
NATIONAL LAW CENTER ON HOMELESSNESS & POVERTY

Washington, D.C. Procedures – Dispute Resolution Under McKinney-Vento Act

Programs under the McKinney-Vento Homeless Assistance Act (“McKinney-Vento”) are designed to address the problems faced by homeless children and youth in enrolling, attending, and succeeding in school. Under such programs, state educational agencies (“SEAs”) must ensure that each homeless child and youth has equal access to the same free, appropriate public education, including a public preschool education, as given to other children and youth. Additionally, McKinney-Vento requires each SEA establish procedures for the prompt resolution of disputes regarding the educational placement of homeless children and youth.

Washington, D.C.’s Office of the State Superintendent of Education, by its Education of Homeless Children and Youth Program, is responsible for ensuring that homeless children and youth are enrolled and attending school and are given a full and equal opportunity to reach the same high academic standards expected of all children. A comprehensive breakdown of enrollment, placement, and dispute resolution procedures for Washington, D.C., may be found in Code of D.C. Municipal Regulations § 5-A5099. Additionally, a description of Washington, D.C.’s dispute resolution policy and other resources regarding the education of homeless children and youth can be found at <http://osse.dc.gov/service/education-homeless-children-and-youth-program>. These procedures are purposed to facilitate the enrollment of homeless children of school age and, where appropriate, of preschool age in public school districts of Washington, D.C., to enable the children to have access to a free, appropriate public education, and to be free of being stigmatized on the basis of their status as homeless. Washington, D.C.’s definition of “homeless children and unaccompanied youth” mirrors that of McKinney-Vento. Code of D.C. Mun. Reg. § 5-A5099.

NOTE: Washington, D.C., has announced a forthcoming dispute resolution and appeals policy. This new policy will be available at the OSSE website.

Step One: School Enrollment

Homelessness alone is insufficient for the denial of enrollment in a Washington, D.C., public school to a child or youth. CDCR 5-E2010.1. A child or youth who meets the definition of “homeless children and unaccompanied youth” is entitled to receive a free, appropriate public education and necessary support services. *Id.*

Furthermore, the LEA shall determine school placement based on the best interests of a homeless child or youth. *Id.* In accordance with the best interests of the homeless child or unaccompanied youth, the LEA must, to the extent feasible, continue the child or youth’s education in the school of origin for the duration of the homelessness if the child or youth’s family becomes homeless between or during academic years, or for the remainder of the academic year if the child or youth becomes permanently housed during the academic year. §§ 5-E2010.1(a)(1)-(2). The LEA may also, in determining the best interests of the homeless child or youth, 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 actually living are eligible to attend. § 5-E2010.1(b).

Step Two: Enrollment Dispute

McKinney-Vento requires each SEA establish procedures for the prompt resolution of disputes regarding the educational placement of homeless children and youth.

The Office of the State Superintendent of Education's Education of Homeless Children and Youth Program has been designed to assist children and youth who are experiencing homelessness and their families regarding educational issues. In the event a homeless child or youth experiences difficulty enrolling in school, the student, parent or guardian, or unaccompanied youth should contact the local LEA liaison. § 5-E2010.6(b). The student, parent or guardian, or unaccompanied youth shall be referred to the Local Lead Homeless Liaison for the relevant school or school district. In the case of an unaccompanied youth, the LEA homeless liaison shall assist the youth in placement or enrollment decisions, consider the youth's wishes, and provide to the youth the requisite notice. § 5-E2010.3.

If the LEA sends the child or youth to a school other than the school of origin or the school requested by the parent or guardian, the LEA must provide a written explanation to the parent or guardian, including the right to appeal under the enrollment dispute provision. §§ 5-E2010.2, 5-E2010.6(a). Should a dispute arise over school selection or enrollment, the school must immediately enroll the homeless child or youth in school, pending resolution of the dispute, including any appeals to the State Complaint Office. § 5-E2010.4. Enrollment must occur even if the child or youth lacks the records normally required for enrollment. *Id.* Further, enrollment must occur in the school in which the parent, guardian or unaccompanied youth seeks enrollment. § 5-E2010.6. If the local school cannot resolve the dispute, the school must follow the dispute resolution process in accordance with McKinney-Vento. At the completion of the dispute resolution process conducted by the local school, the local school shall provide a written explanation of its decision. § 5-E2010.6(a). Such written explanation must include notice of the right to appeal the decision to the parent or guardian or unaccompanied youth. *Id.* The duration of the local dispute resolution process shall not exceed fifteen days. § 5-E2010.6(b).

The Education of Homeless Children and Youth Program and its corresponding policies, however, shall not be interpreted to supersede admissions criteria established for schools or programs, provided the specific admissions requirements and selection criteria have been approved by the Board of Education. § 5-E2010.5.

Step Three: Appeal Process

If a dispute remains unresolved, either by the LEA's failure to resolve the issue within the requisite timeframe or by the student, parent or guardian, or unaccompanied youth's dissatisfaction with the rendered decision, an appeal may be made by filing a complaint with the State Complaint Office. § 5-E2010.6(c). The State Complaint Office must reach a final decision as expeditiously as possible. *Id.* In no case shall this process exceed fifteen days from the date of the complaint's filing with the State Complaint Office. *Id.*

Additional Resources

<http://osse.dc.gov/service/education-homeless-children-and-youth-program>

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