



“10 IN 10”

ORIENTATION TUTORIAL FOR NEW STATE COORDINATORS FOR THE
EDUCATION FOR HOMELESS CHILDREN AND YOUTH PROGRAM

MODULE 7: DISPUTES

MODULE 7 OVERVIEW

In Module 7, State Coordinators will learn about

- Requirements in the McKinney-Vento Act for resolving disputes over eligibility, school selection, and enrollment in a school and services children and youth experiencing homelessness must receive while a dispute is pending
- The role of the State Coordinator in the dispute process
- Ways to support LEAs in conducting the dispute process
- Strategies for avoiding or mitigating disputes

Abbreviations used in this module:

ED – U. S. Department of Education

EHCY – Education for Homeless Children and Youth

LEA – Local educational agency

Local liaison – LEA local homeless liaison

NCHE – National Center for Homeless Education

SEA – State educational agency



SEA RESPONSIBILITIES RELATED TO DISPUTES IN THE STATE PLAN

[42 U.S.C. § 11432(g)(1)(C)]

- Each SEA's Consolidated State Plan must include a description of procedures for the prompt resolution of disputes regarding the educational placement of children and youth experiencing homelessness.*

**Text on the provisions in the law has been shortened for brevity; read the full text of the [McKinney-Vento Act](#) for exact language and details.*



LOCAL EDUCATIONAL AGENCY REQUIREMENTS [U.S.C. § 11432(g)(3)(E)]

- If a dispute arises over eligibility, or school selection or enrollment in a school –
 - (i) the child or youth must be immediately enrolled in the school in which enrollment is sought, pending final resolution of the dispute, including all available appeals
 - (ii) the parent or guardian of the child or youth or (in the case of an unaccompanied youth) the youth must be provided with a written explanation of any decisions related to school selection or enrollment made by the school, the LEA, or the SEA involved, including the rights of the parent, guardian, or unaccompanied youth to appeal the decision
 - (iii) the parent, guardian, or unaccompanied youth must be referred to the local liaison to carry out the dispute resolution process, as described in the State Plan, as expeditiously as possible after receiving notice of the dispute
 - (iv) in the case of an unaccompanied youth, the local liaison must ensure that the youth is immediately enrolled in the school in which he or she seeks enrollment, pending the resolution of the dispute



DISPUTE RESOLUTION DUTIES OF THE LEA LIAISON [U.S.C. § 11432(g)(6)(A)(vii)]

- Each LEA local liaison must ensure that enrollment disputes are mediated in accordance with the LEA requirements for dispute resolution.



WHAT MUST THE WRITTEN NOTICE TO PARENTS, GUARDIANS, OR UNACCOMPANIED YOUTH INCLUDE?

- An explanation of how the school reached its decision regarding eligibility, selection, or enrollment, which should include:
 - A description of the action proposed or refused by the school
 - An explanation of why the action is proposed or refused
 - A description of any other options the school considered
 - The reasons why any other options were rejected
 - A description of any other factors relevant to the school's decision and information related to the eligibility or best interest determination including facts, witnesses, and evidence relied upon and their sources
 - Appropriate timelines to ensure any relevant deadlines are not missed
- Contact information for the local liaison and State Coordinator and a brief description of their roles. (*EHCY Program Non-regulatory Guidance*, p. 32)



WHY IS A DISPUTE RESOLUTION PROCESS IMPORTANT?

- A dispute resolution process protects the rights and best interests of children and youth experiencing homelessness and the LEA.
- A formal McKinney-Vento dispute resolution process
 - Ensures that each party's views are represented
 - Enables the facts of the case to be collected, documented, and reviewed without emotions or agendas
 - Brings a situation to closure
 - Allows students to attend school during the process and avoid educational disruption



WHAT YOU SHOULD KNOW ABOUT YOUR STATE MCKINNEY-VENTO DISPUTE RESOLUTION PROCESS

Questions to ask

- Am I familiar with the state's McKinney-Vento dispute resolution process?
- Does the process clearly define the steps that the LEA and SEA must follow in the event of a dispute?
- Does the process include an expeditious time frame in which the final decision must be rendered?
- How is the dispute process made available to all parties involved? Is it posted publicly?
- Are records of past disputes available for me to review?
 - How many disputes take place in my state on average during a year?
 - What are the most common topics of disputes?
 - What implications do past disputes have for technical assistance and training to LEAs or revising policies?



HOW CAN THE STATE COORDINATOR SUPPORT LEAS IN RESOLVING DISPUTES EFFECTIVELY?

- Adequately train LEA liaisons on the McKinney-Vento Act so that disputes over eligibility, school selection, or enrollment in a school do not hinder the LEA from upholding the rights in the law.
- Train LEA liaisons on working with parents, children, and youths experiencing homelessness from a trauma-informed perspective.
- Train LEA liaisons on appropriate ways to gather information on the facts of the case that do not violate privacy laws or harass parents, guardians, or unaccompanied youth.
- Provide common policies and written explanation forms for all LEAs to use or provide good models that LEAs can use to craft their own.



HOW CAN THE STATE COORDINATOR SUPPORT LEAS IN RESOLVING DISPUTES EFFECTIVELY? (CONT.)

- During LEA compliance monitoring, review the LEA's dispute resolution policy and written notice form. Provide feedback, and include a question in the monitoring protocol specific to whether (1) the LEA provides written notice to all parents, guardians, or unaccompanied youth who disagree with an LEA's decision, and (2) the LEA enrolls the child or youth in the school in which enrollment is sought pending the resolution of the dispute.
- After a dispute is resolved, debrief the process with the local liaison to determine what improvements are needed in the dispute resolution process.



HOW SHOULD A STATE COORDINATOR BE INVOLVED IN A DISPUTE?

- Review the dispute process in the State Plan to determine the role that the State Coordinator must play.
- When a parent, guardian, or unaccompanied youth contacts you over a disagreement with the LEA,
 - listen carefully and respectfully – sometimes a dispute can be diffused if the offended party feels heard, and
 - avoid making or expressing any sort of judgment about the case since you are hearing only one side of the story.
- Contact the local liaison to make sure that he or she is following the law and procedures outlined in the State Plan regarding McKinney-Vento disputes.
- Gather the facts of the case from the LEA and the parent, guardian, or unaccompanied youth in a way that is comprehensive, objective, and in compliance with privacy laws.
- Keep detailed notes and records of the dispute.



QUESTIONS TO CONSIDER

1. What are the three areas for disputes between parents, guardian, and unaccompanied youth and the LEA that are listed in the law?
2. What two things must happen immediately when a parent, guardian, or unaccompanied youth disagrees with a decision of the LEA related to the McKinney-Vento Act?
3. How can a State Coordinator ensure that dispute resolution policies are carried out in LEAs according to the law and the State Plan?
4. How can a State Coordinator possibly prevent a dispute when an angry parent, guardian, or unaccompanied youth calls?
5. What should a State Coordinator do during an LEA dispute resolution case?



RESOURCES

- [Education for Homeless Children and Youths Program: Non-Regulatory Guidance](#)
- [The McKinney-Vento Act: Education for Homeless Children and Youths, Title IX, Part A of the Every Student Succeeds Act of 2015 \(42 U.S.C. Chapter 119, Subchapter VI, Part B: Education for Homeless Children and Youths §§ 11431-11435\)](#)
- [NCHE Brief: Dispute Resolution](#)
- [NCHE: State Coordinator's Handbook](#)

