

McKINNEY-VENTO HOMELESS ASSISTANCE ACT

LEA ENROLLMENT RESPONSIBILITIES

and

ENROLLMENT DISPUTE RESOLUTION

The Ohio Department of Education is committed to facilitating the timely resolution of disputes regarding the educational placement of homeless children and youth. The process may address issues concerning: enrollment, transfer of records, transportation, comparable services, guardianship, medical records, residency, school of origin/school of choice issues along with any related homeless education concerns.

ENROLLMENT

Reference - McKinney-Vento Homeless Assistance Act, 42 U.S.C.S. § 11432(g)(3)(A)-(C)

The McKinney-Vento Homeless Assistance Act includes definitive language concerning the enrollment of homeless children and youth including:

The local educational agency shall according to the youth's best interest:

- Continue the child's education in the school of origin for the duration of homelessness-
 - In any case in which a family becomes homeless between academic years or during an academic year or
 - For the remainder of the academic year, if the child or youth becomes permanently housed during an 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 actually living are eligible to attend.

In determining the best interest of the child or youth, the local educational agency (LEA) shall:

- To the extent feasible, keep the homeless child or youth in the school of origin, except when doing so is contrary to the wishes of the child's or youth's parent or guardian.
- Provide a written explanation to the parent or guardian, including a statement regarding the right to appeal if the local educational agency sends the child or youth to a school other than the school of origin or a school requested by the parent or guardian.
- Refer unaccompanied youth to the homeless liaison designated by the LEA to provide assistance in placement and/or enrollment decisions. The views of the unaccompanied youth will be considered and the youth will be notified of the right to appeal.

ENROLLMENT DISPUTE RESOLUTION

References

McKinney-Vento Homeless Assistance Act, 42 U.S.C.S. § 11432(g)(3)(E)
U.S. Department of Education McKinney-Vento Homeless Assistance Act Non-regulatory Guidance
(July 2004)(Pages 17-18)

GENERAL GUIDELINES –

- Disputes should be resolved at the district level rather than the school level.
- The dispute resolution process should be as informal and accessible as possible allowing for impartial and complete review.
- Parents, guardians and unaccompanied youth should be able to initiate the resolution process directly at the school they choose, as well as at the district LEA homeless liaison's office.
- Parents, guardians, and unaccompanied youth should be informed that they can provide written or oral documentation to support their views.
- Students are to be provided with all services for which they are eligible while the disputes are being resolved.
- Written documentation should be complete, as brief as possible, simply stated and provided in a language the parent, guardian, or unaccompanied youth can understand.

RESOLUTION PROCESS –

- Should a dispute arise over school selection or enrollment in a school the following procedure is to be followed:
- The LEA shall provide the parent or guardian with a written explanation of the school's decision regarding school selection or enrollment.
- The LEA shall inform the parent or guardian in writing of their right to appeal the decision.
- Should the dispute continue the LEA shall refer the parent or guardian to the local LEA liaison who shall review the complaint and issue an opinion in writing to the parent or guardian.
- Should the dispute continue the LEA liaison shall assist the parties involved in presenting the situation to the Ohio Department of Education homeless education coordinator.
- The state homeless education coordinator shall recommend a decision for distribution to the parent, local superintendent and local educational agency liaison.
- Should the dispute continue the final appeal is made to the State Superintendent of Public Instruction for review and disposition.