

# CHAPTER 11: MANAGING DISPUTES

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## 11.1 Executive Summary

As a state coordinator, you are responsible for ensuring LEAs have adequate training and support in implementing the laws and policies related to school selection and dispute resolution. You are instrumental in ensuring local liaisons carry out the dispute resolution process accurately and expeditiously when a complaint arises regarding eligibility, school selection, or enrollment. This chapter provides clarity and guidance on your role in dispute resolution processes.

In this chapter, we will outline:

- McKinney-Vento Act provisions related to carrying out the dispute resolution process;
- components of the written notice;
- the state coordinator’s role in the dispute process; and
- the process for reviewing disputes for compliance and technical assistance needs.

## 11.2 McKinney-Vento Act Requirements

The McKinney-Vento Act requires SEAs to develop a dispute resolution policy as part of the State Plan, which must include “[a] description of procedures for the prompt resolution of disputes regarding the educational placement of homeless children and youths” (42 U.S.C. § 11432(g)(1)(C)). In addition, the law requires local liaisons to ensure disputes are mediated in accordance with the state’s McKinney-Vento dispute procedures (42 U.S.C. § 11432(g)(6)(A)(vii)). State coordinators must support local liaisons in this process.

## 11.3 Basic Procedures

It is necessary to understand the basic procedures an LEA must follow in dispute resolutions so that you, as a state coordinator, can support them in managing the process with fidelity. In accordance with the laws above, all LEAs must follow the McKinney-Vento Act’s dispute resolution procedures. These

procedures apply to every LEA in every state, regardless of whether the LEA receives EHCY program funds. When a McKinney-Vento Act dispute occurs:

- the child or youth must be admitted to the school in which enrollment is sought pending the final resolution of the dispute;
- the child or youth must be provided all services guaranteed in the law, including transportation services;
- the parent, guardian, or unaccompanied youth must be provided written notice of the school's, LEA's, or SEA's decision, which must include the reasons for its decision and the right to appeal; and
- the parent, guardian, or unaccompanied youth must be referred to the local liaison to carry out the dispute process as expeditiously as possible (42 U.S.C. § 11432(g)(6)(E)).

Furthermore, LEAs must adopt or adapt the SEA dispute resolution procedures described by the SEA in their approved State plans and provide timelines for the prompt resolution of these disputes.

## 11.4 Written Notice

The first part – and a fundamental piece – of the dispute resolution process is providing a written notice, which launches the dispute resolution. One of the first questions a state coordinator should ask when a complaint arises over eligibility, school selection, or enrollment in a school is whether the LEA has provided written notice to the parent, guardian, or unaccompanied youth.

A written notice should be **complete, as brief as possible, simply stated**, and provided in a **language the parent, guardian, or unaccompanied youth can understand**. The 2016 non-regulatory guidance published by the U.S. Department of Education suggests written notice from the LEA about the reason for its decision 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 the facts, witnesses, and evidence relied upon and their sources;
- appropriate timelines to ensure any relevant deadlines are not missed; and
- contact information for the local liaison and state coordinator, and a brief description of their roles.<sup>7</sup>

## 11.5 State Coordinator Role

In addition to ensuring steps of the dispute resolution process, such as the written notice above, are carried out with fidelity, your role as a state coordinator involves training LEAs on the dispute resolution policy and process.

As a new state coordinator, review your state’s McKinney-Vento Act dispute resolution policy, as well as the types of disputes that have occurred in LEAs and how they have been resolved. It is also important to review pre-dispute inquiries, which should be recorded, and indicate challenges or questions from local liaisons seeking deeper guidance to navigate a situation.

Most state McKinney-Vento Act dispute resolution policies specify when and how the state coordinator should be involved in a dispute. Some state dispute policies require a significant part of the dispute process to take place at the local level, while other policies require the involvement of the state coordinator from the outset of a dispute. In any case, state coordinators are instrumental in ensuring local liaisons are familiar with the dispute resolution policy and can carry out the process expeditiously or according to any timeline specified in the state policy.

When local liaisons and school staff have this familiarity and a clear understanding of the law, many disputes over eligibility, school selection, or enrollment in a school can be avoided. For example, a dispute may occur over a school or school district refusing to enroll a student because a staff member does not understand the definition of homelessness or eligibility for services, such as transportation. While the feasibility of providing transportation to the school of origin is not a factor in the school

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<sup>7</sup> U.S. Department of Education. (2016). Education for Homeless Children and Youths Program non-regulatory guidance. p. 31. Retrieved via <https://oese.ed.gov/files/2020/07/160240ehcyguidanceupdated082718.pdf>.

selection decision, if the LEA does not provide adequate transportation, it could be disputed as a barrier to enrollment since the student risks being late for school or missing classes on a regular basis.

To avoid confusion and increase understanding of student eligibility and mandated services, state coordinators may provide ongoing training opportunities on McKinney-Vento Act compliance to local liaisons. This support allows local liaisons to train other staff in the school district. The table below outlines where state coordinators can guide and support local liaisons.

Actions to Provide Guidance and Support to Local Liaisons	
Focus Area	Recommended Actions
Policy	<ul style="list-style-type: none"> <li>• <b>Provide a clear timeline.</b> Ensure that the dispute resolution process includes a clear timeline within which all components of the dispute must occur, from the provision of written notice to a parent, guardian, or unaccompanied youth when a conflict arises over eligibility, school selection, and enrollment in a school to the final resolution of the dispute.</li> <li>• <b>Provide indicators or a checklist.</b> Include indicators for LEA monitoring that pertain to implementing the McKinney-Vento Act dispute process, including providing written notice to parents, guardians, or unaccompanied youth.</li> <li>• <b>Ensure availability and easy access.</b> Make the state’s McKinney-Vento Act dispute resolution process available to all LEAs. Most SEAs post the McKinney-Vento Act dispute resolution process along with templates for written notice on the SEA’s EHCY program website.</li> </ul>
Training and Support	<ul style="list-style-type: none"> <li>• <b>Provide trainings on the full dispute resolution process.</b> Train local liaisons on all provisions in the McKinney-Vento Act related to eligibility, school selection, and enrollment in a school.</li> <li>• <b>Support a train-the-trainer model.</b> Provide training supports for local liaisons to disseminate information to other LEA administrators and school staff to ensure disputes with parents, guardians, or unaccompanied youth are not caused by the LEA’s or school’s lack of understanding of the law.</li> </ul>
Continuous Improvement	<ul style="list-style-type: none"> <li>• <b>Conduct regular and annual reviews.</b> Review all McKinney-Vento Act disputes, once resolved, to ensure compliance with the state McKinney-Vento Act dispute resolution process. An annual review of all McKinney-Vento Act disputes can also provide valuable information about which local liaisons and LEAs need extra compliance training.</li> <li>• <b>Respond to and track inquiries.</b> When liaisons reach out with inquiries, it is important to provide adequate support and document the interaction. These inquiries provide an opportunity to intervene before a situation requires formal dispute resolution.</li> <li>• <b>Continually revise processes.</b> Use the review process to identify ways to improve the process and revise it as necessary.</li> </ul>



## Additional Resources

- NCHE Brief, Sample Forms, Materials and Policies: [Dispute Resolution](#)
- U.S. Department of ED: [EHCY Non-Regulatory Guidance, Section K](#)
- NCHE [Homeless Liaison Toolkit](#):
  - Appendix 8.A: [Written Enrollment Decision Notice](#)
  - Appendix 8.B: [Dispute Review Guide](#)