

Education of Homeless Students Dispute Resolution Procedure

The McKinney-Vento Act requires the Fargo Public School District (“District”) to adopt procedures for prompt resolution of disputes. These dispute resolution procedures must be used for all disputes regarding eligibility, school selection, or enrollment of students experiencing homelessness. Homelessness is specifically defined by the McKinney-Vento Act.

If the dispute arises, the student must be immediately enrolled in the school in which they are seeking enrollment, until the dispute reaches its final resolution, including all available appeals.⁴² U.S.C. § 11432(g)(3)(E). Enrollment is defined as “attending classes and participating fully in school activities.”

The school must refer the student, parent, or guardian to the District’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 as informal and accessible as possible, including not requiring any unnecessary notarization or authentication of documents or other materials, not requiring strict legal evidentiary standards, and allowing for complete and impartial review.

A parent, guardian, or student who wishes to file a complaint shall contact the District’s homeless liaison to file a complaint. The written complaint may be sent via mail, email, or hand delivery and must include the following:

- The date;
- The name of the district, unit, or individual the complaint is against;
- The name, address, and telephone number of the individual filing the complaint;
- A detailed description of the complaint, including specific facts supporting the alleged complaint; and
- The signature of the person making the complaint.

Upon receipt of a complaint, the District’s homeless liaison shall immediately notify the Superintendent, or their designee. The District’s homeless liaison shall investigate the complaint and provide the individual with the District’s enrollment decision within fifteen (15) days of receiving the complaint. An appeal of the District’s homeless liaison may be made to the District’s Superintendent.

State Reconsideration

If all district level appeals have been exhausted and the dispute remains unresolved, the parent, guardian, or student shall complete a dispute resolution form within fifteen (15) days of the final decision. The District’s homeless liaison shall assist the parent, guardian, or student with completing the form and notify the Department of Public Instruction’s homeless liaison of the appeal. The District’s homeless liaison shall forward all written documentation and related paperwork to Department of Public Instruction via mail or email to:

Department of Public Instruction
600 E. Boulevard Avenue, Dept. 201
Bismarck, ND 58505-044-

When a written complaint is filed, the Department of Public Instruction will investigate and issue a written response within five (5) days from the date the complaint is received. The Department of Public Instruction will notify the District’s homeless liaison of its decision. The District’s homeless

liaison will share the decision with the parent, guardian, or student. The decision by the Department of Instruction is final.

Federal Resolution

If the complaint is still not resolved to the satisfaction of the individual who has exhausted all district and state level appeals, the individual may forward a complaint to:

The Secretary of Education
U.S. Department of Education
555 New Jersey Avenue, NW
Washington, DC 20208

Legal Citations

42 U.S.C. § 11432

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