

NATIONAL LAW CENTER ON HOMELESSNESS & POVERTY

Massachusetts State Procedures – Dispute Resolution Under the 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.

Massachusetts State law provides a detailed process for McKinney-Vento compliance. In Massachusetts, if a school district challenges the right of a homeless student to attend a district school, the school district must continue to provide transportation and other services to the student until the dispute is resolved.¹

Step One: School Enrollment

The dispute resolution process begins when the school district challenges the student's enrollment/continued enrollment in school. The district must notify the Homeless Liaison and the parent/guardian or unaccompanied youth in writing the same day the school district challenges the enrollment of the student. This notice must include the right of the parent/guardian or unaccompanied youth to appeal the decision. The district must also notify the Department of Elementary & Secondary Education (DESE) the same day and provide the DESE with copies of all notices provided to the parent/guardian or unaccompanied youth.

Step Two: Enrollment Dispute

The Liaison must then provide the parent/youth with a clear, easy-to-understand, written explanation of dispute resolution process, and include the contact information for Massachusetts Advocates for Homeless Children and Youths (MAEH CY).

The school district then has two (2) working days to determine whether it will continue to challenge the right of the student to be enrolled in school. During this time, the DESE may provide technical assistance to the school on the requirements of the McKinney-Vento act.

The final decision by the school district must be made in writing by the Superintendent and it must state all of the factual reasons including the legal basis for the decision.

¹ Homeless Education Advisory 2003 - 7: http://www.doe.mass.edu/mv/haa/03_7.html

Step Three: Appeal Process

If the final decision by the school district is adverse to the position of the parent, guardian, or unaccompanied youth, a copy of the adverse written decision must be provided to the DESE, the Liaison and through him/her to the parent or guardian on the same day it is made (no later than the end of the two (2) working days from the initial determination). The parent/youth then has the right to appeal the decision to the DESE.

Once the DESE has received the appeal, the Commissioner has two (2) working days to make a decision. The decision made by the Commissioner is final.

Form or Document:	Completed by:	Given to:	Due Date:
Homeless Education Advisory 2003 - 7A: School District Notification of Enrollment Decision http://www.doe.mass.edu/mv/haa/03_7A.pdf	School or School District	District Homeless Education Liaison AND Notification to the Department of Elementary & Secondary education (with copies of all notices provided to the parent/guardian or unaccompanied youth)	On the day of the challenge
Written Notice Detailing the Dispute Resolution Process (It must be clear and easy-to-understand.)	District Homeless Education Liaison	Parent, guardian, or unaccompanied youth	Not Specified
Final Written Decision (It must state all of the factual reasons including the legal basis for the decision.)	School District Superintendent	If the decision is adverse to the youth, a copy must be provided to the Department of Elementary and Secondary Education, the Liaison and through him/her to the parent or guardian	The same day the decision is made (no later than the end of the two working days from the initial determination).
Appeal Form: Homeless Education Advisory 2003 - 7B: Appeal of School District's Enrollment Decision http://www.doe.mass.edu/mv/haa/03_7B.pdf	District Homeless Education Liaison, parent, guardian, or unaccompanied youth	School or School District	Not Specified

Additional Information

Instructions to Locate Your Local LEA Liaison

The following instructions provide access to a list of the Massachusetts Homeless Education Liaisons:

1. Go to the DESE home page: <http://www.doe.mass.edu/mv/?section=office>
2. Click on the "[Resources and Links](#)" link found at the top of the page.

3. Click on the “[Homeless Education Liaison List](#)” link found at the bottom of the page.
4. From the “**Function**” drop-down menu at the top of the page, select “**Homeless Liaison.**”
5. If you know the name of the school district, type it into the “**Organization Keyword**” field and click the “**Get Results**” button.
 - a. If you do not know the name of the school district, click the “**Get Results**” button and every school district will appear in the search results.
6. Locate your school district from the search results and the homeless liaison along with their contact information.

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