Trending Topics: Addressing McKinney-Vento and Foster Care Disputes

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Question for Consideration

When considering the topic of McKinney-Vento and Foster Care disputes which individuals are commonly involved when a concern arises?
Common Disputes
Common Disputes

- Immediate Enrollment
- Best Interest Determination
- Eligibility
- Transportation
- Unaccompanied Youth
Question for Consideration

What are the most common disputes that occur within your district for McKinney-Vento and Foster Care students?
Common Disputes

**Student Eligibility**
- Lack of verifiable address to assess school of origin
- Lack of history of economic hardship
- Refusal of student, parent, or guardian to provide required information

**Immediate Enrollment**
- Missing school records (academic or immunization)
- School capacity concerns
- Suspected fraud
- School attendance zone concerns
# Common Disputes

## Transportation
- Cost
- Bus routing delays
- Mileage or fuel cost reimbursement methods
- Lack of inter-district collaboration
- Disagreement regarding type of assistance offered by LEA

## Best Interest Determination
- Special Education needs
- Full participation in school
- Distance
- Transportation
- Desire of youth
Common Disputes

Unaccompanied Youth

- Parental disputes
- Student privacy concerns
- Credit Recovery
- Attendance related to McKinney-Vento status
- Comparable services
- Non-Relative caregiver concerns
Common Disputes

What additional support would be helpful to assist in resolving McKinney-Vento and Foster Care Disputes?
ESSA Requirements

McKinney-Vento Act
McKinney-Vento Act

State Education Agency

The McKinney-Vento Act requires every state to include a dispute resolution policy as part of its state plan for implementing the law. The dispute resolution policy must describe procedures for the prompt resolution of disputes regarding the educational placement of homeless children and youth. [42 U.S.C. § 11432(g)(1)(C)]
McKinney-Vento Act

State Education Agencies (SEAs) and Local Education Agencies (LEAs) must develop, review and revise their policies to remove barriers to the enrollment and retention of children and youth in homeless situations. [722(g)(1)(I)]

- Immediate enrollment of homeless students, regardless of missing documentation.
- Transportation to and from the “school of origin.”
- Homeless children and youth are not stigmatized or segregated on the basis of their status as Homeless.
McKinney-Vento Act

Local Education Agencies

Each district must have **written** dispute resolution procedures. If a dispute arises the district must:

- Immediately enroll the student in the school or district where enrollment is sought pending resolution of the dispute;

  The student shall be enrolled in either: (1) the school of origin, or (2) any public school that non-homeless students who live in the same attendance area in which the student is actually living are eligible to attend. (Section 722(g)(3)(E)(i))

- Provide transportation, if requested;
McKinney-Vento Act

Local Education Agencies

- Give the parent, guardian, or unaccompanied youth a written explanation of the decision;

- Notify the parent, guardian, or unaccompanied youth of the right to appeal to both the local and state levels;

- Refer parent, guardian, or unaccompanied youth to the LEA liaison for help with enrollment or the filing of any appeal.
McKinney-Vento Act

Local Level Disputes

What should be included in a written response from an LEA to a party who initiates a complaint?

- An explanation of how the school reached its decision regarding eligibility, school selection, or enrollment, which should include:
  - A description of the action proposed or refused by the school;
  - An explanation of why the action is proposed or refused;
  - A description of any other options the school considered;
McKinney-Vento Act

Local Level Disputes

What should be included in a written response from an LEA to a party who initiates a complaint?

- The reasons why any other options were rejected;
- A description of any other factors relevant to the school’s decision and information related to the eligibility or best interest determination including the facts, witnesses, and evidence relied upon and their sources;
- Appropriate timelines to ensure any relevant deadlines are not missed
McKinney-Vento Act

Local Level Disputes and SEA Involvement

- A complaint must be made in one of two ways:
  - In writing and signed by the complainant
  - Submitted electronically through the Department’s online complaint process at: [http://programcomplaint.doe.k12.ga.us/everestwebportal/webform.asp](http://programcomplaint.doe.k12.ga.us/everestwebportal/webform.asp)

- All disputes must be resolved within 60 days of initial presentment to the Department, unless a written extension is granted.

- The student, parent, guardian, or local board must submit the request in writing within 30 days of the decision to the Office of Legal Services at the Department of Education at the following address:

  Office of Legal Services
  2052 Twin Towers East
  Atlanta, Georgia 30334
  Tel. (404) 656-4689
  Fax (404) 657-8376
McKinney-Vento Act

State Dispute Procedures

- Where is the complaint filed?
  Georgia Department of Education
  Legal Services Division
  2052 Twin Towers East
  205 Jesse Hill Jr. Drive
  Atlanta, GA 30334

- Submitted electronically through the Department’s online complaint system:
  http://programcomplaint.doe.k12.ga.us/everestwebportal/webform.asp

- Next Steps:
  - Internal Review
  - Letter of Findings
ESSA Requirements

Foster Care
Foster Care

Collaboration

It is encouraged that the State Education Agency and LEAs collaborate with child welfare agencies to develop a dispute resolution process at the local level for parties to address disagreements over the best interest determination decision.

- To the extent feasible and appropriate, an LEA must ensure that a child remains in his or her school of origin while the disputes are being resolved to minimize disruptions and reduce the number of moves between schools. (See ESEA section 1111(g)(1)(E)(i)).
Foster Care

Dispute Resolution Process (Best Practices)

- Level I- LEA Foster Care Point of Contact
  - Initiating the Dispute
  - Foster Care POC Decision
- Level II- LEA Superintendent or Designee
  - Initiating the Dispute
  - LEA Decision
- Level III- SEA
  - Initiating the Dispute
  - SEA Decision
Foster Care

- Provide a detailed written notice of decision to the educational decision-maker.
- Include Foster Care POC contact information and detailed steps for submission of dispute.

Level I
- Within a set time period (10-15 days), the educational decision-maker must submit a written dispute to Foster Care POC.
- While the decision is resolved, the student remains in school of origin and continues to receive services.

Level II
- The educational decision-maker may elevate the dispute upon receipt of the Level I decision within a set time period (typically 10 days of receipt of the decision).
- Within a set time period (typically 5-10 days), a personal conference should be arranged with educational decision maker and LEA representative.
- Within 5 days of the meeting, the LEA representative should provide a decision and required documentation.

Level III
- Within a set time period (typically 10 days), educational decision-maker must notify LEA of escalation.
- A designee of the LEA, should forward required documents to the SEA. The educational decision-maker may submit required documentation as well. (Within 5 days of escalation notification)
- A final decision from the SEA should be made within 15 days.
Foster Care
Foster Care
Mediation and Dispute Resolution
Mediation Strategies

- Engage school personnel, parents, and student in neutral discussions to ascertain facts
- Consult with other LEA “subject matter” experts (Transportation Director, Special Education Director, Lead Registrar)
Mediation Strategies

- Facilitate discussion with GaDOE Homeless Education Consultants or Foster Care Coordinator to develop collaborative mediation suggestions

- Provide training for school-level administrators and personnel on McKinney-Vento policies and protocols

- Engage local DFCS administrators and Case Managers to develop a communication protocol prior to handling disputes
Mediation Strategies

- Maintain a mediation handbook that references LEA action on past mediation and dispute scenarios

- Ensure that you allow sufficient time for mediation discussions with all parties (Parents; School Personnel; SEA Consultants; Youth)

- Work with Homeless Education Liaisons and Foster Care Points of Contact in neighboring districts to host a collaborative dispute resolution call, but be mindful of FERPA regulations
Balancing Mediation and Disputes
Promising Practices for Dispute Resolution
Promising Practices for Dispute Resolution

- Assessment
- Resolution
- Communication
- Collaboration
- Engagement of Parties
Strategies and Tactics

Suggested Practices for Homeless Education Liaisons when faced with disputes and working with parents

- Inform parents, guardians, and unaccompanied youth that they can provide written or oral documentation to support their positions about school selection or enrollment. Consider contact provided to Foster Parents and DFCS Case Managers.

- Inform parents, guardians, and unaccompanied youth that they can seek the assistance of social services, advocates, or service providers in the dispute process.
Strategies and Tactics

Suggested Practices for Homeless Education Liaisons and Foster Care Points of Contact when faced with disputes

- Provide a simple dispute form that parents, guardians, or unaccompanied youth can complete and turn in to initiate the dispute resolution process.

- Share written documentation with parties, even when complaints are satisfactorily resolved without a dispute hearing.
Strategies and Tactics

Suggested Practices for Homeless Liaisons and Foster Care Points of Contact when faced with disputes

- Consider additional appropriate dispute processes that are already in place at the district (Fraud; Transportation Contracts; Residency Verification Policies; Credit Recovery Policies)

- Develop interagency dispute protocols to assist in easily resolving transportation issues between LEA and child welfare agencies.
Strategies and Tactics

- Utilize mediation and the dispute process as an opportunity for professional growth and program development

- Enhance inter-district and community collaboration through referrals during case mediation and dispute procedures
Strategies and Tactics

- Convene mock dispute resolution and mediation sessions during LEA staff training sessions.
- Refrain from excessive investigation or “detective” strategies when evaluating evidence for potential disputes.
Resources

- National Association for the Education of Homeless Children and Youth- http://www.naehcy.org
Discussion
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