
NATIONAL LAW CENTER ON HOMELESSNESS & POVERTY

Maryland 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.

Maryland’s state education law is codified at Md. Admin. Code §13A.05.09.07. Each local school system shall establish an expedited dispute resolution process to address disputes arising regarding services to homeless children under this chapter.

Step One: School Enrollment

The McKinney-Vento Act requires schools to enroll students experiencing homelessness immediately, even if the student is unable to provide documents that are typically required for enrollment. Enroll means permitting the student to attend classes and participate 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 – School District level

The child, youth, parent, or guardian shall be referred to the local school system coordinator, who shall assist with carrying out the dispute resolution process as expeditiously as possible after receiving notice of the dispute. In the case of an unaccompanied homeless youth, the homeless liaison shall ensure that the youth is immediately enrolled in school, pending resolution of the dispute. MAC §13A.05.09.07(B).

a. School Principal - Upon receipt of a written complaint from the parent, guardian, or an unaccompanied homeless youth, the principal shall resolve the complaint within 5 school days. Parents, guardians, or an unaccompanied homeless youth shall be provided with a written explanation of the school's decision of the dispute, including the right to appeal.

b. Local Superintendent - If the parent, guardian, or unaccompanied homeless youth is dissatisfied with the resolution, or if the principal does not issue a decision within 5 days, the parent may file a written complaint with the local superintendent, who shall issue a decision within 10 school days.

c. Local School Board - If the local superintendent does not issue a decision within 10 days, or if the parent is dissatisfied with the decision, the parent may appeal the decision to the local board, in writing, within 30 days. The local board shall decide the appeal on an expedited basis within 45 days of receipt of the appeal.

Step Three: Appeal – State Level

If the parent, guardian, or unaccompanied homeless youth is dissatisfied with the decision of the local board, the parent may appeal the decision to the State board, in writing, within 30 days, pursuant to COMAR. MAC §13A.05.09.07

Procedural Step:	Completed by:	Given to:	Due Date:
Complaint (must be written)	Parent guardian, or unaccompanied youth	Principal of school	Not Specified. Principal’s Decision must be submitted within 5 days of receipt of Complaint.
Complaint (must be written). If dissatisfied with principal’s decision or decision is not made within 5 days, parent can file may file complaint.	Parent guardian, or unaccompanied youth	Local Superintendent	Not Specified. Local Super indent’s Decision must be made within 10 school days .
Appeal	Parent guardian, or unaccompanied youth	Local School Board	Appeal must be filed within 30 days from date of Decision of Local Superintendent. Local School Board’s Decision must be made within 45 days of receipt of Appeal.
Appeal	Parent guardian, or unaccompanied youth	State Department of Education	Appeal must be made, in writing, within 30 days of Local School Board’s Decision.

Additional Resources

William T. Cohee, Ed.D., Coordinator of Homeless Education
Program Improvement and Family Support Branch
Division of Student, Family, and School Support
Maryland State Department of Education
200 West Baltimore Street
Baltimore, MD 21201
Phone: 410-767-0945
Email: wcohee@msde.state.md.us

http://www.marylandpublicschools.org/NR/rdonlyres/8C2A95D7-D585-404E-A9FA-F689F01FE51E/24343/MV_COMAR_6_18_2010.pdf

Local District's Homeless Education Coordinator (bottom of page):
<http://www.marylandpublicschools.org/msde/programs/homeless/>

Case law:

A class of plaintiffs was certified in Bullock v. Bd. of Edu. of Mont. Cty., 2002 U.S. Dist. LEXIS 21576 (Mary. Dist. Ct.) In this case, the plaintiffs alleged that the Board of Education failed to correctly identify “homeless” students, and that the Board failed to inform them of their rights under the McKinney-Vento Act, including the right (1) to remain at their home school, and (2) to receive transportation services to their school. Bullock v. Bd. of Edu. of Mont. Cty.,