
NATIONAL LAW CENTER ON HOMELESSNESS & POVERTY

North Dakota 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. If only providing the web addresses with websites containing the information and the family does not have internet access, the school must provide an alternate method by which the family can learn of the dispute resolution process.

The North Dakota Department of Public Instruction administers the educational program for Homeless Children and Youth. Pursuant to the North Dakota state code, the state adopted the McKinney-Vento Act. NDCSC 15. 1-19-08(1). The superintendent of public instruction shall adopt rules to implement the law in the state, which must reflect the child’s best interest. NDCSC 15. 1-19-08(4). Every school district is required to provide information with regard to the McKinney Vento Act dispute resolution process each fall.

Step One: School Enrollment

The school must direct the student and his or her parents or guardian to its homeless liaison. If a dispute arises over school selection or enrollment for a homeless child, this is the first level at which an enrollment dispute may be resolved. The homeless liaison must ensure the dispute resolution process also applies to children supervised by parents or guardians or unaccompanied youths. The response from liaison must include information on the right to appeal the decision. The child must be immediately enrolled in the school to which he or she seeks enrollment, pending the resolution of the dispute.

Step Two: Enrollment Dispute

If the dispute with regard to the educational placement of a homeless child or youth continues, the local school district’s liaison must notify the State Homeless Coordinator of the dispute. The Coordinator then documents the cause of the dispute and identifies the contact person for enrollment. The complaint must include the date; name of the district, unit, or individual the complaint is against; name, address, and telephone number of the person making the complaint; a detailed description of the complaint, including specific facts; and signature of the person making the complaint. The complaint may be sent via mail or e-mail.

The Coordinator telephones liaison contact to discuss the situation. The contact will be followed with a letter that details the requirements of the McKinney-Vento Act. The liaison will be

informed that the school must immediately contact the last school in which the student was enrolled to obtain relevant records. The Coordinator will set up a meeting with the liaison, parents or guardians of the student, and homeless service providers to resolve the issue in a calm, respectful manner. This response is required within sixty days of receiving the complaint.

Step Three: Reconsideration

If the dispute is still ongoing, within thirty days of receiving a response, the parent, guardian, or unaccompanied youth may further appeal to the State Superintendent of Public Instruction. The State Superintendent will issue a final decision within thirty days of the request for reconsideration.

Step Four: Appeal

Once a response is received from the State Superintendent, the person making the complaint may submit a reconsideration request in writing to the Secretary of Education.

Appeal Documents and Timeline for Filing an Appeal

Name of Form:	Completed by:	Given to:	Due Date:
Notification of Dispute	School District's Homeless Liaison	State Homeless Coordinator	-
Documents cause of the dispute and identifies the contact person for enrollment at LEA	State Homeless Children and Youth Coordinator	-	-
Discuss situation and explain that the contact will be followed with a letter from Coordinator that details the requirements of the McKinney-Vento Act	State Coordinator	LEA enrollment contact	-
Must immediately contact last attended school to obtain relevant academic and other records. Student must otherwise be immediately admitted into the school in	Liaison/School	Last attended school	-

which he or she seeks enrollment, pending resolution of the dispute.			
State Coordinator must set up a meeting to resolve issue in a calm, respectful manner.	State Coordinator	LEA enrollment representative, parents of student, homeless service providers, and State Homeless Coordinator	Resolved within 60 days.
Request for reconsideration.	Parent, Guardian, or Unaccompanied Youth	State Superintendent of Public Instruction	Within 30 days.
Response to request for reconsideration.	State Superintendent of Public Instruction	Parent, Guardian, or Unaccompanied Youth	Within 30 days.
If school does not agree to comply, State Coordinator contacts United States Department of Education at federal office for McKinney-Vento Act for further ideas with regard for resolution.	State Coordinator	United States Department of Education	-

Additional Information

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For additional information, please visit the North Dakota Department of Public Instruction website for Education of Homeless Children and Youth:
<http://www.dpi.state.nd.us/title1/homeless/index.shtm>

North Dakota Dispute Resolution for Title 1 Matters:
<http://www.dpi.state.nd.us/title1/dispute.pdf>

Dispute Resolution Process:
<http://www.dpi.state.nd.us/title1/homeless/implement/resolution.pdf>

Sample LEA Dispute Resolution Policy Template:
<http://www.dpi.state.nd.us/title1/homeless/local/sampledispute.pdf>