

Amendment to the 2002 MONTANA STATE PLAN For EDUCATION OF HOMELESS CHILDREN AND YOUTH

Approved by the U.S. Department of Education on 3/21/2013

3. Process for the prompt resolution of disputes regarding the educational placement of homeless students.

Note: If a dispute arises over school selection or enrollment, the child/student must be immediately admitted to the school in which enrollment is sought pending final resolution of the dispute. Admission includes transportation and other school services and activities.

(A) Notice by Local Education Agency (LEA)

Every school district or LEA must have a dispute resolution policy specifically addressing the rights of homeless students to appeal placement decisions.

A written explanation of the school's decision regarding school selection or enrollment, including the right to appeal, must be provided if the parent, guardian, or unaccompanied youth disputes the school's decision. The written explanation must be complete, contain contact information for the LEA homeless liaison and SEA coordinator, the procedure for appeal, and provided in a language the parent, guardian, or unaccompanied youth can understand.

(B) LEA Homeless Liaison

In any dispute regarding enrollment or placement of a homeless youth, 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. The homeless liaison is responsible for ensuring that the dispute resolution process is followed for an unaccompanied youth.

(C) LEA Decision

The LEA homeless liaison is encouraged to work with the Montana Office of Public Instruction (OPI) Education of Homeless Children and Youth (EHCY) Program Coordinator as appropriate to resolve the dispute. If the dispute cannot be resolved at the local district level, the liaison shall appeal the matter to the OPI. The student must remain enrolled until final resolution of the dispute.

(D) SEA Education of Homeless Children and Youth Coordinator

Upon receipt of a completed dispute resolution form and related documentation, the State EHCY Coordinator shall, within 15 business days, convene a panel of three OPI staff to investigate and resolve the dispute. The decisions of the panel will be final. The OPI will issue a written decision to the LEA, and the parent/youth.

A [Dispute Resolution Form](#) is available for download on the OPI website for use during the dispute resolution process. Copies of the dispute resolution procedure and forms are available for school district liaisons to give to families, staff, and service providers.