

McKinney-Vento Dispute Resolution

Vanessa Waters

McKinney-Vento Grant Manager | Division of Federal Programs and Oversight



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Agenda

- Definitions & Eligibility Under the McKinney-Vento Act
- Dispute Resolution
- LEA-level Strategies for Implementation
- Test Your Knowledge
- Important Reminders, Questions, & Resources



Definitions & Eligibility Under the McKinney-Vento Act

McKinney-Definition of Homeless

- **Lacking a fixed, regular, and adequate nighttime residence:**
 - Sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason;
 - Living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations;
 - Living in emergency or transitional shelters, or are abandoned in hospitals;
 - Living in a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;
 - Living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
 - Migratory children living in the above circumstances.



Eligibility

- Does this student meet the definition of homeless, making them eligible for rights and services under the Act?
- Children or youth who **lack a fixed, regular, and adequate nighttime residence**, including those:
 - Sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason;
 - Living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations;
 - Living in emergency or transitional shelters, or are abandoned in hospitals;
 - Living in a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;
 - Living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
 - Migratory children living in the above circumstances.

School Selection Criteria

Students experiencing homelessness may attend either:

- **The school of origin:**

- The school the child or youth attended when permanently housed or
- The school in which the child or youth was last attended.

- **The local attendance area school:**

- Any public school that students living in the same attendance area are eligible to attend.

Dispute Resolution

Dispute Resolution

- The McKinney-Vento Act provides for a process to resolve disputes over:
 1. **eligibility,**
 2. **school selection, or**
 3. **school enrollment.**

Enrollment Disputes

- If a dispute arises over **eligibility, school selection, or school enrollment**:
 - the parent, guardian or unaccompanied youth shall be referred to the local liaison, who shall carry out the dispute resolution process as expeditiously as possible after receiving notice of the dispute;
 - the child or youth shall be **immediately enrolled in the school in which enrollment is sought**, pending final resolution of the dispute, including all available appeals; and
 - the parent, guardian, or unaccompanied youth shall be provided with a written explanation of any decisions related to dispute made by the school, LEA, or SEA, including the rights of the parent, guardian, or unaccompanied youth to appeal such decisions.

Overall Dispute Steps

Step 1: LEA has determined that there is an issue with eligibility, school selection, or school enrollment

Step 2: Homeless Liaison & team hold BID with Family/ UHY

Step 3: Liaison Determination is made, and Family/UHY are given information to appeal the LEA's Level 1 decision

Step 4: LEA Level 2 Director of Schools (or Assigned Personnel)

Step 5: SEA Level 3 McKinney-Vento Grant Manager

Step 6: SEA Level 4 Assistant Commissioner of Federal Programs and Oversight

Local Liaison Responsibilities: Dispute Resolution Process

- The McKinney-Vento Homeless Assistance Act requires SEAs and LEAs to follow a dispute resolution process when parents, guardians, or unaccompanied youth and schools disagree on the eligibility, enrollment, or educational placement of homeless children and youth.
- Tennessee's process can be found in [ePlan > TDOE Resources > ESSA Information, Guidance, PPTs, & Webinars > Title IX, Part A Education for Homeless Children & Youth > Resources for Homeless Liaisons > McKinney-Vento State-Level Dispute Resolution](#).

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 through 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)].

Local Liaison Responsibilities

- At a minimum, the LEA should provide the following information:
 - Written contact information for the LEA's homeless liaison and state coordinator, with a brief description of each of their roles
 - 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
 - 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)
 - A copy of the completed form for the parent, guardian, or youth for their records at the time it is submitted
 - 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

Local Liaison Responsibilities

- 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:
 - A description of the action proposed or refused by the LEA or SEA
 - An explanation of why the action is proposed or refused
 - A description of any other options the LEA rejected
 - 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
 - A description of the right to appeal, including the dispute resolution process, and appropriate timelines to ensure any relevant deadlines are not missed
 - Contact information for the district's homeless liaison and state coordinator, including a brief description of their roles

Written Notification

- When a determination is made:
 - Document the determination
 - Provide the written determination to the parent/ person enrolling
 - Written documentation must include information on the appeal process
- Has your LEA created a simple template for this process?

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 LIAISON 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).

Parents Rights Letter

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
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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: _____

Level 1- Parent Letter

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
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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**

Level 2 Letter

LEA-level Strategies for Implementation

LEA-Level Strategies

- Provide parents, guardians, and unaccompanied youth with assistance with the dispute process, as needed, by
 - offering to assist them with gathering information, and providing referrals to local legal and advocacy service providers;
 - ensuring that they understand the dispute resolution timeline, including deadlines they may need to meet, and being flexible with deadlines when necessary;
 - allowing them to submit written documentation and/or oral statements in support of their position; and
 - allowing them to submit dispute-related documentation at their child's school to minimize any inconvenience that could occur by requiring them to submit documentation at other locations.

LEA-Level Strategies

- Gather information in ways that do not harass or intimidate parents, guardians, or unaccompanied youth, and do not violate privacy guidelines, including those specified in the Family Educational Rights and Privacy Act (FERPA; 20U.S.C. § 1232g) and any other applicable Federal or State laws.

Evidence of the Family's Current Living Situation

- What documentation can be used?
 - Statements from the parent/guardian/youth
 - Photographs of living space
 - Motel receipts
 - Eviction papers, foreclosure notices
 - Police reports
 - Disaster-related documents

Third-Party Statements

- Shelter staff
- Social workers, case managers
- Homeless liaisons from previous districts
- Friends or relatives hosting the family

Evidence of Instability

- Move-in and move-out dates from host homes or motels
- Text messages or emails showing temporary permission to stay
- Communication from a host family
- Proof of frequent moves

Evidence Related to School Selection

- Academic records
- IEPs, 504 plans, ESL service documentation
- Documentation of behavioral support
- Attendance records
- Transportation records

Youth Statements

- Written statement from the youth
- Notes from liaison interviews
- Verification from:
 - Youth shelters
 - Drop-in centers
 - School staff
 - Counselors or social workers

Test Your Knowledge

Scenario 1 – Crown District

- Crown District's liaison determined that Family A is living in a fixed, regular, and adequate home outside district boundaries. During annual enrollment, Family A provided a Crown District address belonging to a friend, but later admitted they permanently reside in a leased home in a neighboring district.
 - What should the Crown District do?
 - What evidence should be gathered?

Scenario 1- Answer

- The LEA will inform Family A that, based on the current information, they no longer meet the McKinney-Vento definition and are no longer eligible for services. The student will need to enroll in the zoned school.
- The LEA will provide Family A with a written notification of non-eligibility under the act. Along with the family's right to appeal the LEA's decision.
- If Family A decides to appeal, the LEA will initiate the LEA-level dispute resolution process.
- LEA gathers all supporting evidence to support their decision.

Scenario 2 – Kelly

- Kelly is a 10th grader who you identified as an unaccompanied homeless youth in February when she was attending Smithville High School.
- She has been bouncing around since then and is now living outside of the attendance zone of Smithville High School. It is now July.
- Kelly calls you to let you know that she tried to enroll in Smithville High for the coming year, but the principal told her she could not enroll because he thinks she should enroll in the school zoned for where she is staying.
- Kelly told the principal she wanted to stay in her school of origin and wants to initiate a school selection dispute.
- The principal responded that only parents can file a dispute.
 - Can Kelly initiate a school selection dispute on her own behalf?
 - What should the liaison do?

Scenario 2- Answer

- Yes
- Unlike most education laws, McKinney-Vento gives rights **directly to unaccompanied youth, above the rights of their parents/guardians**
 - To enroll and make decisions
 - To choose between school of origin and local school
 - To file disputes
- LEAs can handle enrollment in any way that ensures immediate participation; the most common procedure is for youth to enroll themselves.

Scenario 3 – Jessica

- Jessica showed up to enroll at a high school in your district last week. You learned that Jessica ran away from home about a week ago and has been staying in a nearby youth shelter. You allowed Jessica to enroll herself as an Unaccompanied Homeless Youth (UHY).
- Yesterday, the principal at Jessica's school called you and said he received a call from Jessica's mother insisting that Jessica can come back home anytime, so she is not homeless.
- The principal asks you why you enrolled Jessica as an UHY.
 - Can Jessica's mother dispute the school's actions?

Scenario 3- Answer

- No, the parent can't dispute the LEA's actions.
- Unlike most education laws, McKinney-Vento gives rights **directly to unaccompanied youth, above the rights of their parents/guardians**
 - To enroll and make decisions
 - To choose between school of origin and local school
 - To file disputes
- LEAs can handle enrollment in any way that ensures immediate participation; the most common procedure is for youth to enroll themselves.

Scenario 4 – Ms. Green

- Ms. Green contacted the preschool in the district where she and her child are temporarily housed. The preschool indicated that there was a spot for the child but because the school year was almost over, assessments were required, and records were missing from the child's school of origin, they could not enroll the child.
 - Can this mother initiate the dispute resolution for immediate enrollment?

Scenario 4- Answer

- Yes, Ms. Green should initiate the dispute resolution, and the student must be immediately enrolled.
- If a dispute arises over **eligibility, school selection, or school enrollment**:
 - the parent, guardian or unaccompanied youth shall be referred to the local liaison, who shall carry out the dispute resolution process as expeditiously as possible after receiving notice of the dispute;
 - the child or youth shall be **immediately enrolled in the school in which enrollment is sought**, pending final resolution of the dispute, including all available appeals

Scenario 5- Johnson Family

- On February 6, 2026, the district enrollment office received a registration packet for the Johnson family, listing an address within the boundaries of Maple Ridge Elementary School, a high-demand campus. The family enrolled one student: T.J., Grade 4
- During routine residency verification, the district's residency officer attempted to confirm the Willow Creek address. The homeowner stated:
 - The Johnson family did not live at the residence.
 - They had never given the family permission to use the address.
 - No one by that name had ever resided there.
 - One announced and one unannounced home visit was conducted. The current residents confirmed the same information.

Scenario 5- Family Interview

- The district contacted Ms. Johnson, the parent, to clarify the discrepancy. During the interview:
 - She initially claimed they were “staying with a friend temporarily.”
 - When asked for the friend’s name or permission to verify, she declined.
 - When informed the Willow Creek address could not be validated, she stated that they “live across town” but wanted Maple Ridge because it “has better programs.”
 - Because the parent referenced staying with a friend, the enrollment office referred the case to the McKinney-Vento Liaison to determine whether housing instability was a factor.

Scenario 5- McKinney-Vento Eligibility Review

- The homeless liaison conducted a follow-up interview. During this conversation:
 - Ms. Johnson confirmed the family lives in a leased apartment at 44 Oak Terrace, outside the Maple Ridge attendance zone.
 - She provided a current lease, utility bill, and proof of stable residence.
 - She stated they have lived there for over two years and have no issues with safety, overcrowding, or adequacy.
 - She admitted using the Willow Creek address because she “didn’t want to risk being denied a transfer.”

Scenario 5- District Determination

- The district issued the following determination:
- The student is not eligible for McKinney-Vento services.
 - The falsified address cannot be accepted for enrollment.
 - The student must enroll in the school of residence based on the verified Oak Terrace address, or the parent may request a transfer through the district's standard process.
- A written notice was provided, including:
 - The district's determination
 - The reason the student does not qualify as homeless
 - The parent's right to dispute the decision
 - Instructions for appealing to the LEA's decision

Scenario 5- Parent Dispute

- On February 12, 2026, Ms. Johnson filed a dispute, stating:
 - She should be allowed to keep her child at Maple Ridge because “that’s where we want to be.”
 - She disagreed with the district’s decision to deny McKinney-Vento eligibility, though she did not claim homelessness.
- The district explained:
 - McKinney-Vento eligibility is based on housing conditions, not school preference.
 - The family’s housing is stable and adequate.
 - Falsifying an address does not create McKinney-Vento eligibility.
 - The district moved the LEA-level dispute process to level 2- Director of Schools (or assigned personnel) for review.

Scenario 5- Current Status

- The student remains temporarily enrolled at Maple Ridge during the dispute process, as required by McKinney-Vento procedures.
- The Director of Schools (or assigned personnel) is reviewing the dispute.
- The family has been informed that falsifying residency information violates district policy, though the district continues to follow all required dispute procedures.
- The level 2 decision is rendered in favor of the district, and the homeless liaison provides written information to Ms. Johnson on how to proceed to level 3- SEA McKinney-Vento Grant Manager.

Important Reminders, Questions, & Resources

Dispute Key Procedures

- **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)].

Dispute Key Procedures

- **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)].

Resources

- [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.](#)
- [U.S. Department of Education \(ED\): McKinney-Vento Law and Guidance](#)
- [Education for Homeless Children and Youths Program Non-Regulatory Guidance](#)
- [National Center for Homeless Education \(NCHE\):](#)
 - [NCHE Homeless Liaison Toolkit](#)
 - Homeless Education Helpline: (305)306-8495 or NCHE.helpline@safalpartners.com
- [SchoolHouse Connection](#)





Questions?

Please Share your Feedback:

- You may access the PD by navigating here:
- **<https://forms.office.com/r/eVtWEAZ9xZ>**





Thank You!

Vanessa Waters | McKinney-Vento and Immigrant Grant Manager

Vanessa.Waters@tn.gov

(615) 917-3750

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