



McKinney-Vento Dispute Resolution Protocol

Purpose

To establish a clear and transparent protocol for handling disputes related to student enrollment decisions under the jurisdiction of the Orange County Department of Education (OCDE), ensuring compliance with federal and state laws. This process prioritizes prompt, fair resolution while safeguarding the educational rights of students.

I. District Responsibilities

- Understand the 5 components of resolving disputes about eligibility, school selection, and enrollment.
 - Includes eligibility, school selection, and enrollment for children and youth experiencing homelessness.
- If a dispute arises, immediately enroll the student in the requested school pending final decision.
- Refer the student/parent/guardian to the LEA's homeless liaison without delay.
- Ensure the liaison also supports unaccompanied youth in the dispute process.
- Assist with preparing the dispute and provide school resources:
 - Copying
 - Mailing
 - Obtaining records
- Provide a written explanation of the LEA's decision:
 - In clear, brief, understandable language
 - Translated if needed
 - Include the right to appeal to the OCDE
- If appealed:
 - Forward documentation to the OCDE homeless coordinator
 - OCDE must resolve within 5 working days
 - Provide written decision with further appeal rights to California Department of Education (CDE)

II. Districts Should

- Provide a simple dispute form:
 - Date of filing
 - Student and parent information
 - Reason for dispute and relevant evidence
- Provide a copy of the form to the parent/guardian/youth upon submission.
- Provide a copy of the resolution to the parent/guardian/youth, even if resolved quickly.
- Uphold FERPA protections:
 - Keep student living situations confidential
 - Treat information as personally identifiable and protect accordingly

III. Dispute Timeline

A. Submission of Dispute

- Disputant submits completed OCDE Enrollment Dispute Appeal Form with documentation to the OCDE.
 - Send to the appropriate office (e.g., Specialized Student Programs and Operations)

B. Acknowledgment of Receipt

- OCDE staff log the date received and respond to the disputant within 1 working day.
 - Provide OCDE Homeless Coordinator's contact information

C. Review Process

- OCDE Homeless Coordinator will:
 - Convene review session (may include admin and/or legal representation)
 - Determine student enrollment status
- Session will:
 - Review materials and consult relevant individuals
 - Document findings using the OCDE Enrollment Dispute Appeal form
- Complete review within 5 working days of receipt

D. Resolution Notification

- Send written decision to disputant and district
 - Include rationale, rejected alternatives, and how to escalate to CDE

IV. Pending Dispute

- Ensure the student stays enrolled and participates in all school activities until final resolution

V. Communication Protocol

- Acknowledge dispute within 1 working day of receipt
- Notify all parties of final decision within 5 working days

VI. Escalation to CDE

- If disputant disagrees with OCDE decision:
 - Help through the OCDE Homeless Coordinator
 - Disputant may contact the CDE Homeless Education Program:
 - Phone: (866) 856-8214
 - Email: HomelessEd@cde.ca.gov
- If appealed to CDE:
 - OCDE forwards all documentation
 - CDE provides final determination within 10 working days

VII. Accountability

- Maintain a dispute log including:
 - Dates
 - Decisions
 - Communication
- Ensure compliance with:
 - McKinney-Vento Homeless Assistance Act
 - State regulations