

McKinney-Vento Homeless Assistance Act Dispute Resolution Protocol and Appeal Process to OCDE

I. Purpose

To establish a clear and transparent protocol for LEAs responding to disputes related to enrollment decisions for children/youth experiencing homelessness and to ensure compliance with federal and state laws.

II. LEA Responsibilities

- ☐ Review CDE Memo - Homeless Education Dispute Resolution Process (March 2020) and your LEA Policy/Regulations for Education of Homeless Children/Youth
 - These documents address the dispute resolution procedures regarding eligibility, school selection, and enrollment for children and youth experiencing homelessness
 - Access California Homeless Education Technical Assistance Center ([HETAC](#)) for additional resources and information
- ☐ If a dispute arises regarding eligibility, school selection or enrollment, immediately enroll the student in the requested school pending final resolution of the dispute
- ☐ Refer the parent/guardian/unaccompanied youth to the LEA's homeless liaison without delay
- ☐ Ensure the homeless liaison supports unaccompanied youth in the dispute resolution process
- ☐ Inform parents/guardians/unaccompanied youth that they can provide written or oral documentation to support their positions about eligibility, school selection, or enrollment and that they can seek the assistance of social services, advocates, and/or service providers in the dispute process
 - Provide information in the native language as necessary (or via interpreter) and other necessary accommodations as appropriate
- ☐ Assist the parent/guardian/unaccompanied youth with preparing the dispute resolution form and provide school resources such as:
 - Copying
 - Mailing
 - Obtaining records
- ☐ Provide parent/guardian/unaccompanied youth a written explanation of the LEA's decision regarding eligibility, school selection or enrollment in accordance with the LEA's dispute resolution policy/procedures:
 - Use clear, brief, understandable language
 - Translated if needed
 - Include information on the right to appeal the LEA's decision to OCDE
- ☐ If parent/guardian/unaccompanied youth appeals the LEA decision to OCDE:
 - Forward all documentation to the OCDE Homeless Coordinator
 - OCDE must respond within 5 working days

III. LEA Actions

- ☐ Provide parent/guardian/unaccompanied youth a simple dispute resolution form that includes:
 - Date form is completed
 - Student and guardian/parent contact information and supporting information/documents
 - Reason for dispute and supporting information/documents
- ☐ Provide a copy of the completed dispute resolution form and supporting documentation to the parent/guardian/unaccompanied youth upon submission, to keep for their records

- ☐ Provide a copy of the LEA's written decision to the parent/guardian /unaccompanied youth, even when the dispute is immediately resolved
- ☐ Follow LEA dispute resolution procedures
- ☐ Uphold FERPA protections:
 - Keep student living situations confidential
 - Treat information as personally identifiable and protect accordingly

IV. Dispute Resolution Timeline for Appeal to OCDE

A. Submission of Dispute

- ☐ Parent/guardian/unaccompanied youth or LEA submits completed OCDE Enrollment Dispute Appeal Form with all supporting documentation to OCDE
 - Send to OCDE Homeless Coordinator, Student Services and Programs Division

B. Acknowledgment of Receipt

- ☐ OCDE will provide a written acknowledgement of receipt of the OCDE Enrollment Dispute Appeal Form

C. Review Process

- ☐ OCDE Homeless Coordinator will:
 - Convene an internal review session (may include admin and/or legal representation)
 - Review supporting documentation and consult with relevant individuals
 - Determine student enrollment status
 - Document findings using OCDE Enrollment Dispute Explanation of Decision form
- ☐ Complete review process within 5 working days of receipt of the completed OCDE Enrollment Dispute Appeal Form

D. Resolution Notification

- ☐ Send written decision to parent/guardian/unaccompanied youth and LEA within 5 working days of receipt of the completed OCDE Enrollment Dispute Appeal Form
 - Include explanation and information on the appeal process to CDE

V. Pending Resolution of the Dispute

- ☐ Ensure the student remains enrolled and participates in all school activities until final resolution

VI. Appeal to CDE

- ☐ If parent/guardian/unaccompanied youth or the LEA disagrees with OCDE's decision:
 - Further assistance is available through the OCDE Homeless Coordinator
 - The parties may contact the CDE Homeless Education Program:
Phone: (866) 856-8214
Email: HomelessEd@cde.ca.gov
- ☐ If appealed to CDE:
 - OCDE forwards all documentation to the CDE Homeless Education Program
 - CDE will provide notice of the final determination within 10 working days of receipt of the appeal