
NATIONAL LAW CENTER ON HOMELESSNESS & POVERTY

New Hampshire 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.

New Hampshire’s state education law is codified at N.H. Rev. Stat. Ann. § 186 *et seq.* The section specifically on-point with regard to waiver of the residency requirement for children experiencing homelessness appears at N.H. Rev. Stat. Ann. § 193: 12(IV). The residency dispute policy is codified at N.H. Rev. Stat. Ann § 193: 12(VI)(a). The Commissioner of the Department of Education holds responsibility for deciding residency issues, and may appoint a designee.

The New Hampshire Homeless Children and Youth Program is responsible for ensuring that homeless children and youth are enrolled and attending school and have a full and equal opportunity to reach the same high academic standards expected of all children. The McKinney-Vento Act, Section 722(g) (1) (C) requires each state education agency establish procedures for the prompt resolution of disputes regarding the educational placement of homeless children and youth. The New Hampshire State Coordinator of the Education of Homeless Children and Youth Program (“Coordinator”) is available to provide technical assistance, guidance, and mediation in the enrollment and dispute processes.

The New Hampshire Department of Education has adopted a policy to provide guidance to local school districts in implementing the dispute resolution process for homeless children and youth when that decision is not or cannot be made at the local level.

Step One: School Enrollment

School enrollment of a homeless child or youth shall be determined by the parent, guardian, student of lawful age, or unaccompanied youth. To the extent feasible the student will be enrolled in the school of origin. The school of origin is defined as the school last attended by the child or youth when permanently housed, or the last school in which the child or youth was enrolled.

If placement in the school of origin is not feasible, or against the wishes of the parent, guardian, student of lawful age, or unaccompanied youth, the student will be enrolled in the school serving the community where the child or youth temporarily resides. In the case of an unaccompanied

youth, the Local Homeless Education Liaison shall assist the youth in the school enrollment process.

Step Two: Enrollment Dispute

Each school district shall have a policy for the resolution of disputes involving homeless children and youth. If an enrollment dispute develops regarding the enrollment options available under the McKinney-Vento Act, the child or youth shall be immediately admitted to the school of origin. The child or youth shall remain in attendance at the school of origin during the pendency of a determination of residency. If there is no school of origin within New Hampshire, the child or youth shall immediately be admitted to the school in which enrollment is sought pending determination of the residency dispute, provided such school is in the school district in which the child temporarily resides. N.H. Rev. Stat. Ann. § 192: 12(VI)(b).

Resolution of the dispute shall be facilitated by the superintendent or designee as expeditiously as possible in accordance with McKinney-Vento requirements and the LEA (school district) dispute policy. If more than one school district is involved in a residency dispute, the respective superintendents shall jointly make such a decision. In the case of an unaccompanied youth, the Local Homeless Education Liaison shall assist the youth in the dispute process.

A written explanation of the superintendent's decision regarding school enrollment shall be provided to the parent, guardian, student of lawful age, or unaccompanied youth including a statement regarding the right to appeal the decision to the New Hampshire Department of Education.

Step Three: Appeal Process

When an agreement cannot be reached, the aggrieved party shall submit a written request for dispute resolution to New Hampshire Department of Education, Dispute Resolution and Constituent Complaints and provide a copy of the request to the State Coordinator, Education of Homeless Children and Youth. The commissioner of the department of education, or designee, shall issue a temporary order within 14 days of notice of the residency dispute. Such determination shall remain in effect pending the decision of the New Hampshire State Board of Education. In the case of an unaccompanied youth, the Local Homeless Education Liaison shall assist the youth in the appeal process.

A written explanation shall be provided to the parties of record and a copy of such explanation shall be kept on file by the Department of Education. Any person aggrieved by the decision may appeal the determination to a court of competent jurisdiction.

Additional Resources

http://www.education.nh.gov/instruction/integrated/documents/homeless_dispute_process.pdf

Procedural Step:	Completed by:	Given to:	Due Date:
Enrollment or Residency Dispute	Initiated by parent, guardian, or LEA	Processed by LEA Superintendent or designee Department.	A written explanation of the superintendent's decision shall be provided to the parent, guardian, student of lawful age, or unaccompanied youth – including a statement of the right to appeal the decision to the state Board of Education. No deadline specified.
Written request for dispute resolution	Aggrieved party	New Hampshire Department of Education, Dispute Resolution and Constituent Complaints with a copy of the request to the State Coordinator, Education of Homeless Children and Youth	The commissioner of the Department of Education, or designee, shall issue a temporary order within 14 days of notice of the residency dispute. A written explanation shall be provided to the parties of record and a copy of such explanation shall be kept on file by the Department of Education. Any person aggrieved by the decision may appeal the determination to a court of competent jurisdiction.

Additional Information

Instructions to Locate Your Local LEA Liaison

The following instructions provide access to a list of the Homeless Children and Youth School District Liaisons for the State of OhioGo to the CCIP home

page: <https://ccip.ode.state.oh.us/default.aspx?ccipSessionKey=633505173852233758>

1. Click on the "**Search**" link found in the left navigation menu.
2. Enter the first few letters of the District Name into the "**Organization Name**" field provided. Use the appropriate selection from the drop-down menu, "**Begins With.**"

State Officials

State Coordinator:

Tom Dannis

Ohio Department of Education

25 S. Front Street, Mail Stop 404

Columbus, OH 43215

Phone: 614-466-4161

Fax: 614-752-1622

Email: Tom.Dannis@ode.state.oh.us

Superintendent of Public Instruction:

Michael Sawyers

Ohio Department of Education

25 S. Front Street

Columbus, OH 43215

Phone: 877-644-6338

Frequently Asked Questions

https://ccip.ode.state.oh.us/DocumentLibrary/ViewDocument.aspx?DocumentKey=7567_2