

McKinney-Vento Homeless Education Act of 2001
42 U.S.C. §§ 11431, et. seq. (Chapter 119), as amended by the
No Child Left Behind Act.

POLICY STATEMENT

Section 721(l) (2) of the McKinney-Vento Homeless Education Act:

The following is the policy of the Congress:

- (1) Each State educational agency shall ensure that each child of a homeless individual and each homeless youth have equal access to the same free, appropriate public education, including a public preschool education, as provided to other children and youths.
- (2) In any State that has a compulsory residency requirement as a component of the State's compulsory school attendance laws or other laws, regulations, practices, or policies that may act as a barrier to the enrollment, attendance, or success in school of homeless children and youths, the State will review and undertake steps to revise such laws, regulations, practices, or policies to ensure that homeless children and youths are afforded the same free, appropriate public education as provided to other children and youths.
- (3) Homelessness alone is not sufficient reason to separate students from the mainstream school environment.
- (4) Homeless children and youths should have access to the education and other services that such children and youths need to ensure that such children and youths have an opportunity to meet the same challenging State student academic achievement standards to which all students are held.

DEFINITIONS

Homeless Children and Youths: According to Section 725(2) of the McKinney-Vento Homeless Education Act, "the term 'homeless children and youths'--

- (A) means individuals who lack a fixed, regular, and adequate nighttime residence (within the meaning of section 103(a)(1)) [‘one who (1) lacks a fixed, regular, and adequate residence or (2) has a primary nighttime residence in a supervised publicly or privately operated shelter for temporary accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill), an institution providing temporary residence for individuals intended to be institutionalized, or a public or private place not designated for, or ordinarily used as, a regular sleeping accommodation for human beings.’]; and
- (B) includes--
 - (i) children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned or are awaiting foster care placement;
 - (ii) children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings (within the meaning of section 103(a)(2)(C));
 - (iii) children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and

- (iv) migratory children (as such term is defined in section 1309 of the Elementary and Secondary Education Act of 1965) who qualify as homeless for the purposes of this subtitle because the children are living in circumstances described in clauses (i) through (iii)."

Section 103(c) of the Act specifically excludes from the definition of homeless individuals any person who is imprisoned or otherwise detained by Act of Congress or State law.

Unaccompanied Youth: Section 725(6) of the Act indicates that the term "unaccompanied youth" includes a youth not in the physical custody of a parent or guardian." Youth living on their own in any of the homeless situations described in the law, are covered by the law.

Fixed Residence: A residence that is stationary, permanent, and not subject to change.

Regular Residence: A residence which is used on a regular (i.e., nightly) basis.

Adequate Residence: A residence which is sufficient for meeting both the physical and psychological needs typically met in home environments.

Parent: For the purpose of this policy, a parent means a parent, legal guardian, or person having legal custody of a child.

School of Origin: The school of origin, as defined in the McKinney-Vento Homeless Education Act, Section 722 (g)(3)(G), is the school that the child or youth attended when permanently housed or the school in which the child or youth was last enrolled.

Enrollment: The terms "enroll" and "enrollment" includes attending classes and participating fully in school activities.

Continuum of Care: Continuums of Care (CoCs) are local groups of homeless service providers who join together to compete for HUD funds. The CoC system is designed to address the critical problem of homelessness through a coordinated community-based process of identifying needs and building a system to address those needs.

The following procedures are specified in the Act:

Enrollment: If a dispute arises over school selection or enrollment in a school, the child or youth shall be immediately admitted to the school in which enrollment is sought, pending resolution of the dispute. In the case of an unaccompanied youth, the homeless liaison shall ensure that the youth is immediately enrolled in the school in which enrollment is sought, pending resolution of the dispute.

Written Explanation: The school and/or the district liaison must provide a written explanation of the school placement decision to the parent or, in the case of an unaccompanied youth, to the unaccompanied youth. The written explanation must include a description of the parent's or unaccompanied youth's right to appeal the decision.

Liaison: The school and the homeless liaison is assigned to carry out the dispute resolution process in an expeditious manner.

Responsibility: The school or the district's homeless liaison or his/her designee, is responsible to inform the parent of the homeless student(s) or the unaccompanied youth of the dispute resolution process.

Dispute Resolution Process
MDS Warren Township

**MSD WARREN TOWNSHIP
DISPUTE RESOLUTION PROCESS
CHILDREN AND YOUTH IN HOMELESS SITUATIONS**

The McKinney-Vento Homeless Assistance Act (also referred to as the Act or the McKinney-Vento Act) acknowledges that disputes may arise between the school district and homeless students and their parents, or unaccompanied youth, when the district seeks to deny enrollment or place a student in a school other than the school of origin or the school requested by the parent or unaccompanied youth. The Act includes dispute resolution among the required duties of the local education agency (LEA) liaison. The MSD of Warren Township has developed a dispute resolution process as required by the McKinney-Vento Act.

Disputes related to school selection or enrollment should be initiated at the request of the parent or unaccompanied youth. [However, the school reserves the right to question and determine eligibility based on the parameters of the Federal McKinney-Vento Act.]

Issues related to the definition of homelessness, the responsibilities of the school district to serve homeless children and youth, and/or the explicit rights of homeless children and youth are addressed in the McKinney-Vento Act. The dispute resolution process for the school placement of homeless children and youths shall not be used in an effort *to circumvent or supersede any part of the federal McKinney-Vento Act.*

If a dispute arises over school selection or enrollment in a school, the child or youth shall be immediately admitted to the school in which enrollment is sought, pending resolution of the dispute. In the case of an unaccompanied youth, the homeless liaison shall ensure that the youth is immediately enrolled in school pending resolution of the dispute.

**DEANS/AP'S
STEP BY STEP DISPUTE PROCESS**

1. Parent/guardians or caseworkers receive written notification when an enrollment request is denied.
2. Information will be provided to the parent/guardian or caseworkers regarding the Enrollment Dispute Resolution Process for the MSD Schools.
3. Any dispute is to be documented by the district liaison, initialed, and a copy is provided to the individual/s filing the dispute.
4. If the denial is accepted no further action is required.
5. The notification of denial for placement must provide verbally or in writing a reason explaining the denial.
6. Parent/guardians or caseworkers have the right to appeal the decision verbally or in writing to the district liaison. District Liaison contact information is provided if requested. District liaison's designee's name: James Taylor (Phone number: 317-532-6159 or jtaylor2@warren.k12.in.us).
7. During the dispute process the student has the right to enroll immediately in the school of origin pending resolution of the dispute. Students may also participate in any activity for which they qualify. The district liaison notifies, in writing, the parties filing the appeal and the school regarding the immediate enrollment of the student in the school during the dispute process.
8. The district liaison designee may contact Lou Ann Schwenn, Assistant Superintendent and Coordinator for Homeless Education, to inform and discuss the dispute decision.
9. Within ____ () business days of the filing of the dispute a meeting will be scheduled by the district liaison including all parties filing the appeal, the building level liaison, MSD Transportation Director, and the Assistant Superintendent to discuss the reasons for the denial and respond to the dispute.
10. Pending the outcome of the district level dispute meeting, a dispute may be filed at the State level with the Department of Education.
11. Every effort must be made to resolve the complaint or dispute at the local level before it is brought to IDOE.

**NOTICE OF PARENTS RIGHTS AND RESPONSIBILITIES
FOR THE INITIATION OF THE
DISPUTE RESOLUTION PROCESS**

In a case where a dispute occurs regarding the enrollment of a homeless child or youth, the following information should be shared with parents or unaccompanied youth 18 or over:

1. Written contact information for the District homeless liaison(s).
2. A simple form that parents, guardians, or unaccompanied youth can complete and turn into the school to initiate the dispute process. The school should copy the form and return the copy to the parent, guardian, or youth for their records when it is submitted.
3. Written notice of the right to appeal to the state if the district-level resolution is not satisfactory.

NOTICE OF RIGHT TO APPEAL

Be advised that you have the right to appeal the decisions made by MSD of Warren Township regarding your student's eligibility and enrollment under Title X, Part C of the McKinney-Vento Homeless Assistance Act. Students involved in a McKinney-Vento dispute process have the right to enroll immediately in the school of choice pending resolution of the dispute. Immediate enrollment includes full participation in all school activities. Additionally, you may seek advocates or attorneys for your dispute.

As the district's McKinney-Vento Homeless Education Liaison, notification should be made to me in writing within business days of receipt of this letter if you want to appeal the district's decision outlined above. Attached you will find an appeal form that you can use for this notification. If we cannot reach a resolution at the district-level, the dispute will be moved to the state level for final resolution, facilitated by the Indiana Department of Education's (IDOE) State Coordinator for the McKinney-Vento Act. State Coordinator, Julie Smart can be reached by phone at 317-234-4827 or via e-mail at: jsmart@doe.in.gov . Attached you will find a copy of Indiana's McKinney-Vento Dispute Resolution Process that provides additional details on the state's McKinney-Vento dispute and appeals process, including key timelines.

Feel free to contact me if you have questions on this decision or the McKinney-Vento dispute or appeal process.

Attachments:

<http://www.doe.in.gov/sites/default/files/student-services/complaint-procedure.pdf>

<http://www.doe.in.gov/sites/default/files/student-services/dispute-process.pdf>

Sincerely,

Lou Ann Schwenn
Assistant to the Superintendent
317-869-4390 or lschwenn @warren.k12.in.us

**MSD WARREN TOWNSHIP
DISPUTE RESOLUTION PROCESS**

Level I of the appeal is to the district's homeless liaison or his/her designee. If unresolved at this level, the case is appealed to the local school district superintendent or his/her designee (Level II), and if the dispute continues to be unresolved, the final appeal (Level III) is to Indiana Department of Education (IDOE).

Level I: MSD Warren Township (District Designee) Liaison Communication

If a parent or unaccompanied youth wishes to appeal a school district's decision related to a student's placement:

1. The parent or unaccompanied youth must file a request for dispute resolution with the district's homeless liaison by submitting a form that initiates the dispute resolution process. The request for dispute resolution must be submitted by the parent or the unaccompanied youth to the district liaison within ____ () business days of receiving notification that the district intends to enroll the student in a school other than that requested by the family or the unaccompanied youth. The parent or unaccompanied youth may submit the request directly to the homeless liaison or they may submit the request to the school where the dispute is taking place. If the request is submitted to the school where the dispute is taking place, the school shall immediately forward the request to the district's homeless liaison. In the event that the district's homeless liaison is unavailable, the assistant Superintendent of the school district may receive the parent's or unaccompanied youth's request to initiate the dispute resolution process.
2. The homeless liaison must log their receipt of the complaint, and a copy of the complaint must be forwarded to the liaison's immediate supervisor and the assistant district superintendent.
3. Within ____ () business days of their receipt of the complaint, the liaison must make a decision on the complaint and inform the parent or unaccompanied youth in writing of the result. It is the responsibility of the district to verify the parent's or unaccompanied youth's receipt of the written notification regarding the homeless liaison's Level I decision.
4. If the parent or unaccompanied youth disagrees with the decision made at Level I and wishes to move the dispute resolution process forward to Level II, the parent or unaccompanied youth shall notify the district's homeless liaison of their intent to proceed to Level II within ____ () business days of receipt of notification of the Level I decision.
5. If the parent or unaccompanied youth wishes to appeal the liaison's Level I decision, the district's homeless liaison shall provide the parent or unaccompanied youth with an appeals package containing:
 - a. A copy of the parent's or unaccompanied youth's complaint which was filed with the district's homeless liaison at Level I,
 - b. The decision rendered at Level I by the district liaison.

Level II: Assistant Superintendent (Superintendent's Designee) Communication

(If the dispute remains unresolved after a Level I appeal)

1. If a parent disagrees with the decision rendered by the district's homeless liaison at Level I, the parent or unaccompanied youth may appeal the decision to the local school district's superintendent, or the superintendent's designee, (the designee shall be someone other than the district's homeless liaison) using the appeals package provided at Level I.
2. The superintendent, or superintendent's designee, will arrange for a personal conference to be held with the parent or unaccompanied youth. The personal conference will be arranged within ____ () business days of the parent or unaccompanied youth's notification to the district of their intent to proceed to Level II of the dispute resolution process. Once arranged, the meeting between the superintendent, or superintendent's designee, and the parent or unaccompanied youth is to take place as expeditiously as possible.
3. The local superintendent, or superintendent's designee, will provide a decision in writing to the parent or unaccompanied youth with supporting evidence and reasons, **within** ____ () **business days** of the superintendent's, or superintendent's designee, personal conference with the parent or unaccompanied youth. It is the responsibility of the district to verify the parent's or unaccompanied youth's receipt of the written notification regarding the superintendent's Level II decision.
4. A copy of the appeals package, along with the written decision made at Level II is to be shared with the district's homeless liaison.
5. If the parent or unaccompanied youth disagrees with the decision made at Level II and wishes to move the dispute resolution process forward to Level III, the parent or unaccompanied youth shall notify the district's homeless liaison of their intent to proceed to Level III within ten (10) business days of receipt of notification of the Level II decision.
6. If the dispute remains unresolved, the process then moves to Level III.

Level III: Indiana Department of Education (IDOE) Communication

(If the dispute remains unresolved after a Level II appeal)

1. The district superintendent shall forward all written documentation and related paperwork to the IDOE homeless education coordinator, or designee, for review, within ____ () business days of notifying the parent or unaccompanied youth of the decision rendered at Level II.
2. The entire dispute package including all documentation and related paperwork is to be submitted to IDOE in one consolidated and complete package via hard copy mail delivery. Documents submitted separately from the dispute package, documents submitted after the fact, or documents submitted outside of the dispute package in an attempt to extend the dispute timeframe or impact a pending dispute outcome may not be reviewed by IDOE. It is the responsibility of the district to ensure that dispute packages are complete and ready for review at the time they are submitted to IDOE.
3. The IDOE homeless education coordinator, or designee, along with the appropriate agency director, and/or agency assistant superintendent, shall make a final decision within ____ () business days of receipt of the complaint.
4. The final decision will be forwarded to the local school district's homeless liaison for distribution to the parent and the local superintendent.
5. The decision made by IDOE shall be the final resolution for placement of a homeless child or youth in the district.
6. The office of the school district superintendent shall maintain a record of all disputes related to the placement of homeless children and youths. These records shall include disputes resolved at Level I, Level II, and/or Level III and shall be made available to IDOE upon request.

McKinney Vento Letter Notification

Date: _____ School: _____

Person Completing Form: _____ Title: _____

Building Level: _____ School Name: _____

In compliance with Section 722(g) (3) (E) of the McKinney-Vento Homeless Educational Assistance Act of 2001, the following written notification is provided to:

Parent or Guardian: _____

Student(s) _____

After reviewing your requested school selection or enrollment for the student/s listed above, the request is denied. This determination was based upon:

Administrator Signature: _____

- ***You have the right to appeal this decision by completing the attached form and returning it to the student’s school.***
- ***You have the right to contact the district homeless education liaison designee for additional assistance.***

District Liaison Designee: James Taylor, MSW
 McKinney-Vento Student Assistance Program Liaison Designee
 Phone number: 317-532-6159 or jtaylor2@warren.k12.in.us
 9651 East 21st Street Indianapolis, Indiana 46229
 317 532-6199 fax

Form 1

**RESPONSE TO WRITTEN NOTIFICATION OF DENIAL
LEVEL I**

To dispute an enrollment decision:

Option #1: This form is to be completed by the parent, guardian, caretaker, or unaccompanied youth. The completed forms should be returned to the student’s school.

Option #2: The information below may be shared verbally with the district liaison as an alternative to completing this form. In case of a verbal reply, school/district personnel will transcribe the information on this form for the person’s initials.

District Liaison Designee: James Taylor or jtaylor2@warren.k12.in.us.

Date Submitted: _____

Student(s): _____

Person Completing Form: _____

Relation to student(s): _____

Contacted Information (phone and/or email): _____

I wish to appeal the enrollment decision made by:

School: _____

I have been provided with:

- **A written explanation of the school's decision,**
- **Contact information for the local homeless education liaison, and**
- **Notice of Right to**

Optional: Written explanation to support your dispute appeal (extra space on back if needed).

Date submitted: _____

Dispute Meeting Date: _____

Form 1A

**McKinney Vento Dispute Letter Notification
Level I**

Date: _____ School: _____

Person Completing Form: _____ Title: _____

In compliance with Section 722(g) (3) (E) of the McKinney-Vento Homeless Educational Assistance Act of 2001, the following written notification is provided to:

Parent or Guardian: _____

Student(s) _____

After reviewing your requested school selection or enrollment for the student/s listed above, the request is denied. This determination was based upon:

- *You have the right to appeal this decision by completing the attached form and returning it to the student’s school.*
- *You have the right to contact the district homeless education liaison for additional assistance.*

District Liaison Designee: James Taylor, MSW
 Title: McKinney-Vento Student Assistance Program District Coordinator/Liaison
 Phone number: 317-532-6161 or jtaylor2@warren.k12.in.us
 Address: 975 North Post Road, Indianapolis, Indiana 46219
 869-4300 fax 869-4399

Form 2

**RESPONSE TO WRITTEN NOTIFICATION OF DENIAL
Level II**

To dispute an enrollment decision:

Option #1: This form is to be completed by the parent, guardian, caretaker, or unaccompanied youth. The completed forms should be returned to the student/s school.

Option #2: The information below may be shared verbally with the district liaison as an alternative to completing this form. In case of a verbal reply, school/district personnel will transcribe the information on this form for the person’s initials.

District Liaison: Lou Ann Schwenn (317-869-4349) or lschwenn@warren.k12.in.us

Date Submitted: _____

Student(s): _____

Person Completing Form: _____

Relation to student(s): _____

Contact Information (phone and/or email): _____

I wish to appeal the enrollment decision made by:

School: _____

I have been provided with:

**A written explanation of the school's decision,
Contact information for the local homeless education liaison, and
Enrollment Dispute Resolution Process for the MSD Warren Township School District
(Title 14, 901)**

Optional: Written explanation to support your dispute appeal (extra space on back if needed).

Date Submitted: _____

Dispute Meeting Date: _____

Form 2A

McKinney Vento Dispute Letter Notification
Level II

Date: _____ Office: _____

Person Completing Form: _____

Title: _____

In compliance with Section 722(g) (3) (E) of the McKinney-Vento Homeless Educational Assistance Act of 2001, the following written notification is provided to:

Parent or Guardian: _____

Student(s) _____

After reviewing your requested school selection or enrollment for the student/s listed above, the request is denied. This determination was based upon:

- *You have the right to contact the district homeless education liaison for additional assistance.*
- *You have the right to appeal this decision by completing the attached form and returning it to Julie Smart
Program Coordinator for School Social Work and McKinney-Vento Education Coordinator
jsmart@doe.in.gov (link sends e-mail) South Tower, Suite 600, 115 W. Washington Street
Indianapolis, IN 46204*

Attachments:

<http://www.doe.in.gov/sites/default/files/student-services/complaint-procedure.pdf>

<http://www.doe.in.gov/sites/default/files/student-services/dispute-process.pdf>

Level III

State Level Dispute Resolution Forms – On line or contact your building level administrator or the Warren Educational Service Center. You may also contact the Indiana Department of Education:

Julie Smart

Program Coordinator for School Social Work and McKinney-Vento Education Coordinator

jsmart@doe.in.gov ([link sends e-mail](#))

South Tower, Suite 600

115 W. Washington Street

Indianapolis, IN 46204

(317) 234-4827

District Liaison Designee: Lou Ann Schwenn

Title: Assistant to the Superintendent,

McKinney-Vento Student Assistance Program District Liaison

Phone number: 317-869-4349 or lschwenn@warren.k12.in.us

Address: 975 North Post Road, Indianapolis, Indiana 46219

869-4300 fax 869-4399

