
NATIONAL LAW CENTER ON HOMELESSNESS & POVERTY

Minnesota 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.

Minnesota’s state education law is codified at Minn. Stat. § 120A.20. This statute guarantees homeless children the right to education. The Minnesota Department of Education (MDE) has issued further guidelines regarding the implementation of McKinney-Vento and the enrollment and education of homeless students.

According to these guidelines, Minnesota State schools must:

1. Designate a district homeless liaison and school point people. In doing so schools should use the expertise of the student support services team.
2. Identify policy and program barriers to student enrollment, attendance and success.
3. Build awareness among all school staff and parents; conduct outreach.
4. Link school and community efforts and resources.

Step One: School Enrollment

Minnesota requires that a student must be admitted to school even if a parent cannot provide an address or residence. School enrollment of a homeless child or youth shall be determined by the parent, guardian, student of lawful age, or unaccompanied youth. School stability and continuity of instruction are linked to school success including achievement, promotion and graduation. Therefore, placing the student in the ‘school-of-origin’ is high priority.

In a child/youth’s best interest, the local school district/charter school, to the extent feasible, must keep a homeless child or youth in their school-of-origin, if the parent agrees. The student may also enroll in the school in the district in which they are residing such as in a shelter or doubled-up with friends or family.

If placement in the school of origin is not feasible, or against the wishes of the parent, guardian, student of lawful age, or unaccompanied youth, the student will be enrolled in the school serving

the community where the child or youth temporarily resides. In the case of an unaccompanied youth, the Local Homeless Education Liaison shall assist the youth in the school enrollment process.

Existing school district policy and past practice are not legitimate reasons to limit services to homeless children. The McKinney-Vento Act calls for school policy and programs to be altered if they present barriers to enrollment for homeless children and youth. The McKinney-Vento Act calls for each child's situation to be considered individually, using a child-centered approach.

Step Two: Enrollment Dispute and Appeals Process

The Minnesota Department of Education has set forth the following procedures for the prompt resolution of disputes regarding educational placement:

MDE will process complaints regarding the educational placement of homeless children and youths. The State Coordinator's telephone number can be found on the EHCY and Title I websites. The State Coordinator's telephone and program description is also posted with information distributed by the State Inter-Agency Taskforce on Homelessness. Every LEA has a designated "LEA Liaison." All funded LEAs will have a local enrollment disputes process in place. The SEA will also provide posters and other materials to inform families and youth of their educational rights to be posted in shelters, soup kitchens, centers, etc. (which will include SEA telephone number).

When MDE receives a complaint from the "LEA Liaison," a student or their advocate (Student's parent or guardian, shelter personnel, members of organizations serving people from homeless situations, neighboring LEA), MDE will implement the following steps:

(1) MDE, will assure that the child, youth on their own, parent, or guardian shall be immediately referred to the LEA Liaison designated under [Section 722(g)(1)(J)(ii)], who shall carry out the dispute resolution process as expeditiously as possible after receiving notice of the dispute [Section 722(g)(3)(E)(iii-iv)].

(2) MDE, will assure that the child or youth experiencing homelessness shall be immediately admitted to the school in which enrollment is sought, pending resolution of the dispute [Section 722(g)(3)(E)(i)].

(3) MDE, will assure that the parent or guardian of the child or youth shall be provided with a written explanation of the school's decision regarding school selection or enrollment, including the rights of the parent to appeal the decision [LEA Liaison will provide within three school days; Section 722(g)(3)(E)(ii)].

(4) MDE, will assure that within three school days, the agency will contact the student(s), and/or their advocate, and the dissenting LEA (including the Liaison), to inform them of the complaint. Further, MDE will collect information and perspectives regarding a possible meeting to settle the enrollment dispute.

(5) MDE, will assure if necessary, a conference call or meeting within five school days to process the complaint. If a meeting is scheduled it will occur at an appropriate site for the family or youth experiencing homelessness.

(6) MDE, will encourage the local school district(s) in question [& designated LEA Liaison(s)] to resolve the issue prior to the scheduled meeting. To facilitate this, all McKinney-Vento funded districts are required to address enrollment disputes in their LEA Applications and Plans.

(7) MDE, will assure that if an agreement is not reached, the conference call or meeting will occur as scheduled. MDE will conduct the meeting and listen to both sides of the complaint. After the meeting, MDE will render a decision in accordance with the McKinney-Vento Education for Homeless Children and Youth Act. A written decision will be sent to the major parties within one week after the scheduled meeting [steps 4-7 are required under Section 722(g)(1)(C)].

Participants, if dissatisfied with the decision, could consider a court appeal.

Additional Resources

State Contact

Roberto Reyes
Homeless Education Specialist Division of Student Support
Minnesota Department of Education
1500 Highway 36 West
Roseville, MN 55113-4266
mde.esea@state.mn.us
651-582-8579
roberto.reyes@state.mn.us

<http://education.state.mn.us/MDE/SchSup/ESEA/HomelessMcKinneyVento/index.html>

Procedural Step:	Completed by:	Given to:	Due Date:
Enrollment or Residency Dispute	Initiated by parent, guardian, or LEA	Processed by LEA Liaison.	<p>None Specified.</p> <p>MDE, will assure that the parent or guardian of the child or youth shall be provided with a written explanation of the school's decision regarding school selection or enrollment, including the rights of the parent to appeal the decision [LEA Liaison will provide within three school days; Section 722(g)(3)(E)(ii)].</p>
Appeal of LEA decision	Aggrieved party	MDE	<p>None Specified.</p> <p>MDE, will assure if necessary, a conference call or meeting within five school days to process the complaint. If a meeting is scheduled it will occur at an appropriate site for the family or youth experiencing homelessness. MDE, will encourage the local school district(s) in question [& designated LEA Liaison(s)] to resolve the issue prior to the scheduled meeting.</p>