



State educational agencies (SEAs) and local educational agencies (LEAs) must ensure that each homeless child and youth has equal access to the same free, appropriate public education, including a public preschool program, as other children and youth. Part of this assurance is for the California Department of Education (CDE) to provide guidance to LEAs regarding prompt resolutions of school selection and enrollment disputes.

I. The Law

The U.S. Department of Education released guidance to states and LEAs on the provisions in ESSA for supporting children and youth experiencing homelessness. The new provisions further expand the responsibilities of SEAs and LEAs to ensure educational rights and protections for children and youth experiencing homelessness and to provide these students with much needed stability, safety, and support. All LEAs must ensure coordination of their efforts on behalf of children, youth, and unaccompanied youth experiencing homelessness with the McKinney-Vento Homeless Education Assistance Improvement Act, Title X, Part C, and the CDE directives. Part of that coordination is to implement CDE's procedures for the prompt resolution of disputes regarding eligibility, school selection, and enrollment.

For the purpose of this letter, the McKinney-Vento Act defines:

- “Eligibility” as determining a student’s homeless eligibility based on the student’s living arrangement meeting the McKinney-Vento definition of homelessness
- “School of origin” as the school the child or youth attended when permanently housed, or the school in which the child or youth was last enrolled, or a school that the homeless child or youth feels connected to and attended within the immediately preceding 15 months
- “School of selection” as the school of origin or the school of residence
- “Enrollment” as attending classes and participating fully in school activities
- “Local educational agency” as school districts, county offices of education (COEs), and charter schools providing instruction to pupils
- “Unaccompanied homeless youth” as a youth that is not in the physical custody of their parent or guardian and meets the McKinney-Vento definition of homelessness

Parents, guardians, and unaccompanied youth must be able to initiate the dispute resolution process either in writing or orally directly at the selected school site.

II. Dispute Resolution Process

If a dispute arises over student eligibility, school selection, or enrollment in a particular school, the matter shall be referred to the district liaison, who shall carry out the dispute resolution process as expeditiously as possible. (42 USC 11432)

The parent/guardian or unaccompanied youth shall be provided with a written explanation of any decisions related to eligibility, school selection, or enrollment and of the right of the parent/guardian or unaccompanied youth to appeal such decisions. (42 USC 11432)

The written explanation shall be complete, as brief as possible, simply stated, and provided in language that the parent/guardian or student can understand.

The district liaison may use an informal process as an alternative to formal dispute resolution procedures, provided that the parents/guardians or unaccompanied youth have access to the more formal process if informal resolution is not successful in resolving the matter.

If a parent/guardian or unaccompanied youth disagrees with the district liaison's enrollment decision, the decision may be appealed to the Superintendent. The Superintendent shall make a determination within five working days.

If the parent/guardian chooses to appeal the district's placement decision, the district liaison shall forward all written documentation and related paperwork to the liaison for homeless students at the county office of education.

Pending final resolution of the dispute, including all available appeals, the student shall be immediately enrolled in the school in which enrollment is sought and shall be allowed to attend classes and participate fully in school activities. (42 USC 11432, 11434a)

School districts 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 should be given to the parent, guardian, or youth, including his or her right to appeal the decision.

If you have further questions, please contact Christy Flores, N-MUSD McKinney-Vento Liaison, at (714) 424-3691 or by email at cflores@nmusd.us.