

JFABD-E4 - Model Local Dispute Resolution Process

JFABD-E4 - Model Local Dispute Resolution Process

Introduction:

Under the McKinney-Vento Homeless Assistance Act and Maine Education Rules Chapter 14, MSAD #35 is responsible for evaluating a student's eligibility for homeless education services. For students deemed eligible, MSAD #35 must then determine whether it is in the student's best interest to continue attending the school of origin or transition to a school available based on the student's current residence. It is MSAD #35's responsibility to make the best interest determination when it is the School Administrative Unit of Origin, but the Department may also make this determination as the Administrative Unit of Current Residence upon a family's request or if the SAU of Origin does not do so promptly. MSAD #35 will always aim to involve parents, guardians, and unaccompanied youth in its eligibility and best interest decision-making, but ultimately the responsibility for making these determinations rests with School Department. The following dispute resolution process is meant to be used when the school's decision contradicts the wishes of the family.

In those cases, MSAD #35 will provide the parent, guardian, or unaccompanied youth with a clear written explanation, using language that is accessible to the recipient, of the reasons for its determination and will inform the parent/guardian/unaccompanied youth of their right to request dispute resolution. Should dispute resolution be requested, the student is assumed to be eligible for services under the McKinney-Vento Act and may attend the family's preferred school for the full time that the determination remains in dispute. MSAD #35 will carry out this process expeditiously, fairly, respectfully, and confidentially to minimize uncertainty and disruption to the education of the student.

Dispute Resolution Process:

Step I: Notice to the Homeless Liaison

The parent/guardian/unaccompanied youth is referred to the local homeless liaison for an explanation of and assistance with the dispute resolution process. Parent/guardian/unaccompanied youth notifies the liaison in writing that they intend to dispute the determination. Should the disputant notify a staff member other than the liaison, that staff person will immediately convey the notice to the homeless liaison. The liaison ensures that the student is immediately enrolled in the disputant's preferred school and is receiving all services to which a homeless student is entitled.

Step 2: Review by Building Administrator

The homeless liaison conveys the request to the Building Administrator, who has 7 working days to review the disputed determination. The Building Administrator may meet with the disputant to gain a better understanding of their perspective and/or may gather additional information from the family, homeless liaison, and other staff as needed. Within 7 business days, the Building Administrator informs the disputant of his or her decision and reasoning in writing and provides a copy to the homeless liaison.

Step 3: Appeal to the Superintendent

The homeless liaison confers with the disputant regarding the Building Administrator's determination and informs the disputant that the decision can be appealed to the Superintendent if they remain dissatisfied. If the disputant chooses to appeal, the liaison obtains a written response from the disputant and conveys the cumulative dispute file to the Superintendent. The Superintendent may meet with the disputant and/or gather additional information needed to fairly review the disputed determination. The Superintendent will provide a written response to the appeal request within 10 working days of the disputant's notice of appeal. A copy is provided to the homeless liaison.

Step 4: Appeal to the Maine Department of Education

The homeless liaison confers with the disputant to determine whether they are satisfied with the outcome of the local appeal. If the disputant remains dissatisfied, the liaison assists the disputant in submitting a state level appeal via the process outlined in ***Maine Education Rules Chapter 14, Section 7***. The local homeless liaison gathers all documentation from the local appeal process, assists in the completion of the state level dispute resolution request form, and submits the completed file to the State Homeless Education Consultant electronically or via post.

Exhibit Form adopted: October 21, 2020

Cross-Reference: JFABD - Education of Homeless Students

Revision #1

Created 3 October 2022 15:03:28 by Elaine Robinson

Updated 16 March 2023 17:06:10 by Elaine Robinson