
NATIONAL LAW CENTER ON HOMELESSNESS & POVERTY

Idaho 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.

In compliance with the federal McKinney-Vento Act and Section 33-1404, Idaho Code, the following procedures are established to promptly resolve disputes regarding the educational placement of students experiencing homelessness, and shall be implemented in all school district/LEAs in this state, including charter schools authorized by the Idaho Charter Commission. A student is considered homeless under the McKinney-Vento Homeless Assistance Act if the student lacks a fixed, regular, and adequate nighttime residence.

Step One: School Enrollment

School enrollment of a homeless child or youth will be determined based on the best interest of the student and the request of the parent/guardian or unaccompanied youth. To the extent feasible, the student shall be immediately enrolled or continue enrollment in the school of origin. The school of origin is defined as:

- The school last attended by the student when permanently housed; or
- The last school in which the child was enrolled.

Step Two: Dispute Resolution

If there is a dispute regarding the educational placement of a homeless student, or if a school or school district/LEA denies a child, youth, or unaccompanied youth homeless status, then a written notice of explanation of such decision shall be promptly provided to the parent/guardian of the child, or to the youth, if unaccompanied by a parent/guardian. Such notice shall be in language the parent/guardian or unaccompanied youth can understand, shall include a description of how to dispute the decision, and shall include a summary of the dispute resolution process.

In addition, the school district/LEA shall promptly refer the parent/guardian or unaccompanied youth to the homeless liaison, who shall carry out the dispute resolution process within ten (10) business days. The parent/guardian shall be referred to the homeless liaison who shall advise the parent/guardian of the child’s rights, assist in and carry out the dispute resolution process. With respect to unaccompanied youth, the liaison shall ensure the same access to the dispute resolution process.

During the pendency of the dispute resolution process, the child, youth, or unaccompanied youth shall be immediately enrolled or continue enrollment in the school of choice (school of origin or local attendance area). Enrollment shall include all educational services for which the student is eligible, such as attending classes and full participation by such student in all school activities.

Step Three: Appeal

If agreement cannot be reached between the parties regarding the educational placement or enrollment status of the student, then the school district/LEA shall promptly seek further assistance from the State Coordinator of Homeless Education to review and determine within ten (10) business days how the student's best interests will be served. All interested parties will be expeditiously informed of the State's determination in writing. The decision of the State Department of Education shall constitute final resolution.

How to Find your LEA:

The website below has a link to all of the homeless education liaison contact information.

http://www.sde.idaho.gov/site/homeless_edu/liaison.htm

The website below has a current (October 2012) list of all of the school districts and their LEA contact information.

<http://www.sde.idaho.gov/maillinglists/list/HomelessEducationProgram.asp>

State Coordinator Contact:

Ms. Karen Seay
State Coordinator for Homeless Education
Idaho Department of Education
P.O. Box 83720
650 W. State Street
Boise, ID 83720-0027
Phone: 208-332-6978
Fax: 208-334-2228
Email: kjseay@sde.idaho.gov

Steps Taken If a Dispute Arises

Steps	Completed by:	Given to:	Timeline
Notice of Explanation	School District or LEA	Parent/guardian of child or to child if no parent/guardian *Must be in language simple enough for the recipient to understand; must include directions on how to dispute; must include summary of dispute process.	“promptly”
Referral to Homeless Liaison	School District or LEA	Parent/guardian of child or to child if no parent/guardian	“promptly”
Carry Out Dispute Resolution Process	Homeless Liaison	School District or LEA	Within 10 business days
Enrollment of Child During Dispute	School District	Child	Immediately during dispute
Further Assistance *If Homeless Liaison and School District or LEA cannot reach agreement	School District or LEA	State Coordinator of Homeless Education	Within 10 business days
Final Resolution	State Board of Education	All interested parties	“expeditiously”

Additional Information

1. http://www.sde.idaho.gov/site/homeless_edu/law.htm
2. http://www.sde.idaho.gov/site/homeless_edu/liaison.htm
3. http://www.sde.idaho.gov/site/homeless_edu/resources.htm