

**SUBJECT: McKinney Vento Dispute Resolution Policy**

**PUPRPOSE:** The Governance Council is committed to a policy that will address any disputes regarding the enrollment and services provided to homeless students attending Alma d'arte. If a dispute arises over eligibility or enrollment at Alma d'arte, the parent of a homeless student or an unaccompanied youth shall be referred to the school CAO/Principal who shall carry out the dispute resolution process described below as expeditiously as possible after receiving notice of such dispute.

**DEFINITIONS:**

- (A) "Parent" includes natural parent, adoptive parent, legal guardian, or person having physical custody and is responsible for the student's welfare.
- (B) "Homeless students" means individuals who lack a fixed, regular, and adequate nighttime residence, whether or not the temporary housing is located in Las Cruces, and who are otherwise eligible for educational services from Alma d'arte. This term includes:
  - 1. Students who are sharing housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency shelters or transitional housing; are abandoned in hospitals; are runaways living in shelters or other inadequate accommodations; or are awaiting foster care placement (children who are already in foster care are not considered homeless);
  - 2. Students who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;
  - 3. Students who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus stations, or similar settings; or
  - 4. Migratory students as defined under federal law who qualify as homeless because they are living in the circumstances set forth above.
- (C) "Unaccompanied youth" means a youth not in the physical custody of a parent or guardian, who is in transition as defined above. The more general term youth also includes unaccompanied youth.
- (D) "Liaison" means the staff person designated by Alma d'arte as the person responsible for carrying out the duties assigned to the liaison by the McKinney-Vento Homeless Assistance Act of 2001 (reauthorized in 2002). Alma d'arte has designated that the CAO/Principal will serve as the school's liaison.

**PROCEDURES:**

- (A) Upon receipt of a completed McKinney Vento Dispute Resolution Form (Appendix A) from the parent of a homeless student or an unaccompanied youth, the CAO/Principal shall seek to resolve the complaint within five (5) school days and deliver to the complainant a written response fully describing the proposed resolution.
- (B) If the parent of a homeless student or an unaccompanied youth is dissatisfied with the proposed resolution, or if the CAO/Principal does not issue a decision within five school (5) days, the parent of a homeless student or an unaccompanied youth may file a written complaint with the Governance Council. The written complaint should clearly describe the reason(s) why the complainant disagrees with the proposed resolution and also provide what they feel would be a satisfactory resolution.
- (C) The Governance Council shall review all relevant documents and issue a decision within 10 school days. A copy of their decision shall be provided to the CAO/Principal and complainant.
- (D) If the Governance Council does not issue a decision within 10 days, or if the parent of a homeless student or an unaccompanied youth is dissatisfied with the decision, the parent of a homeless student or an unaccompanied youth may appeal the decision to the New Mexico Public Education Department's homeless liaison. The office's address is:  
  
New Mexico Public Education Department  
Student Success and Wellness Bureau  
Mc-Kinney Vento State Director  
120 South Federal Place, Room 206  
Santa Fe, NM 87501
- (E) During the entire dispute resolution process, including any appeals, the student shall remain enrolled at Alma d'arte and shall be accorded all benefits and rights as all other enrolled students and also be provided transportation by the school if needed

*Legal Reference: 42 U.S.C. 11301, McKinney-Vento Homeless Assistance Act (2002)*

END