



Dispute Resolution: for McKinney-Vento

Special Education & Title Services Conference

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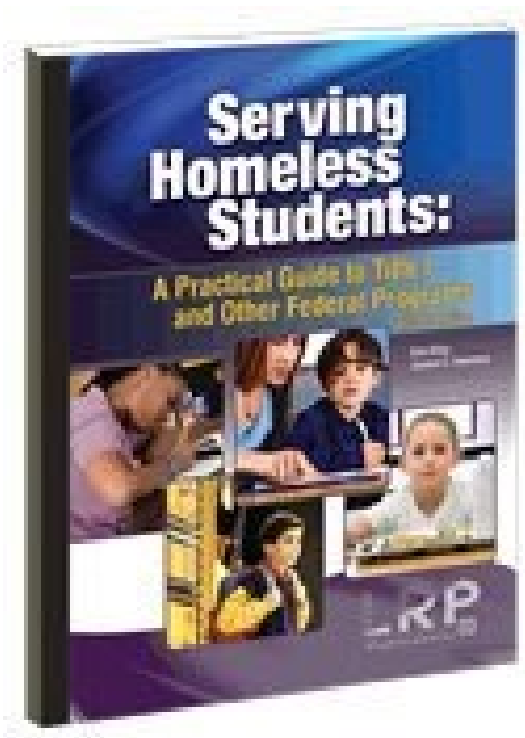
In this Session:



- McKinney-Vento Act dispute resolution basics
- McKinney-Vento Act dispute parameters
- Discussion: a couple examples from the 25-26 school year
- Opportunities for questions throughout

Reference Book: Serving Homeless Students

A Practical Guide to Title I and other Federal Programs, 2nd edition.

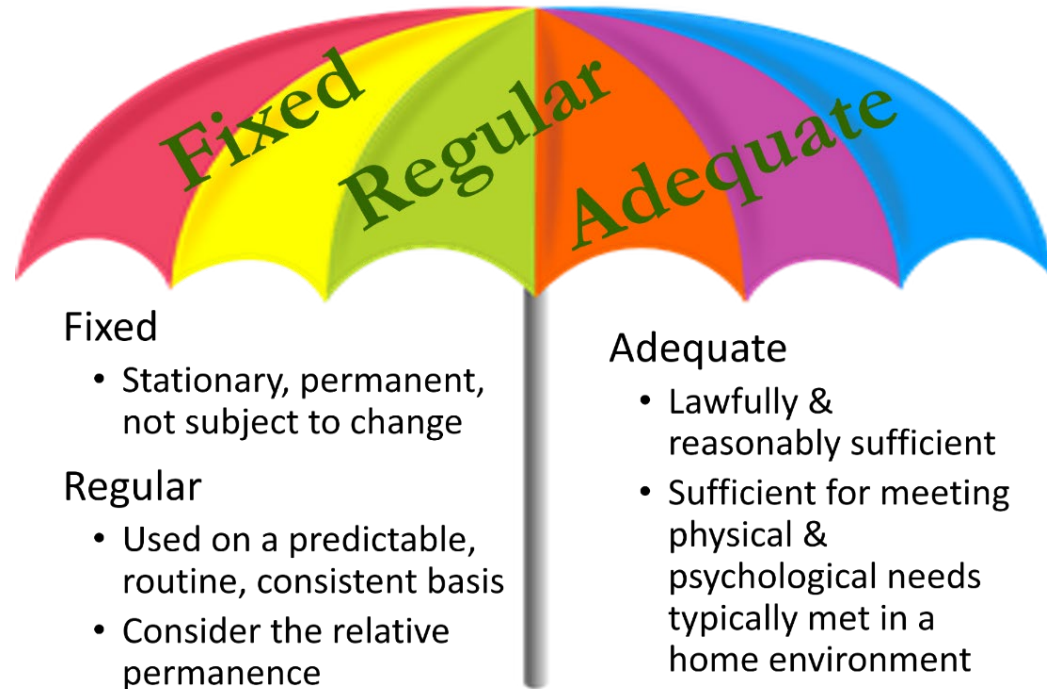


KSDE cannot recommend or endorse; however, this book includes the federal statute, USDE non-regulatory guidance, templates for forms and questionnaires, basic steps for the district liaison, and more.



Reference Book: Chapter 1

McKinney Vento definition of Homelessness: (pg. 1)



[42 U.S.C. § 11434a(2)]



Reference Book: Chapter 1

Every LEA must designate a McKinney Vento liaison (pg.2)

The **paraphrased** duties of the district liaison are: (pg.3)

Identification of McKinney Vento eligible students

Immediate enrollment of students

Referrals for Early Childhood

Referrals for Health, Housing and other services

Parental involvement and ensuring parents are informed of rights to services

Distribution of public awareness materials

Facilitation of the dispute resolution process

Coordination of Services and Transportation

Training district staff and professional development

Ensuring the unique needs of unaccompanied youth are being met

[42 U.S.C. § 11432(g)(6)(A)]



Reference Book: Appendix B

Subtitle VII of the McKinney-Vento Homeless Assistance Act (pg.83)



- Every state must include in its McKinney-Vento state plan a **description of procedures for the prompt resolution of disputes** regarding the educational placement of children and youth experiencing homelessness (Section 722(g)(1)(C)).
- Dispute decisions issued by the SEA represent the **final step in the McKinney-Vento dispute process**; no further appeal levels are available.

Scope of Formal Dispute



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 Act's definition of homeless, school selection or enrollment issues may be formally disputed, if necessary, after the student is determined to be McKinney-Vento eligible.

Reference Book: Appendix B

Disputes under the McKinney-Vento Act (pg.87)



The issues that may be disputed under the McKinney-Vento Act are: (Section 722(g)(3)(E))

- Eligibility
- School Selection
- School Enrollment

Reference Book: Appendix B

Disputes under the McKinney-Vento Act (pg.87)



Eligibility

Eligibility means whether a child or youth is eligible for McKinney-Vento rights and services. Eligibility is determined based on whether the child's or youth's living arrangement meets the McKinney-Vento definition of *homeless* (Section 725(2)).

Reference Book: Appendix B

Disputes under the McKinney-Vento Act (pg.87)



School selection:

School selection is limited to whether best interest of the child or youth experiencing homelessness is to attend:

- the school of origin or
 - the school of residence also known as the local school
- (Section 722(g)(3)).

Reference Book: Appendix B

Disputes under the McKinney-Vento Act (pg.87)



School enrollment:

School enrollment pertains to whether a child or youth experiencing homelessness is attending classes and participating fully in school activities (Section 725(1)).

Reference Book: Appendix B

Disputes under the McKinney-Vento Act (pg.87)



If a McKinney-Vento dispute arises concerning eligibility, school selection, or school enrollment (Section 722(g)(3)(E)), LEAs must:

Enroll the student immediately in the school in which enrollment is sought (local school or school of origin), pending final resolution of the dispute, including all available appeals (Section 722(g)(3)(E)(i)).

****The McKinney-Vento dispute resolution process is not applicable to students in regular, fixed and adequate housing.**

Reference Book: Appendix B

Disputes under the McKinney-Vento Act (pg.87)



If a McKinney-Vento dispute arises concerning eligibility, school selection, or school enrollment (Section 722(g)(3)(E)), LEAs must:

Provide the parent, guardian, or unaccompanied youth with a written **explanation** of any dispute-related decisions, including the right of the parent, guardian, or unaccompanied youth to appeal such decisions (Section 722(g)(3)(E)(ii)).

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Reference Book: Appendix B

Disputes under the McKinney-Vento Act (pg.87)



If a McKinney-Vento dispute arises concerning eligibility, school selection, or school enrollment (Section 722(g)(3)(E)), LEAs must

Refer the parent, guardian, or unaccompanied youth to the local liaison, who will carry out the dispute resolution process as expeditiously as possible after receiving notice of the dispute (Section 722(g)(3)(E)(iii)).

****The McKinney-Vento dispute resolution process is not applicable to students in regular, fixed and adequate housing.**

Dispute Resolution

Resources



Dispute Resources: The State Plan



Kansas State Department of Education

Revised State Template for the Consolidated Plan

McKinney-Vento pages extracted from plan submitted 1/18/18

Pathway to the link:

- KSDE.gov
- Policy & Funding
- ESEA Programs
- Homeless Children and Youth (McKinney-Vento)

https://www.ksde.gov/docs/default-source/sets/kansas-state-homeless-plan.pdf?sfvrsn=4c0bff12_4

Dispute Resources: Ref Book, Appendix C



Education for Homeless Children & Youth Program Education Department Non-Regulatory Guidance August 2018

Section K: Dispute Resolution Procedures (pg 133-135)

Dispute Resources: NCHE



National Center for Homeless Education

<https://nche.ed.gov/>

McKinney Vento Law Into Practice Brief: Dispute Resolution

<https://nche.ed.gov/dispute-resolution-2/>

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

<https://nche.ed.gov/dispute-resolution-checklist/>

Identification Trends in Kansas

School Year 2024- 2025

206 districts reported identification of **9293** students

110 districts identified at least 10 students

96 districts identified 1 or more students, but less than 10

1143 Youth Not in Custody of Parent or Guardian

Sources: 24-26 End of Year Accountability Eden



National Organizations

National Association for the Education of Homeless Children & Youth (NAEH CY): Annual National Conference, legislative updates, webinars.
<https://naehcy.org/>

National Center for Homeless Education (NCHE): technical assistance contractor for US Department of Education, prime resource for SEA's and LEA's.
<https://nche.ed.gov/>

School House Connection: national advocacy organization in DC, webinars, legislative tracker
<https://www.schoolhouseconnection.org/>



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Cause I Ain't Got a Pencil

by Joshua T. Dickerson

I woke myself up
Because we ain't got an alarm clock
Dug in the dirty clothes basket,
Cause ain't nobody washed my uniform
Brushed my hair and teeth in the dark,
Cause the lights ain't on
Even got my baby sister ready,
Cause my mama wasn't home.
Got us both to school on time,
To eat us a good breakfast.
Then when I got to class the teacher fussed
Cause I ain't got a pencil.

