

ODE Dispute Resolution Procedure for Homeless Students & Families

The McKinney-Vento Act, Education of Homeless Youth Program, Subtitle VII-B, Section 722(g)(3), provides the following guidance regarding enrollment disputes:

If a dispute arises over school selection or enrollment, the child/youth must be immediately admitted to the school in which he/she is seeking enrollment, pending resolution of the dispute [Sec. 722(g)(3)(E)(i)];

The parent or guardian must be provided with a written explanation of the school's decision on the dispute, including the right to appeal [Sec. 722(g)(3)(E)(ii)];

The parent/guardian/youth must be referred to the school district homeless contact person, who will carry out the state's grievance procedure as expeditiously as possible after receiving notice of the dispute [Sec. 722(g)(3)(E)(iii)]; and,

In the case of an unaccompanied youth, the homeless liaison shall ensure that the youth is immediately enrolled in school pending resolution of the dispute[Sec. 722(g)(3)(E)(iv)].

If eligibility, enrollment or placement disputes or complaints arise regarding the education of homeless children and youth, the Oregon Department of Education (ODE) Homeless Education Program recommends that:

A. The person having the complaint first contact the school or district (e.g., the local school district Liaison for homeless students, the principal, or superintendent) to present their concerns to the people closest to the situation and most likely to be able to resolve it quickly.

B. If Step A is not successful or is not possible under the circumstances, contact should be made with the ODE directly through the Education for Homeless Children and Youth Program, Office of the State Coordinator at (503) 947-5781; or by email at: dona.bolt@state.or.us . ODE will deliver a response within 20 business days of the receipt of the complaint.

C. Districts that make determinations on eligibility, enrollment or school placement for homeless students that conflict with the wishes of the parent or student involved are required to provide notice of the determination in writing to all parties, along with instructions on how to appeal the decision. Students are entitled to remain in their school of choice until the appeal process has reached completion. Districts are advised to include review by ODE as the final step in the appeals process.



DISTRICT COMPLIANCE MONITORING – Local Dispute Resolution Policies

Federal programs in all districts are monitored by the Oregon Department of Education on a regular basis. Every school district must have a Dispute Resolution policy specifically addressing the rights of homeless students to appeal placement determinations.

Districts should maintain copies of Placement Determination letters for parents and students. All such letters must include specific instructions on how to appeal the determination, and a statement about the right of the homeless student to remain in the school they are attending until the appeals process is completed.

The Oregon School Boards Association (OSBA) has sample district homeless student policies which may be adopted by districts. For more information on compliance with Dispute Resolution provisions of the McKinney-Vento Act, Education of Homeless Children and Youth Program, contact the State Coordinator's Office at the Oregon Department of Education: dona.bolt@state.or.us or 503-947-5781

For additional information:

National Center on Homeless Education – Dispute Resolution Brief

http://center.serve.org/nche/ibt/sc_dispute.php

National Center on Homeless Education – Sample Dispute Resolution Forms

http://center.serve.org/nche/forum/dispute_res.php

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