

Dispute Resolution Process for Virginia Public Schools School Selection or Enrollment

Disagreements and disputes are to be settled as close to the point of conflict as possible. Each local homeless education liaison (liaison) shall assist the family and school to ensure compliance with federal and state legislation and policy governing the education of children and youth experiencing homelessness. The liaison shall work with appropriate school division representatives to address any policies or procedures that are identified as barriers in the access to and success within a free appropriate public education. The Office of the State Coordinator of Homeless Education (Project HOPE-Virginia) may be consulted at any time for technical assistance.

Written Explanation

If, following a best interest determination and consultation with the liaison, a school chooses to send a student to a school other than:

- the school of origin, or
- the schoolⁱ selected by the family or unaccompanied youth,

the liaison or designee shall provide the parent or guardian of the child or youth or the unaccompanied homeless youth with a written explanation of the school's decision regarding school selection or enrollment, including the rights of the parent, guardian, or unaccompanied youth to appeal the decision [§722(g)(3)(B)(iii) and [§722(g)(3)(E)].

The local homeless education liaison shall maintain a copy of such written notification.

Enrollment Dispute

If an appeal is requested either in writing or verbally, the liaison shall:

- direct the schoolⁱⁱ in which enrollment is sought to immediately admit the student and provide all services for which the student is eligible, pending resolution of the dispute;
- refer the parent, guardian, or unaccompanied youth to:
 - the designated school division representative to carry out the local dispute resolution process as expeditiously as possible once notified, or
 - Project HOPE-Virginia if there is no interim appeal in the local dispute resolution process;
- ensure an unaccompanied homeless youth is informed of his/her rights throughout the process as stated in the responsibilities of the local liaison (§722(g)(6)).

State Level Appeal

If the parent, guardian, or unaccompanied youth disagrees with the school division's decision after all local appeals are exhausted, the liaison must refer the parent, guardian, or unaccompanied youth to Project HOPE-Virginia to allow the appeal to continue at the state level.

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A parent, guardian or unaccompanied youth must contact Project HOPE-Virginia to appeal the school division's decision within **five business days** of receiving the school division's written notice.

When the state coordinator, or designee, receives an appeal, he/she shall:

- inform the liaison that an appeal has been made;
- review school division records and information provided by the appealing family or unaccompanied youth to ensure proper procedures were followed;
- consult with the Project HOPE-Virginia Advisory Board, when appropriate.
- forward a recommendation to the Superintendent of Public Instruction regarding the appropriate placement for the student within **five business days** of receiving the appeal based on the review of school division records, information from the family or unaccompanied youth, and any supplemental information obtained.

Within **ten business days** of receiving the case and recommendation from the State Coordinator or designee, the Superintendent of Public Instruction, or designee, will make the final determination and inform the following parties:

- the family or unaccompanied youth,
- the school division(s) Superintendent(s) and liaison(s),
- the Assistant Superintendent of Special Education and Student Services,
- the Director of Student Services, and
- Project HOPE-Virginia State Coordinator

Upon notification by the Superintendent of Public Instruction, or designee, Project Hope-Virginia staff will provide technical assistance to the school division, as needed, to comply with the final determination.

ⁱ The school selected must be an option mandated under the McKinney-Vento Act.

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