

McKinney-Vento Homeless Education Dispute Resolution Process

State educational agencies (SEAs) and local educational agencies (LEAs) must ensure that each homeless child and youth has equal access to the same free, appropriate public education, including a public preschool program, as other children and youth. Part of this assurance is for the California Department of Education (CDE) to provide guidance to LEAs regarding prompt resolutions of school selection and enrollment disputes.

I. The Law

The No Child Left Behind (NCLB) Act of 2001 (PL 107-110, Section 722) expands the responsibility of CDE and LEAs to ensure educational rights and protections for children and youth experiencing homelessness. All LEAs must ensure coordination of their efforts on behalf of homeless children and youth with the McKinney-Vento Homeless Education Assistance Improvement Act, Title X, Part C and CDE directives. Part of that coordination is to implement CDE's procedures for the prompt resolution of disputes regarding school selection and enrollment for homeless children and youth.

For the purpose of this letter, McKinney-Vento defines:

- “School of selection” as school of origin, or the school of residence
- “School of origin” as the school the child or youth attended when permanently housed or the school in which the child or youth was last enrolled
- “Enrollment” as attending classes and participating fully in school activities

Parents, guardians, and unaccompanied youth must be able to initiate the dispute resolution process either in writing or orally directly at the selected school site.

II. Dispute Resolution Process

Below are five components for resolving disputes regarding school selection and enrollment for homeless children and youth:

- If a dispute arises over school selection or enrollment, the child/youth must be immediately enrolled in the school in which he/she is seeking enrollment, pending resolution of the dispute [PL 107-110, Section 722(g)(3)(E)(iv)]. Enrollment is defined as "attending classes and participating fully in school activities."
- The school must refer the student, parent, or guardian to the LEA's homeless liaison to carry out the dispute resolution process as expeditiously as possible. The homeless liaison must ensure that the dispute resolution process is also followed for unaccompanied youth.

- A written explanation of the school's decision regarding school selection or enrollment must be provided if a parent, guardian, or unaccompanied youth disputes such a school selection or enrollment decision, including the right to appeal [PL 107-110, §722(g)(3)(E)(ii)]. The written explanation shall be complete, as brief as possible, simply stated, and provided in a language that the parent, guardian, or unaccompanied youth can understand.
- If the dispute remains unresolved at the district level or is appealed, then the district homeless liaison shall forward all written documentation and related paperwork to the homeless liaison at the county office of education (COE). The COE's homeless liaison will review these materials and determine the school selection or enrollment decision within five (5) working days of receipt of the materials. The COE homeless liaison will notify the LEA and parent of the decision. Please see the contact information for COE's homeless liaisons.
- If the dispute remains unresolved or is appealed, the COE homeless liaison shall forward all written documentation and related paperwork to the State Homeless Coordinator. Upon the review of the LEA, COE, and parent information, the CDE will notify the parent of the final school selection or enrollment decision within ten (10) working days of receipt of materials. You may reach the State Homeless Coordinator, Leanne Wheeler, by phone at 916-319-0383 or by e-mail at lwheeler@cde.ca.gov.

School districts must enroll students experiencing homelessness immediately. If, after enrollment, it is determined that a student is not homeless as defined in the law, school districts should follow the policies that are in place to address other forms of fraud. Written notice should be given to the parent, guardian, or youth, including his or her right to appeal the decision.

If you have further questions, please contact Michelle O'Neill, IUSD McKinney-Vento Liaison, at (949) 936-7510 or by email at MichelleOneill@iusd.org. You may also contact Leanne Wheeler, Consultant and State Homeless Coordinator, Coordinated School Health and Safety Office, at 916-319-0383 or by e-mail at lwheeler@cde.ca.gov.