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## **McKinney-Vento School Enrollment Requirements and New Hampshire Department of Education Homeless Education Dispute Resolution Process**

The New Hampshire Homeless Children and Youth Program is responsible for ensuring that homeless children and youth are enrolled and attending school and have a full and equal opportunity to reach the same high academic standards expected of all children. The McKinney-Vento Act, Section 722(g) (1) (C) requires each state education agency establish procedures for the prompt resolution of disputes regarding the educational placement of homeless children and youth. The New Hampshire State Coordinator of the Education of Homeless Children and Youth Program is available to provide technical assistance, guidance, and mediation in the enrollment and dispute processes.

The New Hampshire Department of Education has adopted the following policy to provide guidance to local school districts in implementing the dispute resolution process for homeless children and youth when that decision is not or cannot be made at the local level.

### **Step One School Enrollment**

School enrollment of a homeless child or youth shall be determined by the parent, guardian, student of lawful age, or unaccompanied youth. To the extent feasible the student will be enrolled in the school of origin. The school of origin is defined as:

- The school last attended by the child or youth when permanently housed or;
- The last school in which the child or youth was enrolled.

If placement in the school of origin is not feasible, or against the wishes of the parent, guardian, student of lawful age, or unaccompanied youth, the student will be enrolled in the school serving the community where the child or youth temporarily resides.

- In the case of an unaccompanied youth, the Local Homeless Education Liaison shall assist the youth in the school enrollment process.

### **Step Two Enrollment Dispute**

Each school district shall have a policy for the resolution of disputes involving homeless children and youth. If an enrollment dispute develops regarding the enrollment options available under the McKinney-Vento Act, the child or youth shall be immediately admitted to the school in which enrollment is sought pending resolution of the dispute.

- Resolution of the dispute shall be facilitated by the superintendent or designee as expeditiously as possible in accordance with McKinney-Vento requirements and the local education agency (school district) dispute policy.
- If more than one school district is involved in a residency dispute, the respective superintendents shall jointly make such a decision.
- In the case of an unaccompanied youth, the Local Homeless Education Liaison shall assist the youth in the dispute process.
- A written explanation of the superintendent's decision regarding school enrollment shall be provided to the parent, guardian, student of lawful age, or unaccompanied youth including a statement regarding the right to appeal the decision to the New Hampshire Department of Education.

### **Step Three Appeal Process**

When an agreement cannot be reached, the aggrieved shall submit a written request for dispute resolution to New Hampshire Department of Education, Dispute Resolution and Constituent Complaints and provide a copy of the request to the State Coordinator, Education of Homeless Children and Youth. The commissioner of the department of education, or designee, shall make a temporary order within 14 days of notice of the residency dispute. Such determination shall remain in effect pending the decision of the New Hampshire State Board of Education.

- In the case of an unaccompanied youth, the Local Homeless Education Liaison shall assist the youth in the appeal process.

A written explanation shall be provided to the parties of record and a copy of such explanation shall be kept on file by the department of education. Any person aggrieved by the decision may appeal the determination to a court of competent jurisdiction.