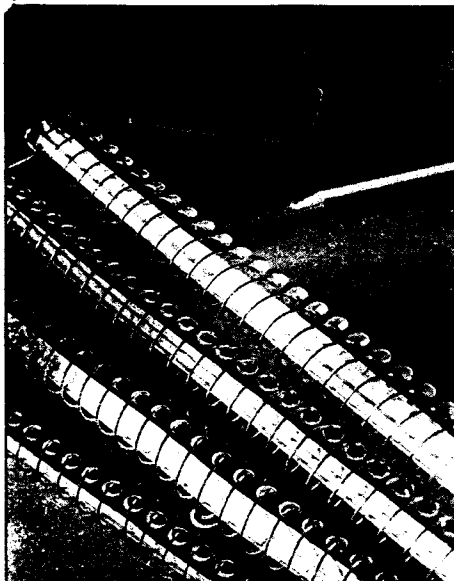


Dispute Resolution



Subtitle VII-B of the McKinney-Vento Homeless Assistance Act, reauthorized by Title X, Part C, of the No Child Left Behind Act, ensures educational rights and protections for children and youth experiencing homelessness. This brief explains the key provisions of the Act dealing with disputes over the enrollment and provision of services to a child or youth experiencing homelessness; it also offers strategies for implementing the law in a school district. Additional briefs on various topics in the law may be found at <http://www.serve.org/nche/briefs.php>.

Key Provisions

- Every state must establish procedures to promptly resolve disputes regarding the educational placement of homeless students.
- If a student is sent to a school other than the school of origin or the school requested by the parent or guardian, the LEA must provide the parent or guardian with a written explanation of its decision and the right to appeal. Under the McKinney-Vento Act, a homeless student has the right to attend either the school of origin, if this is in the student's best interest, or the local attendance area school.
 - *School of origin* is defined as the school that the child or youth attended when permanently housed or the school in which the child or youth was last enrolled.
 - *Local attendance area school* is defined as any public school that nonhomeless students who live in the attendance area in which the child or youth is actually living are eligible to attend.
- Whenever a dispute arises, the student must be admitted immediately to the requested school while the dispute is being resolved.
- The school must refer the student, parent, or guardian to the local homeless education liaison to carry out the dispute resolution process as expeditiously as possible.
- Local liaisons must ensure that the same access to the dispute resolution process is provided to unaccompanied youth.

Who is homeless? (Sec. 725)

The term "homeless children and youth"—

- (A) means individuals who lack a fixed, regular, and adequate nighttime residence ...; and
- (B) includes—
 - (i) children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement;
 - (ii) children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings ...
 - (iii) children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
 - (iv) migratory children who qualify as homeless for the purposes of this subtitle because the children are living in circumstances described in clauses (i) through (iii).