

McKinney-Vento Homeless Education (Title X of NCLB)
Dispute Resolution Procedure

This advisory is intended to provide school officials with guidance as they implement the federal McKinney-Vento Homeless Education Assistance Act requirement that State and local school districts develop “procedures for the prompt resolution of disputes regarding the educational placement of homeless children and youths.”

A dispute resolution procedure was first created in the State’s Elementary and Secondary Education Act as reauthorized by the No Child Left Behind Act of 2001 State Plan. It has now been revised to reflect the duties and required responsibilities of the LEA Liaison (Liaison). Copies of this procedure should be available to local service providers, parents of students experiencing homelessness and unaccompanied youth. This procedure will be used for all dispute resolution issues regarding homeless children and youth including educational placement. The procedure flows through the following steps:

1. A child or youth shall be **immediately admitted to the school in which enrollment is sought**, pending resolution of the dispute. The challenging school district must continue to provide transportation and other school services to the student until the dispute is resolved.
2. The dispute resolution process begins at the time a school or school district challenges the right of a parent, guardian, or person in parental relationship to a homeless child, to enroll a child or to continue a child’s enrollment in school, or in the case of an unaccompanied youth, the youth’s right to enroll or to continue enrollment in school.
3. When a school or district challenges the enrollment of the child or unaccompanied youth, the school or school district must provide written notice of the challenge to the district Homeless Education Liaison (Liaison) and the parent, guardian, or unaccompanied youth, through the Liaison. The written notice shall be provided within two (2) business days, and will be in clear, easy-to-understand language.
4. The Liaison shall inform the representative of the homeless student or the unaccompanied youth of the student’s or youth’s rights to appeal the decision of the school or school district. This notice shall include a form to be completed by the parent, guardian, or unaccompanied youth should he or she decide to appeal the school district’s enrollment decision.
5. The Liaison shall assist the child or youth’s representative, or the unaccompanied homeless youth, to complete the appeal form within ten (10) business days of the school or school district’s challenge to the child or youth’s enrollment.
6. During this time, if requested, WDE may provide technical assistance to the school district regarding its decision by notifying the school district as to the requirements of McKinney-Vento and other applicable state and federal laws.
7. Upon receipt of an appeal form, a school district will have five (5) business days to schedule an informal hearing. The hearing shall be convenient to the needs of the representative of the homeless student.

8. During the hearing, the school district shall discuss the considerations that led to the enrollment decision.
9. In cases where an agreement cannot be reached at the local level, the Liaison shall forward all written documentation and related paperwork to the WDE State Coordinator for the Education of Homeless Children and Youth within five (5) business days of the informal hearing.
10. Upon review of the LEA and parent information, and within ten (10) business days of receipt of the materials, WDE will issue a decision. The decision of WDE will be final. A written decision will be distributed to all parties in the dispute.