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# NATIONAL LAW CENTER ON HOMELESSNESS & POVERTY

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## **California State Procedures – Dispute Resolution under McKinney-Vento Act**

According to the McKinney-Vento Homeless Assistance Act, a Local Education Agency (“LEA”) must continue educating the child or unaccompanied youth in the school of origin for the duration of homelessness when the homelessness occurs between or during an academic year; or for the remainder of the academic year if the child or unaccompanied youth becomes permanently housed during that academic year; or enroll the child or youth in any public school that non-homeless students who live in the attendance area in which the child or youth is living are eligible to attend (McKinney-Vento Act § 722(3)(A)(i)(ii)). If a dispute arises over school selection or enrollment, the LEA must immediately enroll the student in the school in which enrollment is sought pending resolution of the dispute (§ 722(3)(E)(i)). Similar provisions apply to the placement of unaccompanied youths.

Currently, California does not have the McKinney-Vento Act codified in their statute, although they adopt the Act. The California School Boards Association has a board policy and/or administrative regulation to provide guidance to the school districts.

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.

### **Step One: School Enrollment**

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. Enrollment is defined as "attending classes and participating fully in school activities." Although the Act does not define immediate, the standard dictionary definition is "without delay." Therefore, the student must begin attending classes and participating fully in school activities without delay. Generally, that would mean the same or the following day.

### **Step Two: Enrollment Dispute – District Level**

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. 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.

Currently, there are not standardized forms for all of the California school districts, rather it varies from district to district. (See below sample forms). If the school district does not have a form, the LEA will assist the parent, guardian, or unaccompanied youth in filling out the necessary forms.

**Step Three: Appeal Process – County Board of Education**

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.

**Step Four: Appeal Process – State Level**

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.

<b>Procedural Step:</b>	<b>Completed by:</b>	<b>Given to:</b>	<b>Due Date:</b>
<b>Enrollment or Residency Dispute</b>	Parent guardian, or unaccompanied youth	School’s LEA's homeless liaison	Not specified. 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.
<b>Appeal</b>	School’s LEA's homeless liaison	County Office of Education (“COE”)	Not specified. 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.
<b>Appeal</b>	COE's homeless liaison	State Homeless Coordinator	Not Specified. 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
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**Additional Resources**

Leanne Wheeler, State Homeless Coordinator  
 916-319-0383  
[lwheeler@cde.ca.gov](mailto:lwheeler@cde.ca.gov).

**Board Policies**

<http://www.sbsdk12.org/board/policies/6000/AR6173.pdf>

**Homeless Liaisons**

<http://www.cde.ca.gov/sp/hs/cy/documents/liasons.xls>

Sample Forms

Butte County Office of Education  
1870 Bird Street  
Oroville, CA 95965  
530-879-2328

*Office Use Only: Date Received*

McKinney-Vento Dispute Form

Name: \_\_\_\_\_ Date: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_                  Number                  Street                  Apt#                  City                  State                  Zip

Home Phone: ( ) \_\_\_\_\_ Other Phone: ( ) \_\_\_\_\_

I am a:  Student                   Unaccompanied youth(runaway)                   Parent/Guardian

Primary Nighttime Residence:  Shelter                   Double/Tripled (sharing housing)

Hotel/Motel                   Unsheltered (cars, parks, campgrounds)

Name of school district: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_                  Number                  Street                  Apt#                  City                  State                  Zip

I wish to dispute the following decision:

Enrollment     Transportation     Other: \_\_\_\_\_

Please describe why you dispute the educational decision (attach pages if necessary):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date of occurrence OF which gave rise to this dispute: \_\_\_\_\_

What do you think would be an appropriate remedy or resolution for this dispute? \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*I certify under penalty of perjury that the foregoing and any attachments are true and correct.*

Executed on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_  
\_\_\_\_\_ California.

**Signature:** \_\_\_\_\_

**CENTER UNIFIED SCHOOL DISTRICT**  
**Written Notification of Enrollment Decision**

**Date:** \_\_\_\_\_

**Person completing form:** \_\_\_\_\_

**Title:** \_\_\_\_\_

**School(s):** \_\_\_\_\_

In compliance with Section 722(g)(3)(E) of the McKinney-Vento Homeless Education Assistance Act of 2001, the following written notification is provided to:

**Parent or Guardian:** \_\_\_\_\_

**Student(s):** \_\_\_\_\_

After reviewing your request to enroll the student(s) listed above, the enrollment request is denied. This determination was based upon:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

You have the right to appeal this decision by completing the second page of this notice or contacting the school district's local homeless education liaison.

**Liaison's name: Alyson Collier**

**Phone Number: (916) 338-6387**

In addition:

- The student listed above has the right to immediately enroll in the school of choice pending resolution of the dispute.
- You may provide documentation to support your position.
- You may contact the state coordinator for homeless education  
**State Coordinator: Leanne Wheeler**  
**Phone Number: (916) 319-0383**
- You may seek the assistance of advocates or attorneys.

A copy of Center Unified School District's Enrollment Dispute Resolution process for student's experiencing homelessness is attached.

**CENTER UNIFIED SCHOOL DISTRICT**  
**Request for Dispute Resolution of Enrollment Decision**

To be completed by the parent, guardian, caretaker or unaccompanied youth when a dispute arises regarding an enrollment decision related to the McKinney-Vento Homeless Education Assistance Act of 2001. This information may be shared verbally with the local liaison, as an alternative to completing this form.

Date Submitted: \_\_\_\_\_

Student: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Person Completing this form: \_\_\_\_\_

Relationship to student(s): \_\_\_\_\_

I may be contacted at (phone or email): \_\_\_\_\_

Current Address(s) (This is the physical address(es) at which the student(s) currently reside.) If there is more than one address being used, please include all.

\_\_\_\_\_  
\_\_\_\_\_

Name of the School in which parent/guardian chooses child to be immediately enrolled until dispute is resolved: \_\_\_\_\_

Is this the school of origin\*?

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

If no, from which school was the student transferred? \_\_\_\_\_

I have been provided with:

- A written explanation of the school's decision.
- Contact information for the local homeless education liaison.
- A copy of California's Enrollment Dispute Resolution Process for students experiencing homelessness.

**Optional:** You may include a written explanation to support your appeal in this space or provide your explanation verbally.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



Please attach additional pages or documents if needed.

The school provided me with a copy of this form and information regarding the dispute resolution process. \_\_\_\_\_ (Initial)

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## CENTER UNIFIED SCHOOL DISTRICT

### Process for resolving disputes regarding school selection and enrollment for homeless children and youths.

- 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.
- The school principal, a district level administrator, and the district homeless student liaison will review the documents related to the student's enrollment including any documents and/or explanation submitted by parent/guardian to support the appeal.
- A written explanation of the school's decision regarding school selection or enrollment must be provided within five (5) working days from the date of receiving a notification of dispute of school selection or enrollment decision from a parent, guardian, or unaccompanied youth.
- 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 Sacramento County Office of Education (SCOE). SCOE'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 SCOE homeless liaison will notify the school and parent of the decision.
- If the dispute remains unresolved or is appealed, the SCOE homeless liaison shall forward all written documentation and related paperwork to the State Homeless Coordinator. Upon the review of the Local Education Agency, SCOE, and parent information, the California Department of Education will notify the parent of the final school selection or enrollment decision within five (5) working days of receipt of materials.

ORANGE COUNTY DEPARTMENT OF EDUCATION  
EDUCATION FOR HOMELESS CHILDREN AND YOUTH  
ENROLLMENT DISPUTE FORM

*Instructions:* This form is to be completed by a parent/guardian or student when a dispute regarding enrollment has arisen. As an alternative to completing this form, the information on this form may be shared verbally with the Homeless Liaison.

Date submitted: \_\_\_\_\_  
Name of person completing form: \_\_\_\_\_  
Student's name: \_\_\_\_\_  
Relation to student: \_\_\_\_\_

I may be contacted at the following:  
Address: \_\_\_\_\_  
Telephone number: \_\_\_\_\_

Name of school/program requested: \_\_\_\_\_

I wish to appeal the enrollment decision made by the:

- Principal or Designee       Homeless Liaison       County Coordinator

Reason for appeal: You may include an explanation to support your appeal in this space or provide your explanation verbally:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I have been provided with:

- A written explanation of the enrollment decision.  
 Contact information for the Homeless Liaison.  
 Contact information for the County Coordinator.  
 Notification of my right to appeal the decision to the CDE.

\_\_\_\_\_  
Parent/Guardian/Student Signature

\_\_\_\_\_  
Date

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**For Office Use Only:**

Date Delivered/Mailed to Parent/Guardian/Student: \_\_\_\_\_

10/08