

*Excerpt from Montana's Consolidated State Plan
Under the Every Student Succeeds Act
January 2018*

2. Dispute Resolution

(722(g)(1)(C) of the McKinney-Vento Act): Describe procedures for the prompt resolution of disputes regarding the educational placement of homeless children and youth.

All LEAs are required to adopt a policy and procedure for resolving disputes regarding the educational placement of children and youth identified as homeless. Such policies and procedures may be the same process used to address other disputes or grievances within the district. The OPI provides plain language documents to all LEAs to assist them in informing families and youth experiencing homelessness of their right to file a dispute. Documents are available on the OPI website and are also available to all LEAs in the state through www.TransACT.com under a contract with the OPI. Parents, guardians, or unaccompanied youth may file a dispute with the OPI based on the following process:

Notice by Local Education Agency (LEA)

Each LEA must have a dispute resolution policy specifically addressing the right of a student experiencing homelessness to appeal decisions regarding a student's eligibility, school placement, or provision of services.

LEA Homeless Liaison

In any dispute regarding eligibility, placement, or provision of services to a student identified as homeless, the school must refer the parent, guardian, or unaccompanied youth to the LEA's homeless liaison to assist in carrying out the dispute resolution as quickly as possible.

LEA Decision

LEAs and liaisons should make every attempt to resolve disputes at the local level using the LEA dispute/grievance process. The LEA homeless liaison will work with the state coordinator or with the National Center for Homeless Education, as appropriate, to resolve the dispute.

State Education Agency (SEA) State Coordinator

Upon receipt of a completed dispute resolution form and related documentation, the state coordinator will, within 15 calendar days, convene a panel of three OPI staff to investigate and resolve the dispute. The decisions of the panel will be final.

During the dispute process the student must be enrolled in the district where enrollment is requested and must receive all services to which they are entitled, including full participation in all programs and activities offered to other students.