
NATIONAL LAW CENTER ON HOMELESSNESS & POVERTY

Oklahoma 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.

Oklahoma’s state education law is codified in Okla. Admin. Code §210:40-9. Every effort must be made to resolve the complaint or dispute at the school district level before it is brought to the Oklahoma State Department of Education (“OSDE”). It is the responsibility of the school district, hereinafter “district” to inform the complainant of the district’s complaint Resolution Procedure when a question concerning the education of a homeless child or youth arises.

Oklahoma 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

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.

Student Enrollment Questionnaire: <http://ok.gov/sde/sites/ok.gov.sde/files/Homeless-EnrollQuestion.pdf>

Step Two: Enrollment Dispute –School District level

It is the duty of the school district to inform the parent, guardian or unaccompanied youth of the district’s Complaint Resolution Procedure. The district must notify the homeless coordinator, who serves as a liaison between the homeless child and the school the child attends.

While the dispute is ongoing, the child(ren) in question must be enrolled in and attending school. If the dispute revolves around which school is the school of best interest for the child, the child

shall remain in the school they currently attend until the dispute is resolved, unless arrangements already implemented allow the child to attend the school of origin. OAC §210:40-9-3(6).

The complainant should request a copy of or access to the district board of education policies addressing the education of homeless children, review them, and make an appointment with the homeless coordinator to discuss their complaint. OAC §210:40-9-2(1)(A).

If the dispute is not resolved after the initial discussion with the district's homeless coordinator, the complainant may file a written complaint the district's homeless coordinator for further review. OAC §210:40-9-2(1)(B). The complaint should request a written proposed resolution of the dispute of a plan of action be provided within five (5) days from the date the complaint was received by the district's homeless coordinator. The parties may mutually agree on an extension; however, every effort should be made to resolve the complaint in the shortest possible time. OAC §210:40-9-2(1)(C).

If the dispute is not resolved at the district homeless coordinator level, the complaint may be forwarded to the superintendent of the district for review followed by a meeting with the superintendent to discuss the dispute. The complainant should request from the superintendent a written resolution within five (5) days of the date of the discussion/meeting. OAC §210:40-9-2(2).

Step Three: Enrollment Dispute – State Level

If the dispute is not resolved in a satisfactory manner at the school district level, the complaint may be brought to the OSDE. The complaint must be written, signed by the complainant, and include: (1) a detailed description of the dispute; (2) the name(s) and age(s) of the children involved; (3) the name(s) of involved school district personnel and the district(s) they represent; and (4) a description of attempts that were made to resolve the issue at the school district level. OAC §210:40-9-3(1).

The Team Leader of the Office of Grants Planning will inform the involved school district(s) of the complaint. Within thirty (30) days after receiving a complaint and investigating the complaint, the team leader will make a determination regarding the allegations on the complaint and will inform the parties, in writing, of the decision. OAC §210:40-9-3(3).

If a complainant disagrees with the decision, the complainant may, within ten (10) working days, appeal the decision to the Deputy State Superintendent of Public Instruction. This appeal must be in writing and state the reasons why the complainant disagrees with the decision. OAC §210:40-9-3(4). Within thirty (30) days after receiving the appeal, the Deputy State Superintendent of Public Instruction will render a final decision and notify the complainant and all other interested parties in writing. Although the standard procedure allows thirty (30) days for a response, every effort will be made to resolve the complaint in the shortest possible time. §210:40-9-3(5).

Additional Resources

<http://ok.gov/sde/sites/ok.gov.sde/files/Homeless-MVComplaint.pdf>

Ms. Alice Byrd
Ms. Vickie Stewart
Co-Coordinators, Homeless Education Program
Program Specialists, Title I, II, VI, & X
Oklahoma State Department of Education
2500 N. Lincoln Blvd
Oklahoma City, OK 73105-4599
Phone: Alice: (405) 521-2785; Vickie: (405) 521-4878
Alice.Byrd@sde.ok.gov
Vickie.Stewart@sde.ok.gov

Local Liaisons Contact info

<http://ok.gov/sde/sites/ok.gov.sde/files/Homeless-MVContact.pdf>

Procedural Step:	Completed by:	Given to:	Due Date:
Enrollment or Residency Dispute	Parent guardian, or unaccompanied youth	School District's Homeless coordinator	Not Specified.
Complaint (must be written). Should request a written proposed resolution within 5 days.	Parent guardian, or unaccompanied youth	School District's Homeless coordinator	Must be filed only after initial discussion with homeless coordinator.
Complaint (must be written). If dissatisfied with decision. Should request a decision within 5 days of discussion.	Parent guardian, or unaccompanied youth	School District's Superintendent	Decision must be made within 5 days from date of complaint, unless parties agree to extension.
Complaint (must be written and signed by complainant). Complaint requires the following: (A) A detailed description of the dispute; (B) The name(s) and age(s) of the children involved; (C) The name(s) of	Parent guardian, or unaccompanied youth	State Homeless Coordinator, Oklahoma State Department of Education, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105.	Decision must be made within 30 days of receipt of Complaint.

<p>involved school district personnel and the district(s) they represent; and (D) A description of attempts that were made to resolve the issue at the school district level</p>			
<p>Appeal</p>	<p>Parent guardian, or unaccompanied youth</p>	<p>Deputy State Superintendent of Public Instruction</p>	<p>Appeal must be made, in writing, within 10 working days of State Homeless Coordinator's Decision.</p> <p>Decision must be made within 30 days of receipt of Appeal.</p>