
NATIONAL LAW CENTER ON HOMELESSNESS & POVERTY

Georgia State Procedures – Dispute Resolution under McKinney-Vento Act

According to the McKinney-Vento Homeless Assistance Act, a Local Education Agency (LEA) must continue educating the child or unaccompanied youth in the school of origin for the duration of homelessness when the homelessness occurs between or during an academic year; or for the remainder of the academic year if the child or unaccompanied youth becomes permanently housed during that academic year; or enroll the child or youth in any public school that non-homeless students who live in the attendance area in which the child or youth is living are eligible to attend (McKinney-Vento Act § 722(3)(A)(i)(ii)). If a dispute arises over school selection or enrollment, the LEA must immediately enroll the student in the school in which enrollment is sought pending resolution of the dispute (§ 722(3)(E)(i)). Similar provisions apply to the placement of unaccompanied youths.

Georgia's state education law is codified at Ga. Comp. R. & Regs. § 160 *et seq.* Specifically, Ga. Comp. R. & Regs. § 160-5-1-.28 (2)(d)(4) waives the proof of residency requirement for homeless children and youth. The Georgia Department of Education oversees the Homeless Education program, which ensures that homeless children and youth are enrolled in school.

The Georgia Department of Education has a dispute resolution procedure for complaints regarding local education agencies (LEA), state education agencies (SEA), or a combination of agencies violating a federal statute or regulation that applies to a program under the Elementary and Secondary Education Act of 1965 (ESEA). The McKinney-Vento Act falls under the ESEA. This procedure is only used if the dispute cannot be resolved at the local school district level. There is not a dispute resolution procedure specific to homeless children and youth, and this procedure is not part of Georgia's state laws.

Step One: School Enrollment

To the extent feasible, the student will be enrolled in the school of origin unless it is not in the best interests of the student or against the parent or unaccompanied youth's wishes. The school of origin is defined as the school last attended by the child or youth when permanently housed, or the last school in which the child or youth was enrolled.

A school cannot deny or delay a homeless student's enrollment due to lack of documents required for enrollment, such as medical, immunization, and academic records, and proof of residency. The school also must provide transportation to homeless students to their school of origin or the school where they are to be admitted.

Step Two: Enrollment Dispute

Each school district shall have a policy for the resolution of disputes involving homeless children and youth. If an enrollment dispute develops regarding the enrollment options available under the McKinney-Vento Act, the child or youth shall be immediately admitted to the school or origin. The child or youth shall remain in attendance at the school of origin during the pendency

of a determination of residency. The student shall also have the rights to all appropriate educational services, transportation, free meals, and Title I services while the dispute is pending.

Resolution of the dispute shall be facilitated by the LEA's homeless liaison as fast as possible in accordance with McKinney-Vento requirements and the LEA (school district) dispute policy. The LEA must provide the parent or unaccompanied youth with a written explanation of the school district's decision regarding school enrollment, and the parent or unaccompanied youth's right to appeal that decision to the Georgia Department of Education. The written explanation shall be complete, brief, and provided in a language that the parent or unaccompanied youth can understand. (§722(g)(3)(E)(ii)).

Step Three: Appeal at School District Level

Georgia is a local control state, so each LEA has their own dispute resolution procedure for the specific school district. The LEA's dispute resolution procedure must follow the McKinney-Vento Act. Every effort must be made to resolve the complaint at the local level before it is brought to the Georgia Department of Education. The chart at the end of this summary is an example of the local dispute resolution procedures for Cobb County School District.

Step Four: Appeal at State Level

If the dispute remains unresolved at the school district level, the parent or unaccompanied youth ("Complainant") may bring their complaint to the Department of Education. The complaint must allege a violation that occurred one year or less prior to the date that the complaint is received, unless a longer period is reasonable because the violation is considered systemic or ongoing.

The complainant must mail their complaint in writing or using the online web complaint form.¹ The complaint must include the following information:

- (1) a statement that the Local Education Agency (LEA), State Education Agency (SEA) or a combination of agencies has violated a federal statute or regulation requirement;
- (2) the date on which the violation occurred;
- (3) the facts on which the statement is based and the specific requirement allegedly violated (include the federal statute or regulation citation);
- (4) a list of names and phone numbers of individuals who can provide additional information;
- (5) whether a complaint has been filed with any other government agency, and if so, which agency;

¹ The form is located at <http://archives.gadoe.org/DMGetDocument.aspx/Complaint%20Form.pdf?p=4BE1EECF99CD364EA5554055463F1FBBF5D074D5FB1F2CAEB3B63B3ECB220CDD26C2114F3C57D8D279533B44F4811717&Type=D>.

- (6) copies of all applicable documents supporting the complainant's position;
- (7) the address of the complainant.

The complaint must also be signed by the complainant and addressed to the Georgia Department of Education, Office of School Improvement, Federal Programs Division, 1858 Twin Towers East, 205 Jesse Hill Jr. Drive, S.E., 2052 Twin Tower East, Atlanta, GA 30334. Once the Federal Programs Division receives the complaint, it will be copied and forwarded to the appropriate Federal Program Manager.

Within ten (10) days of receiving the complaint, the Associate Superintendent or designee will send a Letter of Acknowledgement to the complainant with the following information:

- (1) the date the Department of Education received the complaint;
- (2) how the complainant may provide additional information;
- (3) a statement of the ways in which the Department of Education may investigate or address the complaint; and,
- (4) any other important information.

If the complaint involves an LEA, the Department of Education will also send a copy of the complaint and the Letter of Acknowledgement to the local superintendent. The Department of Education will contact the LEA to clarify issues and review the complaint process. If the complaint remains unresolved through this contact, the Department of Education will request the LEA to submit a written response to the Department and provide a copy of the response to the complainant.

The Department of Education will review the information and determine whether it needs to gather any additional information; conduct an on-site investigation; take other measures to resolve the complaint; and/or issue a Letter of Findings. If additional information or an investigation is needed, the Department of Investigation must issue a Letter of Findings within 60 days of receiving the information or concluding the investigation.

If the Letter of Findings shows that a violation occurred, it will require corrective action and include timelines for correcting the violation. The sixty (60) day timeline for the Letter of Findings may be extended if exceptional circumstances exist. The Department of Education will send the Letter of Findings directly to the complainant and any other parties involved.

Sources:

Information on the Georgia State dispute resolution process can be found at: <http://archives.gadoe.org/DMGetDocument.aspx/ESEA%20Complaint%20Procedures.doc?p=6CC6799F8C1371F6EE98C1D177DAEA02A925DA64874C36A33976BC32988FF0E3&Type=D>.

Instructions to Locate Your Local LEA Homeless Liaison:

1. Go to the website for the National Center for Homeless Education State Resources:
http://center.serve.org/nche/states/state_resources.php.
2. Left click on Georgia on the map of the United States, or left click on the Georgia link below the map.
3. On the left side of the webpage, under “State Contact,” the State of Georgia’s Homeless Education Program Consultant’s name and contact information is listed.
4. Contact the State Homeless Education Program Consultant for information on your school district’s homeless liaison.

School District Level Appeals Process Timeline—Cobb County Example*

Procedural Step:	Completed by:	Given to:	Due Date:
Complaint* *Dispute Resolution Form provided by school administrator or District’s Homeless Liaison and located online at http://www.cobbk12.org/centraloffice/adminrules/J_Rules/Form%20JFABD-4_Eng.doc ; or verbally to the district’s homeless liaison by telephone: (678) 503-0173	Parent or guardian	District’s Homeless liaison	No deadline specified.
Resolution	District’s Homeless Liaison	Parent or guardian	Within 7 business days of receipt of Dispute Resolution Form.
District’s decision* *if matter not resolved with liaison’s resolution	Superintendent	Parent or guardian	Within 10 business days of the second dispute by the parent or guardian.
Contact Georgia Department of Education Homeless Education Coordinator at (404) 656-	Parent or guardian	Georgia Department of Education Homeless Education Coordinator	No deadline specified.

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*if want to appeal superintendent's decision.			

***The local school district level appeals process varies for each individual school district. Contact the local district homeless coordinator for information on the dispute resolution procedure.**

State Level Appeals Process Timeline

Procedural Step:	Completed by:	Given to:	Due Date:
Signed complaint in writing or online form ²	Parent or unaccompanied youth ("Complainant")	Department of Education	Depart. of Education must receive the complaint within one year from which the violation occurred.
Letter of Acknowledgment	Associate Superintendent or designee	Complainant and local superintendent	Within 10 days of receiving complaint.
Contact LEA	Department of Education	LEA	If complaint remains unresolved through this contact, the Department will request LEA to submit written response and provide copy of response to complainant. No deadline specified.

² The form is located at <http://archives.gadoe.org/DMGetDocument.aspx/Complaint%20Form.pdf?p=4BE1EECF99CD364EA5554055463F1FBBF5D074D5FB1F2CAEB3B63B3ECB220CDD26C2114F3C57D8D279533B44F4811717&Type=D>.

Review information	Department of Education	N/A	Determine if it needs to gather any additional information; conduct an on-site investigation; take other measures to resolve the complaint; and/or issue a Letter of Findings. No deadline specified.
Letter of Findings* *if additional info or an investigation is needed.	Department of Education	Complainant and any other parties involved	Within 60 days of receiving the additional info or concluding the investigation.