

Homeless Student Dispute Resolution Policy

When a dispute arises under the McKinney-Vento Act, the law requires the school district (LEA) to follow a set of minimum procedures:

- The child or youth shall be immediately enrolled in the school in which enrollment is sought, pending final resolution of the dispute, including all available appeals.
- In the case of an unaccompanied youth, the liaison shall ensure that the youth is immediately enrolled in the school in which the youth seeks enrollment pending resolution of the dispute.
- Since enrollment includes attending classes and participating fully in school activities, while disputes are pending, students must be able to participate fully in school and receive all services to which they are entitled. This includes transportation services that are specified in the law.
- The parent or guardian of the child or (in the case of an unaccompanied youth) the youth shall be provided with a written explanation of any decisions related to school selection or enrollment made by the school, the local educational agency, or the State educational agency involved, including the rights of the parent, guardian, or unaccompanied youth to appeal such decisions.
 - In addition, if the local educational agency determines that it is not in the child's or youth's best interest to attend the school of origin or the school requested by the parent or guardian, or (in the case of an unaccompanied youth) the youth, the LEA must provide the child's or youth's parent or guardian or the unaccompanied youth with a written explanation of the reasons for its determination, in a manner and form understandable to such parent, guardian, or unaccompanied youth, including information regarding the right to appeal under subparagraph.
 - In the case of an unaccompanied youth, the LEA must ensure that the local liaison assists in placement or enrollment decisions under this subparagraph, gives priority to the views of such unaccompanied youth, and provides notice to such youth of the right to appeal under subparagraph.
- If a dispute arises over eligibility, or school selection or enrollment in a school the parent, guardian, or unaccompanied youth shall be referred to the local educational agency liaison who shall carry out the dispute resolution process as expeditiously as possible after receiving notice of such dispute.

Spearfish School District 40-2
1000 Community Relations

Board Policy

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Simply put, when a McKinney-Vento dispute occurs:

1. the child or youth must be admitted to the school in which enrollment is sought pending final resolution of the dispute;
2. the parent, guardian, or unaccompanied youth must be provided written notice of the school's, LEA's, or SEA's decision, which must include the reasons for its decision and the right to appeal; and
3. the parent, guardian, or unaccompanied youth must be referred to the local liaison to carry out the dispute process.

If dispute processes are not followed, or if a parent, guardian, or unaccompanied youth is not satisfied with the final resolution of a dispute at the State level, there is no further action available through SD DOE. The parent, guardian or unaccompanied youth may consult a private attorney about pursuing action in the courts against both the SD DOE and the school district.

Adopted April 8, 2019