

Revised: 01/27/17	ARIZONA DEPARTMENT OF EDUCATION McKinney-Vento Homeless Education PROCEDURE	
SUPERSEDES: All Previous Versions		SHEET - 1 of 3 -
SUBJECT: Dispute Resolution Procedure (LEA vs. LEA)		

I. PURPOSE

A. To provide an opportunity for a Local Education Agency to dispute another Local Educational Agency's decision on eligibility, school selection, school enrollment or transportation feasibility.

II. BACKGROUND INFORMATION

A. The McKinney-Vento Homeless Education Assistance Improvements Act of 2001 requires the State Educational Agencies (SEAs) have a procedure for the prompt resolution of disputes regarding the educational placement of homeless children and youth.

III. PROCEDURE

A. If a dispute arises over school selection or enrollment, the Local Educational Agency (LEA) must immediately enroll the homeless student in either the school of origin or the school of residency, whichever is sought by the parent, guardian, or homeless youth, pending resolution of the dispute.

B. The LEA must provide transportation to the parent-selected school for the duration of the dispute resolution process and the two LEAs involved in the dispute must split the costs associated with this transportation.

C. The LEA shall provide the other LEA written notice of the LEA's decision regarding school selection, school enrollment or transportation feasibility. Confirmation of the written notice to the LEA shall be provided to the Office of Homeless Education. This can be accomplished by Certified Mail (United States Postal Service), hand delivery with written signature by the other LEA, or email receipt.

D. To initiate the state level dispute resolution process, **the following must occur** within seven (7) work days **after receipt of the** written notification **of the decision made at** the district level or inter-district decision. **The LEA must forward the following** to the Arizona Department of Education, **Office of Homeless Education**:

1. A copy of the State Level Notice of Appeal Form (page 3); and
2. A copy of the LEAs written decision

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E. Upon receipt of a notice of appeal, the Homeless Education Director shall, within seven (7) work days, convene a panel of at least two (2) Arizona Department of Education employees, including the State Director for Homeless Education and **an additional department employee**.

F. This panel shall review the entire record of the dispute, including any written statements submitted, and make a determination based on the child or youth's best interest. Within seven (7) work days of the date the panel convenes, the Arizona Department of Education will issue this decision in writing.

G. The determination of the panel shall be final.

Arizona Department of Education
Office of Homeless Education

State-level Notice of Appeal
(LEA vs. LEA)

LEA of Origin Name _____

LEA of Residence Name _____

Form completed by _____ Title _____

Homeless Liaison _____ Date _____

Re: Student _____

1. Please explain the nature of the dispute with the other LEA.
2. What do you believe is in the “best interest” of the child/youth? Why do you think so?
3. Please document what has been done, to date, to settle this dispute.

***Please return this form to Frank Migali Bin #2, Arizona Department of Education, 1535 W. Jefferson Street, Phoenix, AZ 85007 (602) 542-4963 * FAX (602)542-5467
frank.migali@azed.gov***

Within **seven (7)** work days of receipt at ADE, the entire written record will be reviewed by a panel of Arizona Department of Education employees, including the **Director** for Homeless Education and **an additional department employee**. This panel will issue a written decision to all parties involved. **The determination of this panel shall be final.**