

## Dispute Resolution Process Regarding the Educational Placement of Homeless Children and Youth

According to 42 U.S.C. §11432 (g)(1)(c) and (g)(3)(E), states and school districts are required to have procedures in place for the prompt resolution of disputes regarding the enrollment of or the school assignment for a homeless child or youth.

If a dispute arises regarding the enrollment of or the school assignment for a homeless child or youth, the district(s) and student(s) involved must first follow district-established policies and procedures resolving the dispute. If disputes cannot be settled through the local process, the complainant may appeal the school board's written decision to the state coordinator of homeless education.

The district's dispute resolution process for homeless children and youth must include the following:

1. immediately admit the student to the school in which the student is seeking enrollment
2. refer the parent/guardian/caregiver or the unaccompanied youth to the district's homeless liaison, who shall carry out the dispute resolution process as expeditiously as possible after receiving notice of the dispute
3. provide the parent/guardian/caregiver or the unaccompanied youth with a written explanation of the school's decision regarding school selection or enrollment
4. inform the parent/guardian/caregiver or youth of their right to appeal the decision and provide information on how to follow the district's appeal process
5. if the complaint cannot be resolved at the district level, the district must inform the complainant how to appeal the district's decision to the state coordinator of homeless education
6. continue the student's enrollment in the school selected until the appeal process has been fully executed, including through the state level appeal process if the complaint reaches the state level
7. provide transportation to and from school throughout the appeal process as required by Title X, Part C, of the No Child Left Behind Act

Additional information about dispute resolution can be found on the Texas Education Agency's website at <http://portals.tea.state.tx.us/index2.aspx?id=5032> or on the Texas Homeless Education Office's website at <http://www.utdanacenter.org/theo/resources/factsheets.php>

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### **Legislative Excerpts**

“State Plan—

(1) In General—Each State shall submit to the Secretary a plan to provide for the education of homeless children and youths within the State. Such plan shall include the following:

...

(C) A description of procedures for the prompt resolution of disputes regarding the educational placement of homeless children and youths...

...

(3) Local Educational Agency Requirements—

...

(B) Best Interest—In determining the best interest of the child or youth...the local educational agency shall...

...

(ii) provide a written explanation, including a statement regarding the right to appeal under subparagraph (E), to the homeless child’s or youth’s parent or guardian, if the local educational agency sends such child or youth to a school other than the school of origin or a school requested by the parent or guardian; and

(iii) in the case of an unaccompanied youth, ensure that the homeless liaison designated under paragraph (1)(J)(ii)...provides notice to such youth of the right to appeal under subparagraph (E).

...

(E) Enrollment Disputes—If a dispute arises over school selection or enrollment in a school—

(i) the child or youth shall be immediately admitted to the school in which enrollment is sought, pending resolution of the dispute;

(ii) the parent or guardian of the child or youth shall be provided with a written explanation of the school’s decision regarding school selection or enrollment, including the rights of the parent, guardian, or youth to appeal the decision;

(iii) the child, youth, parent, or guardian shall be referred to the local educational agency liaison designated under paragraph (1)(J)(ii), who shall carry out the dispute resolution process as described in paragraph (1)(C) as expeditiously as possible after receiving notice of the dispute; and

(iv) 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.”

***McKinney-Vento Act Sec. 722(g); 42 U.S.C. 11432(g)***