
NATIONAL LAW CENTER ON HOMELESSNESS & POVERTY

Oregon State Procedures – Dispute Resolution Under the McKinney-Vento Act

The McKinney-Vento Homeless Assistance Act requires each State educational agency to ensure that homeless children and youths have equal access to public education (McKinney-Vento Act § 721.1). Each State is required to submit a plan to the Secretary to provide for the education of homeless children and youths within the State (§722(g)(1)). Local education agencies (LEA) are required under the Act to continue educating homeless or unaccompanied children or youths in the school of origin¹ for the duration of the homelessness or to enroll the children or youths in any public school where nonhomeless students living in the attendance area are eligible to attend, according to the best interest of the child or youth in question (§722(g)(3)(i)-(ii)). If a dispute occurs over school selection or enrollment, the child or youth must be immediately enrolled in the school in which enrollment is sought, pending the resolution of the dispute (§ 722(g)(3)(E)(i)). A written explanation of the school’s decision regarding school selection or enrollment, and the rights of the parent, youth, or guardian to appeal the decision, must be provided to the parent or guardian of the child or youth (§ 722(g)(3)(E)(ii)). Additionally, the child, youth, parent, or guardian must be referred to the local LEA liaison, who is required to carry out the dispute resolution process as expeditiously as possible after receiving notice of the dispute (§ 722(g)(3)(E)(iii)).

Each State is given broad discretion to implement dispute resolution procedures under the McKinney-Vento Act. As such, Oregon is a state that has not codified the dispute resolution process. Every school district is required to have a dispute resolution process in place addressing the right of homeless students to appeal placement determinations, but Oregon provides school districts with a large degree of control over how they implement their processes. In addition to the language of the McKinney-Vento Act, there is a document on the Oregon Department of Education (ODE) website that provides the ODE Homeless Education Program’s recommended steps to the dispute resolution process, which are outlined below.

Step One: Enrollment

The district shall permit the homeless student to continue attendance in the school of origin for the duration of the homelessness or enroll the student in a school in the attendance area in which the homeless student is living. The “school of origin” is the school that the student attended when permanently housed or the school where last enrolled. The decision is based on the best interest of the child. Homeless students are also entitled to attend school without enrollment delays due to transportation problems, transfer of records, immunization or residency requirements, or guardian issues.

¹The Education for Homeless Children and Youth Program, Office of the State Coordinator, can be reached at (503) 947-5781 or dona.bolt@state.or.us.

Step Two: Enrollment Dispute

When a school district makes a determination on eligibility, enrollment, or school placement of a homeless student that conflicts with the wishes of a parent, guardian, or student involved, it must provide written notice of the determination and instructions on how to appeal the decision to all parties. A person with a complaint should first contact the school or district (the LEA liaison, principal, or superintendent) to express his or her concerns in an attempt to resolve the problem quickly.

Step Three: Appeal Process

If contact with the LEA liaison, principal, or superintendent is unsuccessful, the second point of contact should be to the ODE directly through the Education for Homeless Children and Youth Program, Office of the State Coordinator.¹ The ODE will respond to the complaint within twenty business days of the receipt of the complaint. Review by ODE should be the final step in the dispute resolution process. In accordance with the McKinney-Vento Act, students are entitled to remain in their school of choice until the dispute is resolved. (ODE Dispute Resolution Procedure for Homeless Students & Families, http://www.ode.state.or.us/opportunities/grants/nclb/title_x/disputeresolution.pdf, Sept. 17, 2012). As noted by the State Coordinator in Oregon, appeals should come before her or her superiors, but they are very few in number, and none have occurred in many years.

Because each school district is given broad discretion in incorporating their own dispute resolution procedures, there are no standardized forms associated with the appeal process in Oregon. Rather, the following resources have been recommended:

The Sample Policy: Homeless Students – JECBD and JECBD-AR is available to assist school districts in developing dispute resolution procedures and policies (http://www.osba.org/Resources/Article/Board_Policy/Sample_policy_JECBD.aspx).

As referenced above, the ODE Dispute Resolution Procedure for Homeless Students and Families (http://www.ode.state.or.us/opportunities/grants/nclb/title_x/disputeresolution.pdf) is available to aide families requesting hearings

Procedural Step:	Completed by:	Given to:	Due Date:
Enrollment or Residency Dispute	Aggrieved party	LEA liaison, principal, or superintendent	When a school district makes a determination of eligibility, enrollment, or school placement of a homeless student that conflicts with the wishes of a parent, guardian, or student involved, it must provide written notice of the determination and instructions of

			how to appeal the decision to all parties. No deadline specified.
Written Request for Dispute Resolution	Aggrieved party	ODE directly through the Education for Homeless Children and Youth Program, Office of the State Coordinator	The ODE will respond to the complaint within 20 business days of the receipt of the complaint.

Instructions to Locate Your Local LEA Liaison

To reach a school district's homeless liaison, contact the State Homeless Education Coordinator at (503) 947-5781 (dona.bolt@state.or.us).