



**pennsylvania**  
DEPARTMENT OF EDUCATION

## **Dispute Resolution Process**

### **Education for Children and Youth Experiencing Homelessness Program**

Pursuant to the McKinney-Vento Act, every state must develop procedures for the prompt resolution of disputes regarding the educational placement of homeless children and youths. 42 U.S.C §11432(g)(1)(C). The state must ensure that Local Education Agencies (LEAs) comply with requirements set forth in the McKinney-Vento Act including ensuring immediate enrollment, providing written notice to families concerning school selection, enrollment decisions and providing enrollment and pendency in the school of choice while a dispute is being resolved. 42 U.S.C §11432(g)(2)(A).

The Pennsylvania Department of Education (PDE) has developed the following procedures to govern the resolution of disputes regarding enrollment, school selection, homeless status and complaints of non-compliance with legal requirements pertaining to the education for homeless children and youths:

#### **Level 1 – A dispute may be raised with a LEA.**

If a dispute arises over school selection or enrollment, the child or youth involved must immediately be admitted to the school in which they are seeking enrollment, pending resolution of the dispute 42 U.S.C. §11432(g)(3)(E)(i). PDE recommends that the parent, guardian or unaccompanied youth who initiates the dispute contact the LEA liaison for individuals experiencing homelessness as soon as possible after receiving notice of the dispute. If the person initiating the dispute does not contact the LEA liaison directly, the LEA shall be responsible for contacting the LEA liaison regarding the dispute as soon as possible and referring the family or youth involved to the liaison.

The LEA liaison shall ensure that the child or youth is immediately enrolled, explain the dispute resolution process to families and help them to use it 42 U.S.C. §11432(g)(3)(E)(iii). The LEA shall issue a written disposition of the dispute within 20 business days after the LEA liaison is notified of the dispute. The disposition shall be provided to the parent, guardian or unaccompanied youth and shall explain the basis for the decision and advise the parent, guardian or youth of the right to appeal. 42 U.S.C. §11432(g)(3)(E)(i).

*NOTE:* The LEA should use and maintain copies of PDE's "Notice of Procedural Safeguards" form (see attached) which ensures that all LEAs (a) inform families of the basis of their decision regarding enrollment or school selection; (b) notifies families of their right to remain in their school of choice pending resolution of the dispute and (c) explains the procedures for challenging the decision of the LEA.

**Level 2 – A complaint may be filed with a McKinney-Vento coordinator.**

If the parent, guardian or unaccompanied youth is dissatisfied with the LEA's disposition of a dispute or would like to raise any issue of McKinney-Vento Act noncompliance, they may file a complaint or appeal with a McKinney-Vento site or regional coordinator or with the state coordinator. (See attached list which contains contact information for all of the McKinney-Vento coordinators in Pennsylvania). In lieu of filing an appeal with a McKinney-Vento coordinator, a parent, guardian or unaccompanied youth may elect to appeal the LEA decision directly to a court of competent jurisdiction. Participation in the appeal procedure is not required prior to taking legal action.

- Parents, guardians, and unaccompanied youths should be informed that they can provide written or oral documentation to support their position; and
- Parents, guardians, and unaccompanied youths should be given the opportunity to challenge the school system's assertions.

A regional or site coordinator with whom a complaint or appeal is filed must notify the state coordinator immediately. Upon being notified, the state coordinator will review the complaint or appeal and assign it to a site or regional coordinator for disposition. The coordinator to whom the appeal is assigned may contact, interview and accept documentation from any individual or LEA involved, and shall issue a written disposition within 20 business days after the complaint or appeal has been assigned. The disposition shall be provided to the LEA and the parent, guardian or unaccompanied youth involved. The child or youth shall continue to be

enrolled in the school in which he or she is seeking enrollment until the complaint or appeal is resolved or until a disposition from a McKinney-Vento coordinator is received.

If a decision cannot be reached or agreed upon as the regional coordinator level, the dispute will be forwarded to the state coordinator for resolution. The state coordinator will view all information and interview all concerned parties involved. The Office of Chief Counsel will be included in the resolution process as needed. If mediation services are needed, the state coordinator will assist in the mediation and may also invite those involved to have the dispute mediated at any time in the process through the Dispute Resolution Program operated by the Commonwealth Office of General Counsel (OGC). The OGC Dispute Resolution Program is a voluntary informal process through which a trained mediator assists in reaching a mutually acceptable resolution.

Participating in mediation is not a waiver of the right to file a lawsuit nor is participation in mediation required prior to taking legal action.

*NOTE:* The parent, guardian or unaccompanied youth may file a complaint with the McKinney-Vento site, regional or state coordinator on the attached complaint form. However, the use of the attached form is not mandatory. Any dispute raised by a homeless family or youth concerning school enrollment or any other right under the McKinney-Vento Act whether received via telephone, letter or any mode of communication shall be treated as a complaint.

#### Attachments

[Dispute Letter-English](#) (PDF)

[Dispute Letter-Spanish](#) (PDF)



**Pennsylvania's Education for Children and Youth Experiencing Homelessness – Dispute Letter**

Date:

State Coordinator  
Education for Children and Youth Experiencing Homelessness  
Pennsylvania Department of Education  
333 Market Street, 5th Floor  
Harrisburg, PA 17126-0333

Dear State Coordinator:

My name is \_\_\_\_\_. My child(ren) attend school in the \_\_\_\_\_ School District.

I need your help with the following problem(s). I have checked the box that fits my situation. I have included a brief statement in the space provided.

The school district would not enroll my child (children).

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Child(ren) couldn't begin school because they didn't have all their medical and/or school records.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Child(ren) not permitted to stay in their current school.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Special education testing/placement services denied or unavailable.

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School District will not provide transportation to stay in the current school.

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Other

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I have written on the reverse side what has already been done to help me.  
(Optional)

Please call me at (    ) \_\_\_\_\_, or at (    ) \_\_\_\_\_.

Or, you can write to me at: (print full address)

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Thank you in advance for looking into this matter.

\_\_\_\_\_  
Parent Name



**Pennsylvania’s Education for Children and Youth Experiencing Homelessness – Conflicto por Falta de Hogar**

Fecha:

State Coordinator  
Education for Children and Youth Experiencing Homelessness  
Pennsylvania Department of Education  
333 Market Street, 5th Floor  
Harrisburg, PA 17126-0333

Estimado Coordinador(a):

Mi nombre es \_\_\_\_\_. Mis niño(s) asisten en la escuela del distrito \_\_\_\_\_.

Necesito ayuda con los siguientes problemas. A continuación he marcado las oraciones que coinciden de acuerdo a mi situación y he incluido una declaración breve en el espacio proporcionado.

El Distrito Escolar no matriculará a mi niño(s).

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Los niños no pudieron empezar asistir a la escuela porque no tuvieron todos los expedientes médicos (vacunas) o los expedientes de la escuela.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Los niños no están permitido permanecer en su escuela actual.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Pruebas de Educación Especial/servicios de colocación fueron negados o no disponibles.

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Distrito Escolar no proveerá transportación para permanecer en la escuela actual.

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Otra razón

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He escrito en el dorso qué se ha hecho ya para ayudarme.(opcional)

Por favor, llámeme al (     ) \_\_\_\_\_, o al (     ) \_\_\_\_\_.

o escíbame a

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Gracias por adelantado por investigar este asunto.

\_\_\_\_\_  
Nombre del padre/madre

**PROCEDURAL SAFEGUARDS NOTICE OF DENIAL OF ENROLLMENT**

To be completed by a school whenever an enrollment or school selection request of a student experiencing homelessness is denied:

Date: \_\_\_\_\_

Name and Title of School Employee Completing Form:

\_\_\_\_\_

Requested School: \_\_\_\_\_

School District: \_\_\_\_\_

(This may be the school the child was attending when they became homeless, the school the child is currently attending or the school where the child is now living)

In compliance with Section 722(g)(3)(E) of the McKinney-Vento Homeless Assistance Act, the following **written notification** is provided to:

Parent or Guardian or Youth: \_\_\_\_\_

After receiving your request for enrollment or school selection for the student(s) listed above, we **hereby provide notice that the request is denied. The reason for this determination is the following:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The school district hereby notifies the parent or guardian of the student or the unaccompanied youth of the following rights:

- The student has the right to **enroll immediately** in the requested or preferred school pending full resolution of the dispute.
- If the student(s) want to remain in the same school they were attending or the school they attended when they first became homeless, the student is **entitled to transportation** back to the prior school pending full resolution of the dispute if the placement (including any transportation involved) is feasible, reasonable and in the best interest of the student.