

Dr. Robert Ketterer Charter School's—Dispute Procedure

Policy and Procedure for resolving School Enrollment Disputes for Homeless Students Under the McKinney-Vento Homeless Education Assistance Improvements Act of 2001

Policy:

Varying interpretations of homelessness, school placement and Pennsylvania residence law have led to confusion and in certain instances have prevented homeless learners from enrolling in and attending school. Homeless learners have the right to attend either their "school of origin" (i.e. the school that the learner attended when permanently housed or the school in which the learner was last enrolled) or, if that is not in the learner's best interest (taking into account feasibility and the wishes of the parent/guardian or unaccompanied youth), the local school. Disputes regarding school placement decisions should be promptly resolved, and learners should be enrolled in the school requested while placement disputes are resolved.

Procedure

If a parent/guardian or, in the case of unaccompanied youth, a learner requests a school placement with which the Charter School's homeless liaison disagrees, the learner must be enrolled in the school of his or her choice while the dispute is resolved. The Charter School must give the learner, in writing, an explanation of the Charter School's enrollment decision and information about the learner's right to appeal the decision. The Charter School's homeless liaison will generate the required letter and statement of appeal rights.

If the learner is an unaccompanied youth, the homeless liaison contact at the school will assist him or her with this dispute resolution process.

If the parent, guardian, or unaccompanied youth disagrees with the Charter School CEO's decision and wishes to appeal to the local board of education, the parent, guardian, or unaccompanied youth shall inform the Charter School liaison of the intent to appeal. The Charter School liaison shall ensure an appointment is made for the next, regularly scheduled board meeting to address the dispute. The Charter School liaison shall also provide the parent, guardian, or unaccompanied youth with the documentation collected up to that point, including the parent, guardian or unaccompanied youth's request for dispute resolution, the Charter School's liaison's and CEO's written decisions and any other additional information submitted by the parent, guardian, or unaccompanied youth. The parent, guardian, or unaccompanied youth shall be informed of the right to appeal and the school board's written

decision shall include a statement of the right to appeal to Pennsylvania Department of Education (PDE) if aggrieved.

State Education Agency Level:

Appeals made to PDE shall be submitted in writing, signed by the complainant, and forwarded by the charter school. The following steps are to be taken:

- a. Address the complaint to:

Pennsylvania Department of Education
Division of Federal Programs
333 Market Street, 5th Floor
Harrisburg, PA 17126-0333

- b. The complaint shall include the following:

1. A description of the situation that prompted the dispute
2. The name(s) and age(s) of the homeless child or youth
3. The name(s) of the LEA, Charter School and personnel involved
4. A description of the attempts that were made to resolve the issue at the local level, including copies of any documentation used in making the decisions.

- c. The State Homeless Coordinator will gather needed information from statements of the parties involved and forward the information to the Executive Director of the Office of Federal Programs, along with a recommendation for resolution or for further investigation.

- d. Within ten (10) business days after receiving a complaint, the Chief of the Division of Federal Programs will recommend a resolution and will inform interested parties, in writing, of the decision.

If the parent, guardian, or unaccompanied youth disagrees with the decision of the State in a matter concerning homeless children or youth, the party may request review of the decision by the United States Secretary of Education in accordance with 34 CRF Part 299.11.