
NATIONAL LAW CENTER ON HOMELESSNESS & POVERTY

Nevada State Procedures – Dispute Resolution Under McKinney-Vento Act

Pursuant to the McKinney Vento Homeless Assistance Act, a Local Education Agency (“LEA”) must continue to educate 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 the 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).

The Nevada Department of Education’s Education for Homeless Children Program ensures that homeless children and youth are enrolled and attending school and are given a full and equal opportunity to reach the same high academic standards expected of all children. In so doing, the program is likewise responsible for ensuring that each child of an individual experiencing homelessness and each youth experiencing homelessness has equal access to the same free, appropriate public education, including a public preschool education, as provided to other children and youth. A comprehensive breakdown of Nevada’s dispute resolution policy regarding the education of homeless children and youth can be found on Nevada’s Education Grant Application website, “ePage:” <http://nde.doe.nv.gov/ePAGE.htm>. Viewing the dispute resolution policy, however, requires that the viewer be logged into ePage. Hence, a copy of Nevada’s dispute resolution policy is attached to this memorandum. Additional information may be found in the Nevada Administrative Code, specifically N.A.C. §§ 392.205 and 392.225.

All Nevada SEAs and LEAs must ensure the coordination of their efforts on the behalf of children and youth experiencing homelessness with McKinney-Vento. *See* Nev. Dept. of Educ. Proc. This includes ensuring the prompt resolution of school selection and enrollment disputes. *Id.* Nevada’s definition of “homeless children and unaccompanied youth” mirrors that of McKinney-Vento. N.A.C. § 388.049.

Step One: School Enrollment

A child or youth who meets the definition of “homeless children and unaccompanied youth” is entitled to receive a free, appropriate public education and necessary support services. *See* Nev. Dept. of Educ. Proc. Within seven working days after receiving the name and location of a child who is homeless and meets the requisite age requirements, school district shall provide the homeless child or unaccompanied with education and services that are provided to other pupils within the school district. § 392.205. Additionally, each board shall enact a policy prohibiting the segregation of a homeless child or youth from other students enrolled in the public school district. § 392.225.

Furthermore, the each board shall determine school placement based on the best interests of a homeless child or youth. § 392.205. In accordance with the best interests of the homeless child or unaccompanied youth, a school district shall continue the education of the child or youth in the school of origin for the remainder of the school year, if applicable, or enroll the child or

youth in a school that is within the zone of attendance where the child or youth is actually living. *Id.* To the extent feasible, each board shall keep a homeless child or youth in the school of origin, unless doing so is contrary to the wishes of the homeless child's or youth's parent or guardian. *Id.* Nevada defines "school of origin" as the school that a homeless child or unaccompanied youth attended when he had a permanent home or the school in which the child or youth was last enrolled. *Id.*

Step Two: Enrollment Dispute

McKinney-Vento requires each SEA establish procedures for the prompt resolution of disputes regarding the educational placement of homeless children and youth.

Should a dispute arise over school selection and enrollment, the homeless child or youth must be immediately enrolled in the school in which the child or youth is seeking enrollment, pending resolution of the dispute. *See Nev. Dept. of Educ. Proc.* Nevada defines "enrollment" as attending school and participating fully in school activities. *Id.* Enrollment must occur immediately. *Id.*

Parents, guardians, or unaccompanied youths must be given the opportunity to initiate the dispute resolution process at the selected school site. *Id.* Initiating the dispute may be done either orally or in writing. *Id.* The school must refer the student, parent or guardian to the LEA's homeless liaison to carry out the dispute resolution process as expeditiously as possible. *Id.* It is the responsibility of the LEA's homeless liaison to ensure the dispute resolution process is followed for unaccompanied youths. *Id.*

A written explanation of the school's decision regarding school selection or enrollment must be provided. *Id.* This written explanation shall be complete, simply stated, and provided in a language understandable by all parties. *Id.* It shall also provide notice to the parent, guardian, or unaccompanied youth of the right to appeal. *Id.*

Step Three: Appeal Process

Any time a school district denies access to a homeless child or youth, the district shall notify in writing the child, youth, or parent or guardian of the child or youth of the right to appeal and manner of appeal to the Department of education for resolution of the dispute. *Id.*

In the event a dispute remains unresolved at the district level or is appealed, then the LEA homeless liaison shall forward all written documentation and related paperwork to the SEA homeless liaison. *Id.* After reviewing the information, the SEA homeless liaison shall notify the parent, guardian, or unaccompanied youth of the final school decision within ten working days. *Id.* All documentation relating to a dispute must be maintained and made available for review by the SEA for three years following the date of the dispute. *Id.*

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State of Nevada
Homeless Education Dispute Resolution Procedure

The No Child Left Behind Act of 2001 (PL 107-110, Section 722) requires that SEAs and LEAs ensure educational rights and protections for children experiencing homelessness. All Nevada LEAs must ensure the coordination of their efforts on the behalf of children and youth experiencing homelessness with the McKinney-Vento Homeless Education Assistance Improvement Act. Part of that coordination is to ensure the prompt resolution of school selection and enrollment disputes.

If a dispute arises over school selection and enrollment, the child/youth must be immediately enrolled in the school in which he/she is seeking enrollment, pending resolution of the dispute [PL 107-110, Section 722(g)(3)(E)(iv)]. Enrollment is defined as attending school and participating fully in school activities.

The school must refer the student, parent, or guardian to the LEA's homeless liaison to carry out the dispute resolution process as expeditiously as possible. The homeless liaison must ensure that the dispute resolution process is also followed for unaccompanied youth.

A written explanation of the school's decision regarding school selection or enrollment must be provided if a parent, guardian, or unaccompanied youth disputes such a school selection or enrollment decision, including the right to appeal [PL 107-110, §722(g)(3)(E)(ii)]. The written statement shall be complete, simply stated, and provided in a language that the parent, guardian, or unaccompanied youth can understand. Parents, guardians, and unaccompanied youth must be given the opportunity to initiate the dispute resolution process at the selected school site, either orally or in writing.

If the dispute remains unresolved at the district level or is appealed, then the district homeless liaison shall forward all written documentation and related paperwork to the State Homeless Liaison. Upon review of the LEA and parent information, the State Homeless Liaison will notify the parent of the final school selection or enrollment decision within ten (10) working days of receipt of materials. Documentation and related paperwork of all disputes and resolution must be maintained and made available for review by the SEA for three years following the date of the dispute.

Schools must enroll students experiencing homelessness immediately. If, after enrollment, it is determined that a student is not homeless as defined in the law, school districts should follow the policies that are in place to address other forms of fraud. Written notice must be given to the parent, guardian, or youth, including his or her right to appeal the decision.

If you have any questions, please contact Karen Stephens, State Homeless Coordinator, at (775) 687-9235, or by email at kstephens@doe.nv.gov.