligible, pending resolution of the dispute;
- refer the parent, guardian, or unaccompanied youth to:
 - the designated school division representative to carry out the local dispute resolution process as expeditiously as possible once notified, or
 - Project HOPE-Virginia if there is no interim appeal in the local dispute resolution process;
- ensure an unaccompanied homeless youth is informed of his/her rights throughout the process as stated in the responsibilities of the local liaison (§722(g)(6)).

State Level Appeal

If the parent, guardian, or unaccompanied youth disagrees with the school division's decision after all local appeals are exhausted, the liaison must refer the parent, guardian, or unaccompanied youth to Project HOPE-Virginia to allow the appeal to continue at the state level.

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

When the state coordinator, or designee, receives an appeal, he/she shall:

- inform the liaison that an appeal has been made;
- review school division records and information provided by the appealing family or unaccompanied youth; and
- provide the family and liaison with a determination of eligibility within **five business days**.

¹ The school must be an option mandated under the McKinney-Vento Act.