



MCKINNEY-VENTO BEST PRACTICES IN HOMELESS EDUCATION BRIEF SERIES

Navigating McKinney-Vento Disputes: A Checklist Tool for Local Educational Agencies

INTRODUCTION

[Subtitle VII-B of the McKinney-Vento Homeless Assistance Act](#) (Section 721 *et seq.*; McKinney-Vento Act) requires state educational agencies (SEAs) and local educational agencies (LEAs; commonly referred to as *school districts*) to follow a dispute resolution process when parents, guardians, or unaccompanied youth disagree with LEAs concerning eligibility for McKinney-Vento rights and services, or school selection or enrollment under the Act (Section 722(g)(3)(E)). One of the duties of the LEA's homeless education liaison (liaison) is to ensure that these disputes are resolved expeditiously and in keeping with statutory provisions and the SEA McKinney-Vento dispute resolution policy (Sections 722(g)(6)(A)(vii); 722(g)(3)(E); 722(g)(1)(C)).¹

Dispute resolution can be one of the more complex LEA responsibilities, requiring the balancing of statutory requirements, SEA and LEA processes, and student needs with clarity and care. **This National Center for Homeless Education (NCHE) brief complements NCHE's foundational [Dispute Resolution issue brief](#) by offering practical guidance for liaisons and other involved LEA stakeholders overseeing an active dispute.**

THE MCKINNEY-VENTO HOMELESS ASSISTANCE ACT

DEFINITION OF *HOMELESS*

(Section 725(2))

The term "homeless children and youths"—

- A. means individuals who lack a fixed, regular, and adequate nighttime residence ...; and
- B. includes—
 - i. children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; or are abandoned in hospitals;
 - ii. children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings ...;
 - iii. children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
 - iv. migratory children ... who qualify as homeless for the purposes of this subtitle because the children are living in circumstances described in clauses (i) through (iii).

¹ Each SEA has described its McKinney-Vento dispute resolution policy in its Consolidated State Plan under section 8302 of the Elementary and Secondary Education Act, as amended.

Grounded in McKinney-Vento Act requirements and the U.S. Department of Education’s [Education for Homeless Children and Youths Program: Non-Regulatory Guidance](#), this tool includes three core implementation checklists:

- [Checklist 1: Navigating the Full LEA-Level McKinney-Vento Dispute Life Cycle](#)**
- [Checklist 2: Issuing Written Notifications as Part of a McKinney-Vento Dispute](#)**
- [Checklist 3: Best Practices for LEA Dispute Resolution Policy Development](#)**

Together, these tools are designed to support the effective, fair, and consistent implementation of LEA dispute resolution practices.

This brief is a technical assistance tool intended to support the implementation of the McKinney-Vento Act through practical guidance. The brief does not create new requirements and should be read in conjunction with existing [federal statute](#) and [non-regulatory guidance](#). Additionally, some jurisdictions may have SEA- and/or LEA-specific dispute resolution requirements and procedures. As such, SEAs and LEAs are encouraged to consult with their legal counsel, as needed, when applying McKinney-Vento dispute resolution provisions to the specific circumstances of individual disputes.

WHO CAN INITIATE A FORMAL DISPUTE? (McKinney-Vento Act Section 722(g)(3)(E))

Under the McKinney-Vento Act, a child’s parent or guardian may initiate a formal dispute related to their child’s education, and an unaccompanied youth may initiate a formal dispute related to their own education. Unaccompanied youth, as defined under the Act, have the same rights to access the McKinney-Vento dispute resolution process as a child or youth who is under the care of a parent or guardian.

CHECKLIST 1: NAVIGATING THE FULL LEA-LEVEL MCKINNEY-VENTO DISPUTE LIFE CYCLE

This checklist provides a step-by-step guide for liaisons overseeing an active McKinney-Vento dispute from the moment a disagreement emerges between an LEA and a parent, guardian, or unaccompanied youth through all available appeals. LEAs are encouraged to resolve disputes promptly, without sacrificing fairness or thoroughness, to minimize educational disruption for students and reduce administrative burden for LEAs.

A. WHEN A DISAGREEMENT FIRST EMERGES (EARLY MEDIATION)

Differing perspectives may surface during routine conversations, such as when a parent, guardian, or unaccompanied youth first shares information about their living arrangement or when LEA or school staff explain rights and services that may be available to children and youth experiencing homelessness (CYEH) under the McKinney-Vento Act. At this stage, questions and concerns may still be emerging, and a clear, thoughtful discussion may prevent misunderstandings or disagreements from escalating into a formal dispute.

- Inform relevant LEA and school stakeholders of the disagreement and ensure they are equipped to engage in early mediation.**
 - Ensure that the liaison is aware of the disagreement and involved early in related conversations.
 - Confirm that involved LEA or school personnel are trained on McKinney-Vento Act provisions related to dispute resolution, program eligibility, and educational rights.
 - Document all conversations and actions taken during early mediation.
- Clearly identify the focus of the disagreement for all parties (LEA and school staff, parents, guardians, unaccompanied youth, etc.).**
 - Identify whether the disagreement focuses on the student's McKinney-Vento eligibility, school selection, or enrollment.
 - Keep conversations focused on the identified issue to avoid confusion and scope drift.
 - Discussions about eligibility should focus on the nature of the student's nighttime residence and whether it meets the [McKinney-Vento Act's definition of homeless](#). Visit NCHE's [Determining McKinney-Vento Program Eligibility webpage](#) for more information.
 - Discussions about school selection should focus on whether it is in the best interest of a child or youth experiencing homelessness to attend the school of origin or the local school, as defined in the McKinney-Vento Act.
 - Discussions about enrollment should focus on whether a child or youth experiencing homelessness can attend classes and participate fully in school activities.
- Gather any additional information the LEA may need to inform its thinking about the issue under consideration.**
 - Gather information in a respectful and non-threatening manner, ensuring compliance with all applicable federal and state privacy guidelines.

- **Communicate proactively, considerately, and clearly with the parent, guardian, or unaccompanied youth.**
 - Use plain language rather than legal or technical terms to ensure that information is shared in a way that the parent, guardian, or unaccompanied youth will understand.
 - Provide language translation/interpretation or disability-related supports, if needed.
 - Summarize the focus of the disagreement and the LEA’s position or recommendation, including the factors informing that position or recommendation.
 - Listen carefully to the parent’s, guardian’s, or unaccompanied youth’s position, including their perspective on the student’s best interest.
 - If the conversation drifts into unrelated issues, gently redirect it to the specific point of disagreement.
 - Respond to any questions the parent, guardian, or unaccompanied youth may have about the disagreement and options available to them/the student.
 - If the parent, guardian, or unaccompanied youth requests something outside the parameters of the McKinney-Vento Act, explain this clearly and considerately, and offer information about other pathways they may pursue to address their concerns.
- **If the disagreement persists, inform the parent, guardian, or unaccompanied youth of their right to initiate a formal dispute and what to expect during the dispute resolution process, as follows:**
 - The LEA will provide the parent, guardian, or unaccompanied youth with a written explanation of its position and the steps the parent, guardian, or unaccompanied youth must take to formally dispute the LEA’s position.
 - The child or youth will be provided with all rights and services—including those related to school selection and enrollment—available to McKinney-Vento eligible children and youth for the duration of the dispute, including all available appeals.

B. WHEN THE PARENT, GUARDIAN, OR UNACCOMPANIED YOUTH WISHES TO INITIATE A FORMAL DISPUTE

When early mediation efforts do not resolve the disagreement, the parent, guardian, or unaccompanied youth has the right to initiate a formal dispute. In this instance, the dispute should proceed through a structured review as outlined in the McKinney-Vento Act and the SEA’s dispute resolution policy.

- **Issue a formal initial written notification of the LEA’s determination** regarding eligibility, school selection, or enrollment to the parent, guardian, or unaccompanied youth. See [Checklist 2: Issuing Written Notifications as Part of a McKinney-Vento Dispute](#) for more information.
- **To ensure procedural clarity during an eligibility dispute**, the scope of the formal dispute should remain limited to determining whether the child’s or youth’s living arrangement meets the McKinney-Vento Act’s definition of *homeless*. Issues concerning school selection or enrollment may be formally disputed, if necessary, after the child or youth is determined to be McKinney-Vento eligible.

- Ensure the parent, guardian, or unaccompanied youth is connected with the liaison** for support throughout the dispute.
- Allow the parent, guardian, or unaccompanied youth to provide oral or written statements** in support of their position. Help the parent, guardian, or unaccompanied youth complete needed paperwork and gather information to support their position, if needed.
- Make LEA and school resources available** to the parent, guardian, or unaccompanied youth (e.g., copying, mailing, and obtaining records).
- Ensure that the parent, guardian, or unaccompanied youth is aware of any dispute-related responsibilities** they must meet, including required steps and deadlines.
- Immediately enroll the child or youth** in the school in which enrollment is sought (whether the school of origin or local school). Note that immediate enrollment includes receiving transportation to and from the school of origin, if needed, and the ability to fully participate in all school activities. Full participation in the requested school must be maintained throughout the dispute process, including all available appeals.
- Gather any additional information the LEA may need** in a respectful and non-threatening manner, ensuring compliance with all applicable federal and state privacy guidelines.
- Ground dispute deliberations in McKinney-Vento Act provisions**, including those related to dispute resolution, program eligibility, and best interest determinations.
- Continue communication with all relevant parties** throughout the full dispute life cycle.
- Track dispute timelines** to ensure prompt resolution. Consider reminding relevant parties of upcoming dispute-related deadlines.
- Provide a final LEA written dispute decision** once the information received from all relevant parties has been reviewed. See [Checklist 2: Issuing Written Notifications as Part of a McKinney-Vento Dispute](#) for more information.

C. IF THE PARENT, GUARDIAN, OR UNACCOMPANIED YOUTH APPEALS THE LEA DECISION TO THE SEA

Once the LEA issues its final written dispute decision, the parent, guardian, or unaccompanied youth may appeal the LEA's decision to the SEA. An SEA appeal provides a neutral, state-level review to ensure the dispute was considered fairly and in alignment with the McKinney-Vento Act and the SEA's McKinney-Vento dispute resolution policy. The following LEA-level steps support a smooth transition of dispute oversight to the SEA.

- Promptly forward all dispute-related information** to the SEA.
- Respond promptly to SEA requests** for information.
- Continue communication with all relevant parties** during the SEA's appeal review.
- Refer any questions from the parent, guardian, or unaccompanied youth** about the SEA appeal to the SEA, which has the full context and authority to interpret its own considerations and procedures.

D. AFTER THE FINAL DISPUTE DECISION

Once the final dispute decision is issued after all appeals, the LEA should provide follow-up support to the parent, guardian, or unaccompanied youth and any involved school(s).

- Ensure all parties are informed** of the final dispute decision, whether rendered at the LEA or SEA level. SEA-issued decisions represent the final step in the McKinney-Vento dispute process; no further appeal levels are available.
- Clarify post-dispute responsibilities** for the involved LEA(s) and school(s).
 - If the dispute concerned McKinney-Vento eligibility and the child or youth was deemed ineligible, clarify that McKinney-Vento Act provisions no longer apply. As such, the child or youth should be enrolled in the appropriate local school, including zoned, charter, or magnet options for which they qualify.
 - If the dispute was about eligibility and the child or youth was deemed eligible for McKinney-Vento rights and services, ensure that the child or youth is provided with all such rights and services.
- Support the parent, guardian, or unaccompanied youth** in understanding the final dispute decision and all educational supports that may be available to the child or youth. This post-dispute support is particularly important if the outcome is not what the parent, guardian, or unaccompanied youth sought.
- Document key dispute actions and decisions** for LEA records and monitoring.
- Reflect on lessons learned and adjust**, as needed, to improve LEA dispute resolution policies, practices, and timelines.

CHECKLIST 2: ISSUING WRITTEN NOTIFICATIONS AS PART OF A MCKINNEY-VENTO DISPUTE

The McKinney-Vento Act requires LEAs to issue a written explanation of any dispute-related decisions made by the LEA, including the right of the parent, guardian, or unaccompanied youth to appeal such decisions. This checklist provides recommendations to ensure that LEA written notifications meet McKinney-Vento Act requirements and reflect practices recommended in the U.S. Department of Education's [Education for Homeless Children and Youths Program: Non-Regulatory Guidance](#).

- Include the following elements in the written notification:**
 - **The focus of the dispute**, whether McKinney-Vento eligibility, school selection, or enrollment
 - **A brief overview of the dispute process**, including key milestones and anticipated timelines
 - **A summary of the LEA's decision**, including any actions proposed or refused by the involved LEA(s) or school(s)
 - **A description of information and factors the LEA considered** when making any dispute-related decision(s), including facts and their sources, when appropriate
 - **Contact information** for the local liaison and state coordinator for homeless education as well as a brief description of their roles
 - **A statement of the child's or youth's right to immediate enrollment and full participation** in the school in which enrollment is sought during the dispute, including all available appeals
 - **Information about the right of the parent, guardian, or unaccompanied youth to request legal or advocacy assistance**, including a list of possible service providers in the area
 - **Information about the right of the parent, guardian, or unaccompanied youth to appeal** the LEA's decision to the SEA, including specific steps that need to be taken and any required timelines for taking these steps
 - **A simple appeal initiation form** that the parent, guardian, or unaccompanied youth can submit to the LEA or school
- Ensure that all information in written notifications pertains to the focus of the dispute**, whether it concerns eligibility, school selection, or enrollment. This targeted approach avoids introducing information that could confuse involved parties or blur the intended scope of the dispute during later stages of the process. To ensure procedural clarity during an eligibility dispute, the scope of the formal dispute resolution process should remain limited to determining whether the child's or youth's living arrangement meets the McKinney-Vento Act's definition of *homeless*. Issues concerning school selection or enrollment may be formally disputed, if necessary, after the child or youth is determined to be McKinney-Vento eligible.
- Consider understandability and accessibility** when writing and providing written notifications.
 - Ensure that the notification is brief but complete.

- Use language appropriate for readers who benefit from plain-language materials, avoiding legal or technical terms.
 - Use a neutral, respectful tone that maintains consistency with LEA and/or SEA policy while underscoring the rights available to the parent, guardian, or unaccompanied youth.
 - Translate written notifications into the primary language of the parent, guardian, or unaccompanied youth, if needed.
 - Format the notification for readability by using clear section headings, short paragraphs, and bulleted lists.
 - [Ensure Section 508 accessibility](#) when providing written notice to individuals with disabilities.
 - Provide notification in the format preferred by the parent, guardian, or unaccompanied youth, whether digital, hard copy, or both.
- Provide copies of written notifications to all parties involved**, including LEA and school staff, parents, guardians, and unaccompanied youth.

CHECKLIST 3: BEST PRACTICES FOR LEA DISPUTE RESOLUTION POLICY DEVELOPMENT

The McKinney-Vento Act requires SEAs to establish and implement a dispute resolution process when parents, guardians, or unaccompanied youth disagree with LEAs concerning eligibility for McKinney-Vento rights and services, school selection, or enrollment. In addition, some LEAs may establish their own dispute resolution policy that is consistent with the SEA policy but provides details specific to resolving LEA-level disputes (e.g., the parties involved in review and decision-making as well as timelines). This checklist is intended to support LEAs in creating or refining their local dispute resolution policy in alignment with McKinney-Vento Act requirements and their SEA's dispute resolution process.

A. ALIGNMENT WITH FEDERAL AND STATE REQUIREMENTS AND GUIDELINES

- **The LEA dispute resolution policy addresses and complies with McKinney-Vento Act requirements**, including those related to
 - disputable issues under the Act (program eligibility, school selection, and enrollment).
 - situations that may fall outside of the parameters of the dispute resolution process.
 - statutory guidelines for school selection best interest determinations, including
 - the provision that best interest determinations are limited to the school of origin and the local school, as defined in the Act.
 - the presumption that keeping the child or youth in the school of origin is in the child's or youth's best interest, except when doing so is contrary to the request of the parent, guardian, or unaccompanied youth.
 - the consideration of student-centered factors, including those related to the impact of mobility on the achievement, education, health, and safety of CYEH.
 - the priority to be given to the request of the parent, guardian, or unaccompanied youth.
 - the provision of written notice to the parent, guardian, or unaccompanied youth of any dispute-related decisions made by the involved LEA(s) and/or SEA.
 - the right of the child or youth to enroll immediately and participate fully in the school requested by the parent, guardian, or unaccompanied youth (whether the local school or the school of origin, as defined in statute) pending final resolution of the dispute, including all available appeals.
 - referral of the parent, guardian, or unaccompanied youth to the liaison to ensure the fair and prompt resolution of the dispute.
- **The LEA dispute resolution policy aligns with the SEA's McKinney-Vento dispute resolution process** and provides additional details on LEA-specific dispute resolution practices as needed.

B. ESTABLISHMENT OF CLEAR, SEQUENTIAL PROCEDURES

The LEA dispute resolution policy establishes a clear step-by-step process for resolving disagreements, including

- the option to resolve disagreements related to McKinney-Vento Act implementation through informal mediation efforts.
- the requirement that the LEA provide written notification of its determination related to eligibility, school selection, or enrollment if informal mediation is unsuccessful.
- the right of the parent, guardian, or youth to formally appeal the LEA's determination for formal LEA consideration.
- the requirement that the LEA provide written notification of any dispute-related decisions to the parent, guardian, or unaccompanied youth.
- the opportunity for the LEA(s), parent, guardian, and unaccompanied youth to gather and submit evidence or statements related to their position.
- the right of the parent, guardian, or unaccompanied youth to appeal the LEA's formal decision to the SEA.
- the requirement that the SEA provide written notification of any dispute-related decisions to the parent, guardian, or unaccompanied youth.
- any post-dispute resolution follow-up that may be provided.

C. CLARIFICATION OF ROLES, RESPONSIBILITIES, AND TIMELINES

The LEA dispute resolution policy clarifies

- the roles and responsibilities of relevant LEA and/or school staff (e.g., the liaison, LEA administrators, and others who may be part of dispute review and decision-making and/or the provision of services to the child, youth, or family).
- timelines related to the resolution of disputes at the LEA level.

This brief was developed by

The National Center for Homeless Education

305-306-8495 | NCHE.help@safalpartners.com | <http://nche.ed.gov>

April 2026

The National Center for Homeless Education (NCHE) is the technical assistance (TA) center for the U.S. Department of Education’s Education for Homeless Children and Youths (EHCY) Program. NCHE provides training and TA to state coordinators, local liaisons, community partners, parents, students, and other stakeholders to support the education of children and youth experiencing homelessness. NCHE is managed by Team Safal: Safal Partners and Pearl Strategies.

This publication was created in whole or in part with funding from the U.S. Department of Education under contract number GS10F090CA. The views expressed in this publication do not necessarily reflect the position or policies of the U.S. Department of Education. Additionally, any mention of trade names, commercial products, or organizations does not imply endorsement by the federal government.



Every state is required to have a state coordinator for homeless education, and every school district is required to have a local homeless education liaison. These individuals oversee the implementation of the McKinney-Vento Act. To find out who your state coordinator is, visit the [NCHE website](http://nche.ed.gov).

For more information on issues related to the education of children and youth experiencing homelessness, contact the NCHE helpline at 305-306-8495 or NCHE.help@safalpartners.com.

Full Name: _____

Position/Title: _____

Email: _____

Phone Number: _____