

EUT POLICY ON HOMELESS STUDENTS

Notice Homeless Students

Homeless students are eligible to enroll in school even if unable to provide proof of residency or certain education and immunization records.

Homeless students have the right to attend and be transported to their school of origin if it is determined to be in their best interest.

Homeless students include students who lack a fixed, regular, and adequate nighttime residence and include a child or youth:

- who is sharing the housing of other persons due to loss of housing or economic hardship or a similar reason; is living in a motel, hotel, trailer park or camping ground due to the lack of alternative adequate accommodation; is living in an emergency or transitional shelter; is abandoned in a hospital.
- who is living in a car, park or public space or in an abandoned building, substandard housing, bus or train station or similar setting.;
- who has a primary nighttime residence that is a public or private place not designated for or ordinarily used as a regular sleeping accommodation for human beings; or
- who is a migratory child who qualifies as homeless because the child is living in circumstances as described above.

The term “homeless student” does not include a person housed in a correctional facility, jail, or detention facility. If you believe that you or your child is homeless, please inform the person registering you or the Homeless Children & Youth Liaison, Division of State Schools – EUT, 23 State House Station, Augusta, ME 04333, (207) 624-6892.

McKinney-Vento Dispute Resolution Process

The McKinney-Vento Homeless Assistance Act acknowledges that disputes may arise between the school district and homeless students and their parents, or unaccompanied youth, when the district seeks to place a student in a school other than the school of origin or the school requested by the parent or unaccompanied youth. The Act includes dispute resolution among the required duties of the Local Education Agency (EUT) liaison. The EUT has developed a dispute resolution process as required by the McKinney-Vento Act.

EUT recognizes that disputes related to school selection or enrollment should be initiated at the request of the parent or unaccompanied youth and not at the request or convenience of the school district.

Additionally, issues related to the definition of homelessness, the responsibilities of the school district to serve homeless children and youth, and/or the explicit rights of homeless children and youth are addressed in the McKinney-Vento Act. Disputes related to the school placement and enrollment of homeless children and youths shall be resolved within the parameters of the federal McKinney-Vento Act. The dispute resolution process for the school placement of homeless children and youths shall not be used in an effort to circumvent or supersede any part of the federal McKinney-Vento Act.

The following procedures are specified in the Act:

Enrollment: If a dispute arises over school selection or enrollment in a school, the child or youth shall be immediately admitted to the school in which enrollment is sought, pending resolution of the dispute. In the case of an unaccompanied youth, the homeless liaison shall ensure that the youth is immediately enrolled in the school in which enrollment is sought, pending resolution of the dispute.

Written Explanation: The district must provide a written explanation of the school placement decision to the parent or, in the case of an unaccompanied youth, to the unaccompanied youth.

The written explanation must include a description of the parent's or unaccompanied youth's right to appeal the decision.

Liaison: The designated EUT homeless liaison is assigned to carry out the dispute resolution process in an expeditious manner.

Responsibility: The EUT's homeless liaison, is responsible to inform the parent of the homeless student(s) or the unaccompanied youth of the dispute resolution process. In a case where a dispute occurs regarding the enrollment of a homeless child or youth, the following process must be used:

Level I: Appeal goes to the district's homeless liaison. If unresolved;

Level II: The case is appealed to the Superintendent of Schools. If unresolved;

Level III: The case is appealed to the Dept. of Education State Coordinator

Initiation of the Dispute Resolution Process

If the school district seeks to place a homeless child or youth in a school other than the school of origin, or the school requested by the parent or unaccompanied youth, the child's/youth's parent or the unaccompanied youth shall be informed in a language and format understandable to the parent or unaccompanied youth of their right to appeal the decision made by the school district and be provided the following:

1. Written contact information for the EUT homeless liaison and State Coordinator, with a brief description of their roles.
2. A written step-by-step description of how to dispute the school district's decision.
3. Written notice of the right to enroll immediately in the school of choice pending resolution of the dispute.
4. Written notice of the right to appeal to the State if the district-level resolution is not satisfactory.
5. Written timelines for resolving district and state-level appeals.

Level I: EUT Liaison Communication

If a parent or unaccompanied youth wishes to appeal a school district's decision related to a student's placement:

1. The parent or unaccompanied youth must file a request for dispute resolution with the district's homeless liaison by submitting a letter that initiates the dispute resolution process. The request for dispute resolution must be submitted by the parent or the unaccompanied youth to the district liaison within fifteen (15) business days of receiving notification that the district intends to enroll the student in a school other than that requested by the family or the unaccompanied youth. The parent or unaccompanied youth may submit the request directly to the homeless liaison or they may submit the request to the school where the dispute is taking place. If the request is submitted to the school where the dispute is taking place, the school shall immediately forward the request to the district's homeless liaison.
2. The homeless liaison must log their receipt of the complaint, including the date and time.
3. Within five (5) business days of their receipt of the complaint, the homeless liaison must make a decision on the complaint and inform the parent or unaccompanied youth in writing of the result.
4. If the parent or unaccompanied youth disagrees with the decision made at Level I and wishes to move the dispute resolution process forward to Level II, the parent or unaccompanied youth shall notify the district's homeless liaison of their intent to proceed to Level II within ten (10) business days of receipt of notification of the Level I decision.
5. If the parent or unaccompanied youth wishes to appeal the liaison's Level I decision, the district's homeless liaison shall provide the parent or unaccompanied youth with an appeals package containing:
 - a. A copy of the parent's or unaccompanied youth's complaint which was filed with the district's homeless liaison at Level I;
 - b. The decision rendered at Level I by the EUT liaison, and
 - c. Any additional information from the parent, unaccompanied youth, and/or homeless liaison.

Level II: EUT Superintendent Communication

(If the dispute remains unresolved after a Level I appeal)

1. If a parent disagrees with the decision rendered by the district's homeless liaison at Level I, the parent or unaccompanied youth may appeal the decision to the local school district's superintendent, using the appeals package provided at Level I.
2. The superintendent will arrange for a personal conference to be held with the parent or unaccompanied youth. The personal conference will be arranged within five (5) business days of the parent or

unaccompanied youth's notification to the district of their intent to proceed to Level II of the dispute resolution process. Once arranged, the meeting between the superintendent and the parent or unaccompanied youth is to take place as expeditiously as possible.

3. The superintendent will provide a decision, in writing, to the parent or unaccompanied youth with supporting evidence and reasons within five (5) business days of the superintendent's personal conference with the parent or unaccompanied youth.

4. A copy of the appeals package, along with the written decision made at Level II, is to be shared with the district's homeless liaison.

5. If the parent, or unaccompanied youth, disagrees with the decision made at Level II and wishes to move the dispute resolution process forward to Level III, the parent or unaccompanied youth shall notify the Superintendent of Schools of their intent to proceed to Level III within ten (10) business days of receipt of notification of the Level II decision.

6. If the dispute remains unresolved, the process then moves to Level III.

Level III: State Department of Education Communication

(If the dispute remains unresolved after a Level II appeal)

1. The district superintendent shall forward all written documentation and related paperwork to the DOE Homeless Education Coordinator, or designee, for review within five (5) business days of notifying the parent or unaccompanied youth of the decision rendered at Level II.

2. The dispute package, including all documentation and related paperwork, is to be submitted to the DOE in one consolidated and complete package via hard copy mail delivery.

3. The DOE Homeless Education Coordinator, or designee, shall make a final decision within twenty (20) business days of receipt of the complaint.

4. The final decision will be forwarded to the local school district's homeless liaison for distribution to the parent and the local superintendent.

5. The decision made by the DOE shall be the final resolution for placement of a homeless child or youth in the district.

6. The office of the school district superintendent shall maintain a record of all disputes related to the placement of homeless children and youths. These records shall include disputes resolved at Level I, Level II, and/or Level III and shall be made available to the DOE upon request.

Model local dispute resolution process from the Department of Education website

Introduction:

Under the McKinney-Vento Homeless Assistance Act and Maine Education Rules Chapter 14, EUT is responsible for evaluating a student's eligibility for homeless education services. For students deemed eligible, the EUT 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 the EUT's responsibility to make the best interest determination when it is the district 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 District of Origin does not do so promptly. The EUT 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 the EUT. The following dispute resolution process is meant to be used when the school's decision contradicts the wishes of the family.

In those cases, the EUT 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. The EUT 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 EUT Director

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 Director 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 Director. The Director 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.

Adopted: March 2022