



Huron School District #2-2

Policies and Regulations

Code:
JFABE McKinney - Vento
Resolution Policy

Huron School District McKinney-Vento Dispute Resolution Process

To file a formal dispute under the McKinney-Vento Homeless Assistance Act, please fill out this form completely and submit it by hand-delivery, e-mail, or U.S. Mail to the principal or the LEA's liaison for homeless students, *Jolene Konechne*. District policy typically requires dispute forms to be filed within fifteen (15) business days of receiving the written explanation of the LEAs decision. However, because the McKinney-Vento dispute process should be expedited whenever possible, it is recommended that you submit the form as soon as possible after receiving the written explanation of the LEAs decision.

If a dispute arises over school selection or enrollment in a school, the child shall be immediately admitted to the school in which enrollment is sought, pending resolution of the dispute. The student will remain attending the school where enrollment is sought during the entire dispute resolution process.

If you need assistance filling out this form or if you have other questions, please contact the liaison for homeless students Jolene Konechne; Jolene.konechne@k12.sd.us or 605-353-8660.

Initiation of Dispute Resolution

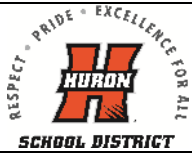
The parent, guardian, or unaccompanied youth shall be informed of their right to appeal the decision made by the LEA. At a minimum, the LEA must provide the following information:

- written contact information for the LEA's homeless liaison and state coordinator;
- written notice of the right to enroll immediately in the school of choice pending resolution of the dispute;
- a simple, written form that parents, guardians, or unaccompanied youth can complete and turn in to the school or LEA's homeless liaison to initiate the dispute process;
- a copy of the completed form for the parent, guardian, or unaccompanied youth for their records at the time it is submitted; and
- written, step-by-step instructions on how to appeal the LEA's decision regarding eligibility, enrollment, or school selection.

Overview of Dispute Resolution

• Level 1—Appeal to the School or the LEA Homeless Liaison:

If a parent, guardian, or unaccompanied youth wishes to appeal an LEA's decision related to eligibility, enrollment, or school selection, the appeal is submitted to the LEA's homeless liaison at the school where the dispute is taking place.



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• Level 2—Appeal to the LEA Superintendent:

If the dispute is unresolved, the parent, guardian, or unaccompanied youth may appeal the Level 1 decision to the LEA superintendent. If the LEA Superintendent is also the Homeless Liaison, the superintendent will designate the school principal to carry out the Level 2 dispute process.

• Level 3—Appeal to the State Coordinator:

If the dispute continues to be unresolved, the parent, guardian, or unaccompanied youth may appeal the Level 2 decision to the McKinney-Vento state coordinator at the South Dakota Department of Education.

NOTE: At each level of appeal, the LEA or State must provide a written explanation of the decision regarding eligibility, enrollment, or school selection to the parent, guardian, or the unaccompanied youth. A more detailed description of each level of the dispute resolution process is below.

Level 1—Appeal to the School or the LEA Homeless Liaison

If a parent, guardian, or unaccompanied youth wishes to appeal an LEA's decision related to eligibility, enrollment, or school selection:

1. The parent or unaccompanied youth must file a request for dispute resolution with the LEA homeless liaison:
 - a. Complete the dispute resolution form.
 - b. Submit the completed dispute resolution form to the LEA homeless liaison within fifteen business (15) days of receiving the LEA's decision related to eligibility, enrollment, or school selection *or* submit the request to the school where the dispute is taking place (school staff shall immediately forward the request to the LEA homeless liaison).
2. The homeless liaison must document details of the complaint, including the date, and a written description of the situation and the reason for the dispute. A copy of the complaint must then be forwarded to the LEA Superintendent.
3. Within five business (5) 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 LEA to verify the parent's or unaccompanied youth's receipt of the written notification regarding the homeless liaison's Level 1 decision.
4. If the parent, guardian, or unaccompanied youth disagrees with the decision made and wishes to move the dispute resolution process forward to Level 2, the parent, guardian, or unaccompanied youth shall notify the LEA homeless liaison of their intent to proceed to Level 2 within five (5) business days of receipt of notification of the Level 1 decision.
5. If the dispute remains unresolved, the process then moves to Level 2.



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Level 2—Appeal to the LEA Superintendent

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

Level 3—Appeal to the State Coordinator

1. The LEA superintendent or designee, shall forward all written documentation and related paperwork to the McKinney-Vento state coordinator for review within five (5) business days of notifying the parent or unaccompanied youth of the decision rendered at Level 2.
2. It is the responsibility of the LEA to ensure that the documentation submitted is complete and ready for review at the time it is submitted to the state coordinator.
3. SD DOE will initiate an investigation within ten (10) business days, which will be concluded within 30 business days from receipt of the appeal. Such investigation may include a site visit if the SD DOE determines that an on-site investigation is necessary. By stipulation of all concerned, this investigation may be continued beyond the 30 business day limit. Dispute resolution will be considered a priority and will be resolved in the minimum time possible.
4. The final decision will be forwarded to the local LEA homeless liaison for distribution to the parent and the LEA superintendent or designee.
5. The office of the LEA superintendent shall maintain a record of all disputes related to the education of homeless children and youth. These records shall include disputes resolved at levels one, two, and/or three and shall be made available upon request to the department.

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6. If a parent, guardian, or unaccompanied youth is not satisfied with the final resolution of a dispute at the State level, there is no further action available through SD DOE. The parent, guardian or unaccompanied youth may consult a private attorney about pursuing action in the courts against both the SD DOE and the school district.

Program Contact Information

Jolene Konechne | McKinney-Vento District Liaison

Jolene.konechne@k12.sd.us

Phone: (605) 353-8660

South Dakota Department of Education/State Coordinator Contact:

Emily Quick | McKinney-Vento State Coordinator

Emily.Quick@state.sd.us

Phone: (605) 295-1090