

DISPUTE RESOLUTION PROCESS SCHOOL DISTRICT PLACEMENT OF CHILDREN AND YOUTH EXPERIENCING HOMELESSNESS

The McKinney-Vento Homeless Assistance Act (also referred to as the Act or the McKinney-Vento Act) acknowledges that disputes may arise between the school district and students experiencing homelessness and their parents, or unaccompanied youth, when the district seeks to place a student in a school other than the school of origin or the school requested by the parent or unaccompanied youth. The Act includes dispute resolution among the required duties of the local education agency (LEA) liaison. The Washington State Office of Superintendent of Public Instruction (OSPI) has developed a dispute resolution process as required by the McKinney-Vento Act.

Disputes related to school selection or enrollment should be initiated at the request of the parent or unaccompanied youth and not at the request or convenience of the school district. Additionally, issues related to the definition of homelessness, the responsibilities of the school district to serve children and youth experiencing homelessness, and/or the explicit rights of children and youth experiencing homelessness are addressed in the McKinney-Vento Act. Disputes related to the school placement and enrollment of children and youth experiencing homelessness shall be resolved within the parameters of the federal McKinney-Vento Act. The dispute resolution process for the school placement of children and youth experiencing homelessness shall not be used in an effort to circumvent or supersede any part of the federal McKinney-Vento Act. The following procedures are specified in the Act.

Enrollment

If a dispute arises over school selection or enrollment in a school, the children and youth experiencing homelessness shall be immediately admitted to the school in which enrollment is

1. The district superintendent shall forward all written documentation and related paperwork to the OSPI homeless education coordinator, or designee, for review, within five business days

POLICY STATEMENT

Section 721(1)(2) of the McKinney-Vento Homeless Education Act:

The following is the policy of the Congress:

subtitle because the children are living in circumstances described in clauses (i) through (iii)."

Section 103(c) of the Act specifically excludes from the definition of homeless individuals any person who is imprisoned or otherwise detained by Act of Congress or State law.

Unaccompanied Youth

Section 725(6) of the Act indicates that the term "unaccompanied youth" includes a youth not in the physical custody of a parent or guardian." Youth living on their own in any of the homeless situations described in the law, are covered by the law.

Fixed Residence

A residence that is stationary, permanent, and not subject to change.

Regular Residence

A residence which is used on a regular (i.e., nightly) basis.

Adequate Residence

A residence which is sufficient for meeting both the physical and psychological needs typically met in home environments.

Parent

For the purpose of this policy, a parent means a parent, legal guardian or person having legal custody of a child.

School of Origin

The school of origin, as defined in the McKinney-Vento Homeless Education Act, Section 722 (g)(3)(G), is the school that the child or youth attended when permanently housed or the school in which the child or youth was last enrolled.

Enrollment

The terms "enroll," and "enrollment" include attending classes and participating fully in school activities.

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