
NATIONAL LAW CENTER ON HOMELESSNESS & POVERTY

Montana 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.

Under Montana law, the trustees of a school district shall assign and admit a child who is homeless, as defined in the Stewart B. McKinney Homeless Assistance Act (Public Law 100-77), to a school in the district regardless of residence. The trustees may not require an out-of-district attendance agreement or tuition for a homeless child. Montana Code Annotated, Sec.20-5-101.

Montana does not have any guidelines in place for the dispute resolution process at the present time. The State Coordinator for Homeless Education is working on creating such guidelines and hopes to have guidelines to distribute to me within a month.

Additional Information:

A copy of the McKinney-Vento Homeless Education Assistance Dispute Resolution form can be found at the following website:

<http://www.opi.mt.gov/pdf/Homeless/DisputeResolutionForm.pdf>

The Montana Statute directing enrollment of students under the Stuart B. McKinney Homeless Assistance Act is found here:

<http://data.opi.mt.gov/bills/mca/20/5/20-5-101.htm>

The Montana Office of Public Instruction maintains a webpage with information on the McKinney-Vento act here:

http://opi.mt.gov/Programs/SchoolPrograms/index.html?gpm=1_5#gpm1_7

Appeal Documents and Timeline for Filing an Appeal

Name of Form:	Completed by:	Given to:	Due Date:
McKinney-Vento Homeless Education Assistance Dispute Resolution Form			