

Section 1.241 - Dispute Resolution for Students Experiencing Homelessness

Ill. Admin. Code tit. 23 § 1.241

- a) In this Section:
- 1.) "School district" means any public school district in this State.
 - 2.) "State Coordinator" means the Coordinator of Education of Homeless Children and Youth established by 42 U.S.C. 11432(d)(3).
- b) This Section establishes the dispute resolution procedure for disputes involving a student's homeless status or homelessness-related claim, as determined under the Education for Homeless Children Act [105 ILCS 45] and the federal McKinney-Vento Education for Homeless Children Act (45 U.S.C. 11431 through 11435).
- 1.) Any issue related to the homelessness or the homeless-related claim of a student or the student's parent or guardian is eligible for dispute resolution under this Section. These issues include, but are not limited to, impacts or alleged impacts of homelessness on eligibility, registration, enrollment, transportation, access to curricular and extracurricular programs, and fee waivers. The school district's local homelessness liaison must attempt to resolve any disagreement between the student or the student's parent or guardian and the school district before the district initiates a dispute resolution under this Section.
 - 2.) School districts must structure dispute resolutions as informally as possible to give students or students' parents or guardians any necessary assistance navigating the process.
 - 3.) A school district shall not delay enrollment, transportation, or other services before or during dispute resolution. The school district must continue to provide those services until the conclusion of the dispute resolution process, including any appeals.
- c) If collaboration with the local homelessness liaison does not resolve an issue described under subsection (b)(1), the school district must initiate a dispute resolution under this Section and send a letter to the student or the student's parent or guardian indicating the school district position on the dispute. The district must also send this letter to the regional superintendent of schools and the State Coordinator. The letter must include information on:
- 1.) *the availability of an ombudsperson;*
 - 2.) *sources of low cost or free legal assistance;*
 - 3.) *other advocacy services in the community* [105 ILCS 45/1-25]; and
 - 4.) the dispute resolution procedure.
- d) No later than 10 school days after receiving the notification required under subsection (c), the regional superintendent of schools must *appoint an ombudsperson who is fair and impartial and familiar with the educational rights and needs of homeless children to*

provide resource information and resolve the disputes at schools within the region relating to the rights of homeless children under the Education for Homeless Children Act and this Part. If possible, the ombudsperson shall convene a meeting of all parties and attempt to resolve the dispute within 5 school days after receiving notice of the dispute. [105 ILCS 45/1-25(a)]

- 1.) The ombudsperson must set clear rules and timelines for the dispute resolution process and inform each party of their respective expectations for the duration of the dispute resolution.
- 2.) The ombudsperson must provide copies of documents that will be used by the other party before the meeting, if possible.
- 3.) The ombudsperson must allow:
 - A.) a complete presentation of relevant facts by all parties; and
 - B.) assistance for the student or the student's parent or guardian from a legal representative knowledgeable of federal and State laws concerning homeless students' educational rights.
- 4.) The ombudsperson may:
 - A.) require each party to make an opening statement;
 - B.) limit the amount of time each party may use to present information;
 - C.) pose questions to each party;
 - D.) limit any redundant testimony or testimony that is not directly related to homelessness claims; or
 - E.) make allowances for the student or the student's parent or guardian (e.g., in how evidence or arguments are presented).
- 5.) No later than ten school days after the conclusion of the dispute resolution meeting, if possible, the ombudsperson must make a written determination on a form supplied by the State Board of Education (available at www.isbe.net). At a minimum, the form will include the following:
 - A.) The name of the school district and school, names of the student and the student's parent or guardian, and the nature of the dispute.
 - B.) A complete list of all individuals attending the meeting and their professional titles.
 - C.) Timeline of procedural events, including the date the school district initiated the dispute resolution procedure, the date of the meeting, and the date of the ombudsperson's final determination.
 - D.) The arguments and positions of each party, including the evidence, testimony, and documentation presented at the meeting.
 - E.) The ombudsperson's analysis of the arguments.
 - F.) If the ombudsperson does not agree with or support an argument made by one of the parties, an analysis of the ombudsperson's reasoning.
 - G.) For disputes relating to enrollment eligibility and in which the school district is asserting the student is not homeless, an analysis of the current living situation of the student and if the living situation is fixed, regular, and adequate.

- H.) The ombudsperson's final determination, explicitly noted, as to whether the student is homeless or not homeless.
 - I.) Notice of the parties' right to appeal the final determination to the State Coordinator under subsection (e).
- e) No later than five school days after receiving the ombudsperson's determination under subsection (d), each party of the dispute resolution meeting may appeal the decision by submitting a written request, via email to homeless@isbe.net or regular mail to 100 North First Street, Springfield, IL 62777, to the State Coordinator that includes any documentation relating to the dispute resolution meeting and final determination.
- 1.) After receiving a request for an appeal, the State Coordinator must obtain from the ombudsperson all documents, notes, transcripts, and any other materials used by the parties to present their respective cases. The State Coordinator may also request additional information that the State Coordinator deems relevant in determining the appeal.
 - 2.) No later than 15 school days after receiving a request for an appeal, the State Coordinator must make a final determination based on the appealed decision's compliance with relevant law and notify, via email or, if requested by either party, via certified mail, both parties of its decision. The State Coordinator may extend this timeline by an additional five school days, if necessary, and must notify each party of this extension.
- f) If the State Superintendent of Education or designee determines that a school district's actions giving rise to a dispute under this Section are inconsistent with applicable law, the State Superintendent may require the school district to take any action necessary to comply with applicable law. If the school district does not comply with this requirement, the State Superintendent will place the school district's recognition status on probation in accordance with 23 Ill. Adm. Code 1.20(b).

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