

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 (Student/Family vs. LEA)		

## I. PURPOSE

- A. To provide an opportunity for the parent/guardian to dispute a Local Educational Agency (LEA) decision on eligibility, school selection, enrollment or transportation feasibility.

## II. BACKGROUND INFORMATION

- A. The McKinney-Vento Homeless Assistance Act, **as amended by the Every Student Succeeds Act of 2015**, requires State Educational Agencies (SEAs) to 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 **unaccompanied** 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.
- C. With the help of the LEA Liaison, the parent, guardian, or **unaccompanied** youth shall work through the expedited Dispute Resolution Process established by the LEA.
- D. The LEA shall provide the parent, guardian, or **unaccompanied** youth with a written notice of the LEA's decision regarding school selection or enrollment and their right to appeal. Confirmation of the written notice to the parent, guardian, or **unaccompanied** youth shall be provided to the Office of Homeless Education. This can be accomplished by Certified Mail (United States Postal Service) or hand delivery with written signature by parent, guardian, or homeless youth.
- E. If the parent, guardian, or unaccompanied youth is dissatisfied with the resolution, he/she may appeal the decision to the state level.
- F. Parents, guardians, unaccompanied youths, or public school districts and charter holders may file appeals.

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G. 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 or inter-district **office**. The parent, guardian, or homeless youth, with assistance from the Homeless Education Liaison, **must submit a Notice of Appeal and 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

H. 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**.

I. 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.

J. The determination of the panel shall be final.

Arizona Department of Education  
Office of Homeless Education

**State-level Notice of Appeal**  
(Student/Family vs. LEA)

Student's name \_\_\_\_\_ Grade level \_\_\_\_\_

Form completed by \_\_\_\_\_ Relationship \_\_\_\_\_

Address \_\_\_\_\_

City, State, Zip \_\_\_\_\_

Email \_\_\_\_\_ Phone \_\_\_\_\_

School Name: \_\_\_\_\_ Date: \_\_\_\_\_

School District/Charter: \_\_\_\_\_

Homeless Liaison: \_\_\_\_\_

Did you receive a decision in writing from the school or school district? Yes\_\_\_\_ No\_\_\_\_

If so, when did they give you the written decision? \_\_\_\_\_

**\*\*\*Please attach the written decision from the school district to this form. Both documents must be returned to ADE no later than 7 work days after you receive the district decision in writing.**

Why are you appealing the decision? (You may attach additional pages as needed.)  
Please explain what rights you feel the school or district has not honored.

**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](mailto:frank.migali@azed.gov)**

Within 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.**