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

The New Hampshire Department of Education 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 that 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 for the Education of Homeless Children and Youth is available to provide technical assistance and guidance 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 or unaccompanied youth. In determining the best interest of an eligible child or youth, the district shall presume that keeping the student in the school of origin is in their best interest, except when doing so is contrary to the request of the parent/guardian or unaccompanied youth. The school of origin is defined as:

- The school that a child or youth attended when permanently housed, or the school in which the child or youth was last enrolled, including a preschool.
- When a child or youth completes the final grade level served by the school of origin, the school of origin includes the designated receiving school at the next grade level for all feeder schools.

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

And/or

Step One Eligibility

Section 725(2) of the McKinney-Vento Act defines “homeless children and youths” as individuals who lack a fixed, regular and adequate nighttime residence. The term includes children and youth who are:

- sharing the housing of other persons due to loss of housing, economic hardship or a similar reason;
- living in motels, hotels, trailer parts or camping grounds due to lack of alternative adequate accommodations;
- living in emergency or transitional shelters;
- abandoned in hospitals;
- have a primary nighttime residence that is a public or private place not designed for, or ordinarily used as, a regular sleeping accommodations for human beings;
- living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
- are migratory children who qualify as homeless because they are living in circumstances described above.

Step Two Enrollment Dispute

Each school district shall have a policy for the resolution of disputes involving homeless children and youth. If a dispute develops regarding the enrollment and/or eligibility options available under the McKinney-Vento Act, the Local Homeless Education Liaison must ensure the student is enrolled immediately in the school in which enrollment is sought, pending final resolution of the dispute, including all available appeals.

- While disputes are pending, students have the right to participate fully in school and receive all services for which they are eligible, as the definition of enrollment includes “attending classes and participating fully in school activities.”
- 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 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 for 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 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 competent jurisdiction.