


# McKinney-Vento Dispute Resolution Toolkit

## A Guide for Homeless Liaisons, Local Educational Agencies, and Schools

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## *McKinney-Vento Dispute Resolution Process Overview*

The McKinney-Vento Act requires state educational agencies (SEAs) and local educational agencies (LEAs) to follow a dispute resolution process when parents, guardians, or unaccompanied youth, schools, or LEAs disagree on the enrollment or educational placement (i.e., school selection) of homeless children and youth.[1]

The dispute resolution process is intended to represent each party's views for objective consideration so that disagreements can be brought to a close expeditiously. During the dispute process, the law requires that the LEA allow the child or youth to attend the school that the parents or guardians wish their child to attend, or that the unaccompanied youth wishes to attend, to minimize educational disruption.

Under the Act, each LEA must have its own written dispute resolution policy that provides the procedures for resolution at the local level. The policy at the local level must be consistent with the state-level policy, which can be found in ePlan.tn.gov > TDOE Resources > ESSA Information, Guidance, PPTs, & Webinars > Title IX, Part A Education for Homeless Children & Youth > McKinney-Vento Toolkit and Templates > McKinney-Vento State-Level Dispute Resolution.

## *Tips for Establishing an Effective Dispute Resolution Process*

In establishing a strong, effective dispute resolution process, LEAs should include the following items in information distributed to parents, guardians, or unaccompanied youth when discussing decisions regarding enrollment:

- Notice of the right to file a complaint, raise a compliance issue, or file an appeal;
- A step-by-step description of how to appeal the school's decision that includes a simple form parents, guardians, or unaccompanied youth can complete and submit to the school to initiate the dispute process. Copies should be provided to the parent, guardian, or youth for their records;
- Notice that, if the parent, guardian, or unaccompanied youth is an English learner (EL), uses a native language other than English, or needs additional supports because of a disability, translators, interpreters, or other support services will be made available in the appropriate language without charge;
- Notice of the right to be enrolled immediately in the school in which enrollment is sought pending final resolution of the dispute;
- Notice that immediate enrollment includes receiving adequate and appropriate transportation to and from the school of origin and the ability to fully participate in all school activities;
- List of legal and advocacy service providers in the area that can provide additional assistance during any part of the process;
- Contact information for the local liaison and state coordinator, with a brief description of their roles; and
- Timelines for resolving LEA- and state-level appeals.

[1] 42 U.S.C. § 11432(g)(1)(C).

These processes may also include any administrative procedures adopted by the LEA for addressing matters such as parent or student complaints, attendance, credit recovery, or grade placement. In some circumstances, additional concerns may be appropriately addressed in an Individualized Education Program (IEP) team meeting or a Section 504 placement team meeting. Other appropriate processes may include the investigation of matters related to bullying, sexual harassment, or illegal discrimination. See a sample LEA-level dispute resolution process.

The responsibility of the LEA is to continue to serve children and youth experiencing homelessness. If a dispute arises under the McKinney-Vento Act over eligibility, school selection, or school enrollment [42 U.S.C. § 11432(g)(3)(E)], the Act requires LEAs to initiate the McKinney-Vento Dispute Resolution Process. 42 U.S.C. § 11432(g)(1)(C) requires that the State have a Dispute Process. LEAs' policies must align with the State's policy.

The following is a recap of key procedures that are specified in the Act:

**Eligibility & Enrollment**

If a dispute arises over school selection, enrollment in a school, or whether the student meets the definition of homeless, the child or youth shall be immediately enrolled in the school in which enrollment is sought, pending resolution of the dispute [42 U.S.C. § 11432(g)(3)(E)(i)]. In the case of an unaccompanied youth, the homeless liaison shall ensure that the youth is immediately enrolled in the school in which enrollment is sought, pending resolution of the dispute [42 U.S.C. § 11432(g)(3)(E)(iv)].

**Written Explanation**

The LEA must provide a written explanation of its decision to the parent/guardian or, in the case of an unaccompanied youth, to the unaccompanied youth, and the written explanation must include a description of the parent/guardian's or unaccompanied youth's right to appeal the decision [42 U.S.C. § 11432(g)(3)(E)(ii)].

**Homeless Liaison**

The designated LEA homeless liaison is assigned to carry out the dispute resolution process in an expeditious manner [42 U.S.C. § 11432(g)(3)(E)(iii)]. LEA homeless liaison must ensure school personnel providing services under this part receive professional development and other support, the requirement of immediate enrollment for qualifying students [42 U.S.C. § 11432(g)(6)(A)(ix)].

**Responsibility**

The LEA, usually the LEA's homeless liaison, is responsible for informing the parent/guardian or the unaccompanied youth of the dispute resolution process [42 U.S.C. § 11432(g)(3)(E)(ii)].

## *Instructions for Initiating the LEA-level Dispute Process*

If an LEA seeks to place a child or youth experiencing homelessness in a school other than the school of origin or the school requested by the parent/guardian or unaccompanied youth, or the LEA determines that the student does not meet the definition of a homeless child or youth, the LEA, usually though the LEA's homeless liaison, shall inform, the child's/youth's parent/guardian or the unaccompanied youth of their right to appeal the decision made by the LEA [42 U.S.C. § 11432(g)(3)(E)(ii)]. In the case of an unaccompanied homeless youth, the notice explaining the decision and the right to appeal is provided directly to the youth [42 U.S.C. § 11432(g)(3)(B)(iv)]. At a minimum, the LEA should provide the following information:

1. Written contact information for the LEA's homeless liaison and state coordinator, with a brief description of each of their roles
2. Written notice of the right to enroll immediately in the school of choice pending resolution of the dispute and a description or copy of any relevant processes
3. A simple, written form that parents, guardians, or unaccompanied youth can complete and submit to the school or LEA's homeless liaison to initiate the dispute process; (see sample letter below)
4. A copy of the completed form for the parent, guardian, or youth for their records at the time it is submitted
5. Written, step-by-step instructions on how to object to or appeal (at all four levels described below) the LEA's decision regarding eligibility, enrollment, or educational placement

**Note:** At each level of appeal, the LEA or SEA must provide a written explanation of the decision regarding eligibility, enrollment, or educational placement to the parent or the unaccompanied youth. The notice and written explanation from the LEA or SEA about the reason for its decision, at a minimum, should include the following:

1. A description of the action proposed or refused by the LEA or SEA
2. An explanation of why the action is proposed or refused
3. A description of any other options the LEA rejected
4. A description of any factors relevant to the LEA's or SEA's decision and information related to the eligibility or best interest determination, including the facts, witnesses, and evidence relied upon and their sources
5. A description of the right to appeal, including the dispute resolution process, and appropriate timelines to ensure any relevant deadlines are not missed
6. Contact information for the district's homeless liaison and state coordinator, including a brief description of their roles

## *LEA Level Dispute Process Templates*

The following templates are provided in the next section of this toolkit. All forms should be placed on LEA letterhead and edited to meet LEA specifications.

| Template | Instructions |
|---|---|
| McKinney-Vento Dispute Resolution Process: Parent Rights Letter | LEAs may adapt this template to share with parents to inform them of their rights if the parent/legal guardian or unaccompanied homeless youth (UHY) wishes to appeal the district's decision. |
| LEA's Notification of Decision to Parent Level I | LEAs may adapt this template to share the LEA's written explanation of the decision regarding eligibility, enrollment, or educational placement. |
| Parent/Unaccompanied Youth McKinney-Vento Dispute Request Form | This form is to be completed by the Parent/Legal Guardian or unaccompanied student when requesting dispute resolution when a dispute arises over eligibility, school selection, or enrollment. |
| Full LEA-level McKinney-Vento Dispute Resolution Process | This form initiates the dispute resolution process required by the McKinney-Vento Homeless Assistance Act. It can be used when a parent, guardian, or unaccompanied youth and the LEA disagree on the LEA's decision over eligibility, school selection, or enrollment. Issues related to whether the student meets the definition of homeless should be resolved as part of eligibility. |

# McKinney-Vento Dispute Resolution Process: Parents Rights Letter

***This document must be placed on LEA letterhead.***

## *Instructions for Using this Template:*

***[To be given to the Parent with LEA's written decision]***

If the parent/legal guardian or unaccompanied homeless youth (UHY) wishes to appeal the district's decision, please complete this formal dispute form.

If you need assistance filling out this form or if you have other questions, please contact the district homeless liaison at *[ADD LIASION CONTACT INFORMATION]*.

The completed form must be submitted by hand delivery, email, or U.S. mail to the principal or the district's homeless liaison, *[LIAISON NAME]*.

District policy typically requires dispute forms to be filed within **ten (10)** business days of receiving the written explanation of the district's decision, which would be [*Date & Time]*. However, because the McKinney-Vento dispute process should be expedited whenever possible, it is recommended that you submit the form as soon as possible, preferably within **five (5)** business days of receiving the written explanation of the local education agency's (LEA) decision.

***Note:* *If a dispute arises over school selection or enrollment in a school, the child shall be immediately admitted to the school in which enrollment is sought, pending resolution of the dispute*.** The student will remain attending the school where enrollment is sought during the entire dispute resolution process.

**Overview of Dispute Resolution**

*For A more detailed description of each level of the dispute resolution process, please see the attached LEA level dispute on [page number]*.

- **Level 1—Appeal to the School or the LEA Homeless Liaison:**
  If a parent or unaccompanied youth wishes to appeal an LEA's decision related to eligibility, enrollment, or school selection, the appeal is submitted to the LEA's homeless liaison or the homeless contact at the school where the dispute is taking place.
- **Level 2—Appeal to the LEA Director of Schools:**
  If the dispute is unresolved, the parent or unaccompanied youth may appeal the Level 1 decision to the LEA director of schools or designee.
- **Level 3—Appeal to the State Coordinator:**
  If the dispute continues to be unresolved, the parent/guardian or unaccompanied youth may appeal the Level 2 decision to the McKinney-Vento state coordinator at the state education agency (department).
- **Level 4—Appeal to the State Assistant Commissioner of the Division of Federal Programs and Oversight (FPO):**
  If the parent, unaccompanied youth, or district wishes to appeal the Level 3 decision rendered by the McKinney-Vento state coordinator, an appeal may be submitted to the assistant commissioner of the Division of Federal Programs and Oversight (FPO).

# Local Education Agency's Notification of Decision to Parent-Level 1

## McKinney-Vento Dispute

***This document must be placed on LEA letterhead.***

Date: _____

Name of person completing form: _____

Title of person completing form: _____

Name of school: _____

In compliance with 42 U.S. C. § 11432(g)(3)(E) of the McKinney-Vento Homeless Assistance Act, the following written notification is provided to:

Name of Parent(s)/Guardian(s) _____

| Student(s) Name | Birth Date | School | Grade |
|---|---|---|---|
| | | | |

After reviewing your request, the enrollment or services request is: _____ Denied _____Approved.

This determination was based on:

_____

_____

_____

_____

If you wish to appeal this decision, you may submit the attached McKinney-Vento Level 2 Dispute form to **[name & title]** no later than **[time & date]**. If you choose not to file an appeal within this time frame, the local education agency's decision will be final, and all rights to appeal will be forfeited.

Student assigned to: _____
(Assigned School)

Start Date: _____

# Parent/Unaccompanied Youth McKinney-Vento Dispute Request Form-Level 2

***This document must be placed on LEA letterhead.***

This form is to be completed by the Parent/Legal Guardian or unaccompanied student when requesting dispute resolution when a dispute arises over eligibility, school selection, or enrollment.

THIS FORM MUST BE RETURNED TO STUDENT SERVICES BY: _____

Date Submitted: _____

| Student(s) Name | Birth Date | School | Grade |
|---|---|---|---|

Person(s) completing the form: _____

Contact Information: _____

Relationship to student(s): _____

I wish to appeal the placement or enrollment decision regarding the above student(s).

The decision was made by: _____

Provide a written explanation to support your appeal in this space below:

I have been provided with a written explanation of the dispute decision: Yes No

Signature of person submitting dispute:

Printed Name:

Please submit to the address below: LEA Address

# *[LEA NAME]* McKinney-Vento Dispute Resolution Process

***This document must be placed on LEA letterhead.***

This form initiates the dispute resolution process required by the McKinney-Vento Homeless Assistance Act. It can be used when a parent, guardian, or unaccompanied youth and the LEA disagree on the LEA's decision over eligibility, school selection, or enrollment. Issues related to whether the student meets the definition of homeless should be resolved as part of eligibility.

The responsibility of the LEA is to continue to serve children and youth experiencing homelessness. If a dispute arises under the McKinney-Vento Act over eligibility, school selection, or school enrollment [42 U.S.C. 11432(g)(3)(E)], the Act requires LEAs to initiate the McKinney-Vento Dispute Resolution Process. Federal law [42 U.S.C. § 11432(g)(1)(C)] requires that the State have a Dispute Process. If an LEA has its own dispute resolution policy, the LEA's policy must align with the State's policy.

**Level 1—Appeal to the School or the LEA Homeless Liaison**

If a parent or unaccompanied youth wishes to appeal an LEA's decision related to eligibility, enrollment, or school selection:

1. The parent or unaccompanied youth must file a request for dispute resolution with the LEA homeless liaison:
   a. Request a dispute resolution form from the school or LEA homeless liaison.
   b. Complete the dispute resolution.
   c. Submit the completed dispute resolution form to the LEA homeless liaison within five business (5) days of receiving the LEA's decision related to eligibility, enrollment, or school selection ***or*** submit the request to the school where the dispute is taking place (school staff shall immediately forward the request to the LEA homeless liaison).
   d. If the LEA homeless liaison is unavailable, the parent's or unaccompanied youth's request to initiate the dispute resolution process may be provided to a school LEA's designee.
2. The homeless liaison must document details of the complaint, including the date and time of the complaint and a written description of the situation and the reason for the dispute. A copy of the complaint must then be forwarded to the liaison's immediate supervisor and the LEA director of schools. The office of the LEA director of schools shall maintain a record of all disputes related to the education of homeless children and youth.
3. Within five business (5) days of their receipt of the complaint, the liaison must make a decision on the complaint and inform the parent or unaccompanied youth in writing of the result. It is the responsibility of the LEA to verify the parent's or unaccompanied youth's receipt of the written notification regarding the homeless liaison's Level 1 decision.
4. If the parent or unaccompanied youth disagrees with the decision made and wishes to move the dispute resolution process forward to Level 2, the parent or unaccompanied youth shall notify the LEA homeless liaison of their intent to proceed to Level 2 within five (5) business days of receipt of notification of the Level 1 decision.
5. If the parent or unaccompanied youth wishes to appeal the liaison's Level 1 decision, the LEA homeless liaison shall provide the parent or unaccompanied youth with an appeals package containing:

a. A copy of the parent's or unaccompanied youth's complaint, which was filed with the LEA homeless liaisons at Level 1;
b. The decision rendered at Level 1 by the LEA homeless liaison; and
c. Any additional information from the parent, unaccompanied youth, and/or homeless liaison.

6. If the dispute remains unresolved, the process then moves to Level 2.
7. The office of the LEA director of schools shall maintain a record of all disputes related to the education of homeless children and youth. These records shall include disputes resolved at levels one, two, and/or three and shall be made available upon request to the department.

**Level 2—Appeal to the LEA Director of Schools**

1. If a parent or unaccompanied youth disagrees with the decision rendered by the district's homeless liaison at Level 1, the parent or unaccompanied youth may appeal the decision to the LEA's director of schools, or the director of schools' designee, using the appeals package provided at Level 1. The designee shall be someone other than the LEA homeless liaison.
2. The director of schools, or the director of schools' designee, will arrange for a personal conference within five (5) business days of the parent or unaccompanied youth's notification to the district of the intent to proceed to Level 2 of the dispute resolution process. Once arranged, the meeting between the director of schools, or designee, and the parent or unaccompanied youth is to take place as expeditiously as possible.
3. The LEA's director of schools, or the director of schools' designee, will provide a decision in writing to the parent or unaccompanied youth with supporting evidence and reasons. It is the responsibility of the district to verify the parent's or unaccompanied youth's receipt of the written notification regarding the director of schools' Level 2 decision.
4. A copy of the appeals package, along with the written decision made at Level 2, is to be shared with the LEA homeless liaison.
5. If the parent or unaccompanied youth disagrees with the decision made at Level 2 and wishes to move the dispute resolution process forward to Level 3, the parent or unaccompanied youth shall notify the LEA homeless liaison of intent to proceed to Level 3 within five (5) business days of receipt of notification of the Level 2 decision.
6. If the dispute remains unresolved, the process then moves to Level 3.
7. The office of the LEA director of schools shall maintain a record of all disputes related to the education of homeless children and youth. These records shall include disputes resolved at levels one, two, and/or three and shall be made available upon request to the department.

**Level 3—Appeal to the State Coordinator**

1. If a parent or unaccompanied youth disagrees with the decision rendered by the LEA Director of Schools at Level 2, the LEA director of schools, or designee, shall forward all written documentation and related paperwork to the McKinney-Vento state coordinator for review within five (5) business days of notifying the parent or unaccompanied youth of the decision rendered at Level 2.
2. It is the responsibility of the LEA to ensure that the documentation submitted is complete and ready for review at the time it is submitted to the state coordinator.
3. The McKinney-Vento state coordinator shall make a final decision within seven (7) business days of receipt of the complaint.
4. The final decision will be forwarded to the local LEA homeless liaison for distribution to the parent and the LEA director of schools or designee.
5. If the dispute remains unresolved, the process then moves to Level 4.

6. The office of the LEA director of schools shall maintain a record of all disputes related to the education of homeless children and youth. These records shall include disputes resolved at levels one, two, and/or three and shall be made available upon request to the department.

**Level 4—Appeal to the Assistant Commissioner of FPO**

1. If a parent, unaccompanied youth, or LEA disagrees with the decision rendered by the McKinney-Vento state coordinator at Level 3, the LEA director of schools, or designee, shall forward a written request to the assistant commissioner of FPO for review within five (5) business days of receipt of a decision rendered at Level 3.
2. The assistant commissioner of FPO shall then forward a request to the McKinney-Vento state coordinator to obtain all written documentation and related paperwork for review.
3. Upon request of the assistant commissioner of FPO, the McKinney-Vento state coordinator shall forward all written documentation and related paperwork to the assistant commissioner of FPO for review within three (3) business days of the request for documentation regarding the dispute.
4. The assistant commissioner of FPO, along with the appropriate other department personnel, shall make a final decision within seven (7) business days of receipt of all documentation and related paperwork.
5. The final decision will be forwarded to the LEA director of schools and the local level homeless liaison for distribution to the parent and/or unaccompanied youth.

**Program Contact Information:**

[ADD LEA NAME] Contact:
[ADD LOCAL LIASION CONTACT INFORMATION]

**Tennessee Department of Education/State Coordinator Contact:**

**Vanessa Waters |** McKinney-Vento State Coordinator
Vanessa.Waters@tn.gov
Phone: (615) 917-3750