

---

# NATIONAL LAW CENTER ON HOMELESSNESS & POVERTY

---

## **Washington 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.

Washington's state education law is codified at Wash. Rev. Code § 28A *et seq.* Specifically, Wash. Rev. Code § 28A.225.215 waives the proof of residency requirement for homeless children and youth. The Washington State Office of Superintendent of Public Instruction (OSPI) oversees the Education of Homeless Children and Youth program. The OSPI ensures that homeless children and youth are enrolled and attending school.

The OSPI has also adopted a dispute resolution procedure regarding the placement and enrollment of homeless students. This process is not part of Washington's state laws; however, all school districts are expected to follow the OSPI's procedure.

### **Step One: School Enrollment**

According to the homeless student's best interest, they will continued to be enrolled in their 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. But, the parent or guardian of the homeless student may request enrollment in a school where the student is actually living if it is no longer the school of origin. (Policy No. 3115, pg. 1).

A school cannot deny or delay a homeless student's enrollment due to lack of documents required for enrollment, such as medical, immunization, and academic records, and proof of residency. A student must provide their emergency contact information; however, this information cannot be requested in a manner that prevents the student from enrollment. The school also must provide transportation to homeless students to their school of origin or the school where they are to be admitted. (Policy No. 3115, pg. 1-2).

### **Step Two: Enrollment Dispute**

If the school district declines to either enroll a homeless child or unaccompanied youth to the school of origin or the school requested by the parent or unaccompanied youth, the school district must provide the following information to them in writing:

- (1) the LEA homeless liaison and State Coordinator contact information and brief description of their roles;
- (2) form to initiate dispute process;
- (3) step-by-step description of how to dispute the school district's decision;
- (4) notice of the right to enroll immediately in the school of choice, pending resolution of dispute;
- (5) notice of right to appeal to the state if they disagree with the district's decision; and,
- (6) timelines for resolving district and state level appeals.

This information must be provided in a language and format that the parent or unaccompanied youth understands. (OSPI Memo No. 071-09M, pg. 2).

If a parent or unaccompanied youth decides to initiate an enrollment dispute, the student must be immediately admitted to the school in which enrollment is sought, pending resolution of the dispute. Furthermore, every effort must be made to resolve the complaint or dispute at the local level before it is brought to the OSPI. (OSPI Memo No. 071-09M, pg. 2, 4-5).

### **Step Three: Appeal to Local Education Agency (LEA) Liaison**

If the parent or unaccompanied youth wants to appeal a student's placement in a school district, they must first appeal to the LEA liaison. This step is Level I of the appeals process.

To start the dispute resolution process, the parent or unaccompanied youth must file a complaint with the LEA liaison or the school, using a form provided by the school district. They must submit this form within 15 business days of receiving notice that the student will be placed in a school other than the one requested. The LEA liaison must record their receipt of this complaint. This record must include the date, time, and written description of the situation and reason for the dispute. The liaison must also forward a copy of this complaint to their immediate supervisor and the district superintendent.

Within five (5) business days of receiving the complaint, the liaison must make a decision and notify the parent or unaccompanied youth of this decision in writing. The liaison must confirm that they received this decision as well. If the parent or unaccompanied youth disagrees with the LEA liaison's decision, they must notify the liaison of their intent to appeal to the school district superintendent within ten (10) business days of receiving the liaison's decision. Once the liaison has been notified of this intent, the liaison must provide the parent or unaccompanied youth with an appeals package. This package includes a copy of the complaint, the liaison's decision, and any additional information. (OSPI Memo No. 071-09M, pg. 1-3).

### **Step Four: Appeal to Local School District Superintendent**

If the dispute remains unresolved at Level I, the parent or unaccompanied youth may appeal the liaison's decision to the local superintendent, using the appeals package described in Step Three. This step is Level II of the appeals process.

Within five (5) business days of the parent or unaccompanied youth's notification that they wish to appeal the liaison's decision, the local superintendent will arrange for a personal conference to be held with the parent or unaccompanied youth. This meeting must take place as fast as possible. The local superintendent must provide a decision in writing to the parent or unaccompanied youth within five (5) business days of this conference. The district must confirm that the parent or unaccompanied youth receives this decision. The superintendent shall share this decision and the appeals package with the LEA liaison.

If the parent or unaccompanied youth disagrees with the superintendent's decision, they must notify the LEA liaison of their intent to appeal to the OSPI within ten (10) business days of receiving the superintendent's decision. (OSPI Memo No. 071-09M, pg. 3-4).

### **Step Five: Appeal to Office of Superintendent of Public Instruction (OSPI)**

If the dispute remains unresolved at Level II, the parent or unaccompanied youth may appeal to the OSPI. This step is Level III of the appeals process.

Within five (5) business days of informing the parent or unaccompanied youth of the Level II decision, the local superintendent must mail the entire dispute package to the OSPI homeless education coordinator<sup>1</sup> for review. This package must be one complete package via hard copy.

Within fifteen (15) business days of receiving the dispute package, the OSPI homeless education coordinator must make a **final** decision for placement of the homeless child or youth in the school district. The OSPI must forward this decision to the LEA liaison. Then, the liaison will give this decision to the parent and the local superintendent.

The local school district superintendent shall keep a record of all disputes related to the enrollment of homeless students, including those disputes that have been resolved at Level I, Level II, and/or Level III of the appeals process. This log must be made available to the OSPI upon request. (OSPI Memo No. 071-09M, pg. 4).

### **Sources**

Information on the Washington State dispute resolution process can be found at <http://www.k12.wa.us/HomelessEd/pubdocs/DisputeResolutionPolicy.doc>. Information on Homeless Students' Enrollment Rights and Services can be found at <http://www.k12.wa.us/HomelessEd/pubdocs/3115.pdf>.

---

<sup>1</sup> The current OSPI homeless education coordinator is Melinda Dyer. Her phone number is (360) 725-6050 and her email address is Melinda.Dyer@k12.wa.us.

## Additional Information

### Instructions to Locate Your Local LEA Homeless Liaison:

1. Go to the website for the State of Washington's Homeless Liaison contact list for each school district: <http://www.k12.wa.us/HomelessEd/ContactList.aspx>.

<b>Procedural Step:</b>	<b>Completed by:</b>	<b>Given to:</b>	<b>Due Date:</b>
<b>Complaint</b>	Parent or Unaccompanied Youth	LEA liaison or school	Within <b>15 business days</b> of receiving notification that the district intends to enroll student in a school not requested by the parent or unaccompanied youth.
<b>Written decision</b>	LEA liaison	Parent or unaccompanied youth	LEA liaison must make a decision with <b>5 business days</b> of receipt of complaint
<b>Notification of intent to appeal</b>	Parent or unaccompanied youth	LEA liaison	Within <b>10 business days</b> of receipt of notification.

2. The school districts are listed alphabetically. (If there are multiple liaisons for the same school district, you can contact any of them.)

### Level I: Appeal to Local Education Agency (LEA) Liaison Timeline

### Level II: Appeal to Local School District Superintendent Timeline

<b>Procedural Step:</b>	<b>Completed by:</b>	<b>Given to:</b>	<b>Due Date:</b>
<b>Arrangement of personal conference</b>	Local school district's superintendent or designee (someone other than LEA liaison)	Parent or unaccompanied youth	Within <b>5 business days</b> of the parent or unaccompanied youth's notification to district of their intent to appeal to the local superintendent.
<b>Personal Conference</b>	Local school district's superintendent or designee	Parent or unaccompanied youth	Once the conference is arranged, it must take place <b>as fast as possible</b> .

<b>Written decision</b>	Local school district's superintendent or designee	Parent or unaccompanied youth	Within <b>5 business days</b> of the personal conference.
<b>Copy of appeals package and superintendent's written decision</b>	Local school district's superintendent or designee	LEA liaison	Not specified.
<b>Notification of intent to appeal</b>	Parent or unaccompanied youth	LEA liaison	Within <b>10 business days</b> of receipt of notification of the superintendent's decision.

**Level III: Appeal to Office of Superintendent of Public Instruction (OSPI) Timeline**

<b>Procedural Step:</b>	<b>Completed by:</b>	<b>Given to:</b>	<b>Due Date:</b>
<b>Mailing of complete dispute package</b>	Local school district superintendent	OSPI homeless education coordinator or designee	Within <b>5 business days</b> of notifying parent or unaccompanied youth of local superintendent's decision.
<b>Final decision in writing</b>	OSPI homeless education coordinator or designee, and appropriate agency director, and/or agency assistant superintendent	LEA liaison for distribution to the parent/unaccompanied youth and local superintendent.	Within <b>15 business days</b> of receipt of the dispute package.