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 eligibility, 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.

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

(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: Silvia Chavez Bin #31, Arizona Department of Education, 1535 W. Jefferson Street, Phoenix, AZ 85007 (602) 542-4963 * FAX (602)542-5467
silvia.chavez@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 Coordinator 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.**