

INSERT DISTRICT LOGO

INSERT DISTRICT NAME
Homeless Education Program
Dispute Resolution Process

Background Information

The McKinney-Vento Homeless Assistance Act (also referred to as the Act or the McKinney-Vento Act) acknowledges that disputes may arise between the school district and homeless students and their parent or guardian, or unaccompanied youth, when the district seeks to place a student in a school other than the school of origin or the school requested by the parent or unaccompanied youth. The Act includes dispute resolution among the required duties of the local education agency (LEA) liaison. The North Dakota Department of Public Instruction (NDDPI) has developed a dispute resolution process as required by the McKinney-Vento Act.

Districts should keep in mind disputes related to school selection or enrollment should be initiated at the request of the parent, guardian or unaccompanied youth, not at the request or convenience of the school district. Additionally, issues related to the definition of homelessness, the responsibilities of the school district to serve homeless children and youth, and/or the explicit rights of homeless children and youth are addressed in the McKinney-Vento Act. Disputes related to the school placement and enrollment of homeless children and youths shall be resolved within the parameters of the federal McKinney-Vento Act. The dispute resolution process for the school placement of homeless children and youths shall not be used in an effort to circumvent or supersede any part of the federal McKinney-Vento Act.

While each district is allowed to design its own process, basic McKinney-Vento Act requirements are to be included. It is important that district dispute policies align with the state dispute resolution policy.

The following procedures are specified in the McKinney-Vento Act:

Enrollment: If a dispute arises over school selection or enrollment in a school, the child or youth shall be immediately enrolled to the school in which enrollment is sought, pending resolution of the dispute. In the case of an unaccompanied youth, the homeless liaison shall ensure that the youth is immediately enrolled in the school in which enrollment is sought, pending resolution of the dispute.

Written Explanation: The district must provide written explanation of the school placement decision to the parent, guardian or unaccompanied youth. (The written explanation must include a description of the parent's, guardian's or unaccompanied youth's right to appeal the decision.)

Liaison: The designated LEA homeless liaison is assigned to carry out the dispute resolution process in an expeditious manner.

Responsibility: The school district, usually the district's homeless liaison, is responsible to inform the parent or guardian of the homeless student(s) or the unaccompanied youth of the dispute resolution process.

Dispute Process Overview

In a case where a dispute occurs regarding the enrollment of a homeless child or youth, **the following process must be used (unless the district has communicated to NDDPI an alternative plan, of which NDDPI approved):** 1) Appeal to the district's homeless liaison for a decision. If unresolved, the case is appealed to the 2) local school district superintendent for a decision. If the dispute continues to be unresolved, the final appeal is to the NDDPI. **Every effort must be made to resolve the complaint or**

dispute at the local level before it is brought to NDDPI. Remember, *If a dispute arises over school selection or enrollment in a school, the child or youth shall be immediately enrolled to the school in which enrollment is sought, pending resolution of the dispute. In the case of an unaccompanied youth, the homeless liaison shall ensure the youth is immediately enrolled in school, pending resolution of the dispute.*

Initiation of the Dispute Resolution Process

If a school district seeks to place a homeless child or youth in a school other than the school of origin, OR the school requested by the parent, guardian or unaccompanied youth, the child's/youth's parent or guardian, or the unaccompanied youth shall be informed of their right to appeal the decision made by the school district and be provided the following:

1. Written contact information for the LEA homeless liaison and State Coordinator, with a brief description of their roles.
2. A simple, written detachable form the parent, guardian, or unaccompanied youth can complete and turn in to the school to initiate the dispute process (the school should copy the form and return the copy to the parent, guardian, or youth for their records when it is submitted).
3. A written step-by-step description of how to dispute the school district's decision.
4. Written notice of the right to enroll immediately in the school of origin pending resolution of the dispute.
5. Written notice of the right to appeal to the state if the district-level resolution is not satisfactory.
6. Written timelines for resolving district and state-level appeals.

Step 1: LEA Liaison Communication

If a parent, guardian or unaccompanied youth wishes to appeal a school district's decision related to a student's placement:

- Resolved (stop):
 - District liaison notes the issue was resolved.
- Disputed:
 - LEA liaison documents the decision was disputed and the date of dispute.
 - Liaison provides written documentation as to why the request was denied to parent, guardian or unaccompanied youth (documentation included in notes).
 - The liaison communicates the rights of parent, guardian or unaccompanied youth to pursue an appeal with the superintendent.
 - LEA liaison notifies district superintendent of status of process.
 - LEA liaison notifies NDDPI Homeless Education Program State Coordinator of status of process.
 - LEA complete a [dispute resolution form](#) (must be filled out within fifteen (15) business days of district liaison's decision).
 - Dispute resolution form is sent to district superintendent.
 - Dispute resolution form is sent to Homeless Education Program State Coordinator.

Step 2: District Superintendent Communication

(If the dispute remains unresolved after Step I appeal)

District superintendent holds a meeting with parent, guardian or unaccompanied youth and renders decision within five (5) business days of receipt of dispute resolution form.

- Resolved (stop):
 - District superintendent notes the issue was resolved.

- Disputed:
 - Decision documented by district.
 - Written explanation of decision provided to liaison, parent, guardian or unaccompanied youth, and NDDPI Homeless Education Program State Coordinator.
 - Liaison informs NDDPI Homeless Education Program State Coordinator that issue is resolved/unresolved.
 - Parent, guardian or unaccompanied youth have fifteen (15) days to [appeal](#) to NDDPI Homeless Education Program State Coordinator.
 - Additional information can be provided by the parent, guardian, unaccompanied youth, or district liaison in writing supporting decisions.

The district superintendent shall forward all written documentation and related paperwork to the NDDPI Homeless Education Program State Coordinator (or designee) for review, within five (5) business days of notifying the parent, guardian or unaccompanied youth of the decision by the district superintendent.

Step 3: NDDPI Homeless Education State Program Coordinator Communication
(If the dispute remains unresolved after Step 2 appeal)

- Parent, guardian or unaccompanied youth completes dispute resolution form (must be completed within fifteen (15) days of district superintendent decision).
- NDDPI provides a written decision within 5 days from receipt of appeal.
- Decision is sent to district liaison.
- District liaison shares the decision/documentation with parent, guardian or unaccompanied youth.
- NDDPI's decision is final.

Inter-District Disputes

Disputes arising between school districts (LEAs) regarding the placement of a homeless child or youth in a district should be resolved between the districts at the local level in the best interest of the child and according to the law. Disputes between LEAs that remain unresolved shall be forwarded in writing by either of the disputing districts to the NDDPI Homeless Education Program State Coordinator (or designee). A decision will be made by the NDDPI (committee including the Homeless Education Program State Coordinator and NDDPI staff members) within ten (10) business days of the receipt of the dispute and will be forwarded in writing to the districts' superintendents, the districts' homeless liaisons and the parent, guardian or unaccompanied youth.

The decision made by NDDPI shall be the final resolution between the disputing LEAs for placement of a homeless child or youth in a district.

Definitions

Adequate Living Situation – sufficient for meeting the physical, psychological and safety needs typically met in a home environment.

Doubled Up – sharing the housing of others due to loss of housing, economic hardship or similar reason.

Enrollment – The terms “enroll” and “enrollment” include attending classes and participating fully in school activities.

Fixed Living Situation – stationary, permanent, not subject to change.

Homeless Children and Youth – individuals who lack a fixed, regular and adequate nighttime residence; and includes:

- children and youth who are sharing the house 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 or transitional housing,
- are abandoned in hospitals,
- primary nighttime residence is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings,
- living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings, and
- migratory children who qualify as homeless for the purposes of this part because the children are LIVING IN CIRCUMSTANCES described in above bullet points.

Regular Living Situation – used on a nightly basis.

School of Origin – School that the child or youth attended when permanently housed or the school in which the child or youth was last enrolled.

Substandard Housing – housing that poses a serious risk to the health, safety or physical well-being of occupants.

Unaccompanied Youth – youth not in the physical custody of a parent of guardian.