



# NYSTEACHS

NEW YORK STATE TECHNICAL AND EDUCATION  
ASSISTANCE CENTER FOR HOMELESS STUDENTS

# McKinney-Vento Dispute Resolution



Presented by the New York State Technical and Education Assistance Center for Homeless Students (NYS-TEACHS)

# Housekeeping: Using the Control Panel

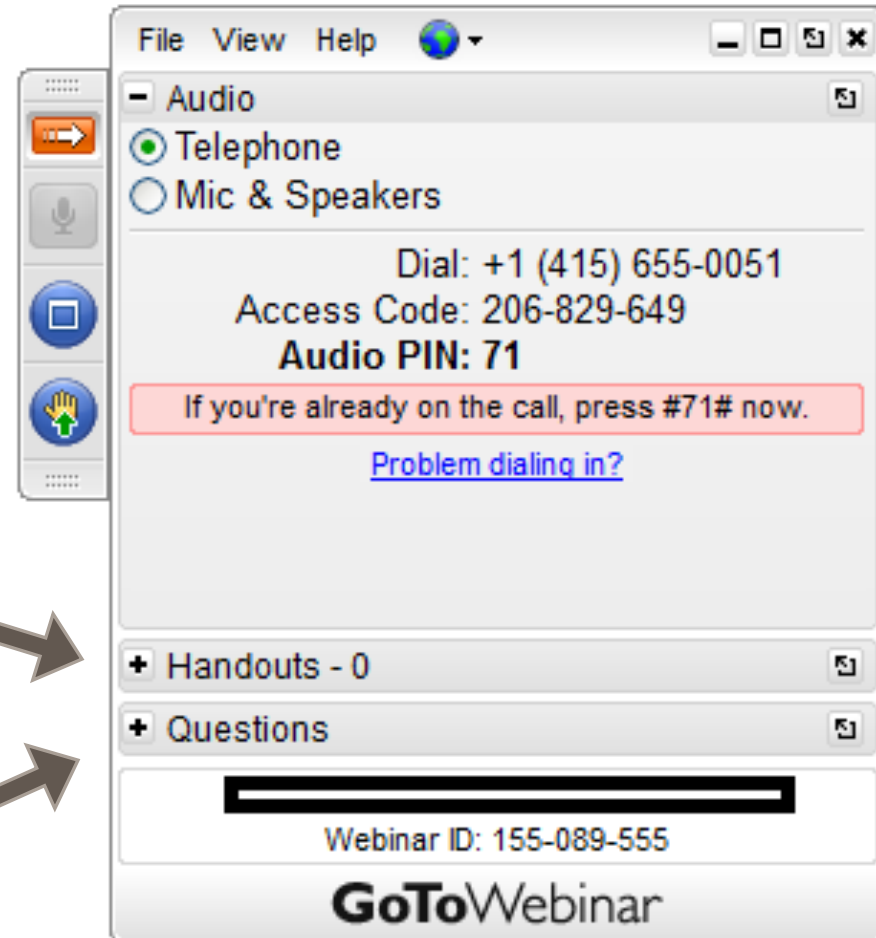
**SHOW/HIDE** your control panel using the orange arrow



**HANDOUTS** are available for download from the control panel



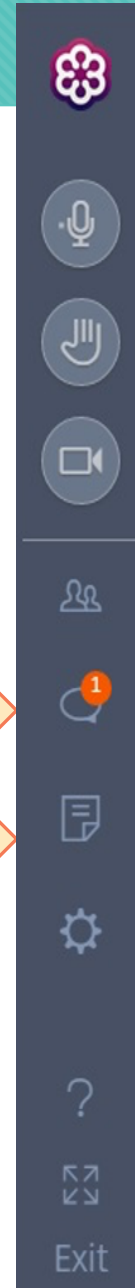
**Ask QUESTIONS** by typing them into the "Questions" box. Be sure to click "send."



# Web View: Control Panel

Questions

Handouts



# SESSION SURVEY

- A short survey will pop up on your screen after you exit the session
- The same survey will also be included in the follow-up email one hour later

*\*\* You only need to complete the survey one time. \*\**



# Recording



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## Trainings

NYS-TEACHS provides free trainings and webinars for school districts, social service providers, and other professionals about the educational rights of children and youth experiencing homelessness.

You can:

- ◆ Register for an upcoming event in [New York City](#) or [New York State](#) (outside NYC)
- ◆ View [training materials from past events](#) and watch recorded webinars
- ◆ Download materials to present a [turn-key training](#)

### THINGS TO DO

[New York State Event Registration](#)

[New York City Event Registration](#)

[Annual Workshop Archive](#)

[Webinar Archive](#)

[Turn-Key Presentations](#)

 REMINDERS



# NYSTEACHS

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# McKinney-Vento Dispute Resolution



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# Roadmap



1

When is the McKinney-Vento Dispute Resolution process required and what is it?

2

What are the steps to the McKinney-Vento Dispute Resolution process?

3

What are some best practices for navigating challenging conversations?



# Defining Our Terms

## **SED/NYSED**

- New York State Education Department

## **US DOE**

- United States Department of Education

## **LEA**

- Local Educational Agency (including School District, Charter School, or BOCES)

## **MV**

- McKinney-Vento

## **DR**

- Dispute Resolution

## **Youth**

- In this presentation, “Youth” refers to an Unaccompanied Homeless Youth



# Poll

Districts should use the dispute resolution process prior to enrollment if they lack proof of a student's homelessness.

A.True

B.False

# When is the Dispute Resolution process required?

The McKinney-Vento **dispute resolution process is required to resolve any dispute** that arises over eligibility, school selection, enrollment in a school, or transportation under the McKinney-Vento Act **before** a district interrupts services for the student.

# Poll

Students are entitled to continued enrollment and transportation pending a final resolution of the MV dispute.

A.True

B.False

# What is the McKinney-Vento Dispute Resolution Process?

- Parents or unaccompanied youth **can file a 310 Appeal with the New York State Commissioner** if they disagree with a district's decision about eligibility, enrollment, school selection, or transportation under the McKinney-Vento Act.
  - The child or youth **must be immediately enrolled in their desired school** and can maintain enrollment, transportation, and other services provided to students in the desired school district **pending final resolution of the dispute**, including all available appeals.
  - **The Commissioner issues a decision on the appeal.**

*42 U.S.C. § 11432(g)(1)(C) & 11432(g)(3)(E); U.S. DOE Non-Regulatory Guidance, Questions K-1, K-2; N.Y. Education Law § 3209(5); 8 N.Y.C.R.R. § 100.2(x)(7)(ii)*



# Sample Policy

All New York State school **districts must have a policy** for the prompt resolution of disputes, in keeping with federal and state laws.

## Sample Policy

42 U.S.C. § 11432(g)(1)(C) & 11432(g)(3)(E); U.S. DOE Non-Regulatory Guidance, Questions K-1, K-2; N.Y. Education Law § 3209(5); 8 N.Y.C.R.R. § 100.2(x)(7)(ii)

### SAMPLE DISTRICT DISPUTE RESOLUTION POLICY

#### *District Level Dispute Resolution Responsibilities*

If there is a dispute regarding a student's homeless status, school selection/enrollment and/or request for transportation, **the student must be immediately enrolled in the school where enrollment is sought and provided with transportation services (if requested)**. The district then must follow the procedures it has established to resolve disputes. However, the district's procedures must provide the student's parent or guardian, or the student, if the student is an unaccompanied youth with an opportunity to submit information before it makes a **final** determination regarding the student's homeless status.

If the district makes a final determination that a student is not homeless, and/or not entitled to attend school within the district, it must provide the student's parent or guardian, or the student, if the student is an unaccompanied youth, with written notice that the student is not entitled to attend its schools. This written notice must:

- 1) state all of the reasons for the district's determination;
- 2) advise that the district's final determination may be appealed to the Commissioner of Education (Commissioner) within 30 days;
- 3) state the date as of which the student will be excluded from the district's schools (ie: 30 days from the determination letter, unless there is an appeal);
- 4) provide the name and contact information for the district's homeless liaison;
- 5) inform the student's parent or guardian or the student, if the student is an unaccompanied youth, that the district's homeless liaison is required to assist him/her in filing such an appeal; and
- 6) **contain** all of the needed forms, including the form petition needed to file an appeal to the Commissioner.

The Superintendent must ensure that the district's final decision is delivered to the parent, guardian, or unaccompanied youth in a timely manner.

The student must remain enrolled and provided with transportation (if requested) until the district makes a final determination and for a minimum of **30 days** after the determination to give the student's parent or guardian or unaccompanied youth the

# Poll

**MV Liaisons should explain to families *why* they are asking questions about housing status.**

A.True

B.False

## A Wrangle Over Residency

- District where Sophia attends thinks that she lives outside the district and has initiated a **residency dispute**.
- At the residency hearing, Sophia's parents are unable to prove residency in the district.
- Sophia is given notice that she must enroll in the district where she is residing within 14 days.
- Sophia's parents call you – the McKinney-Vento Liaison – and say that they are temporarily doubling-up with friends in another district.

### What do you do next?

*(Please type your answers in the Chat Pod.)*

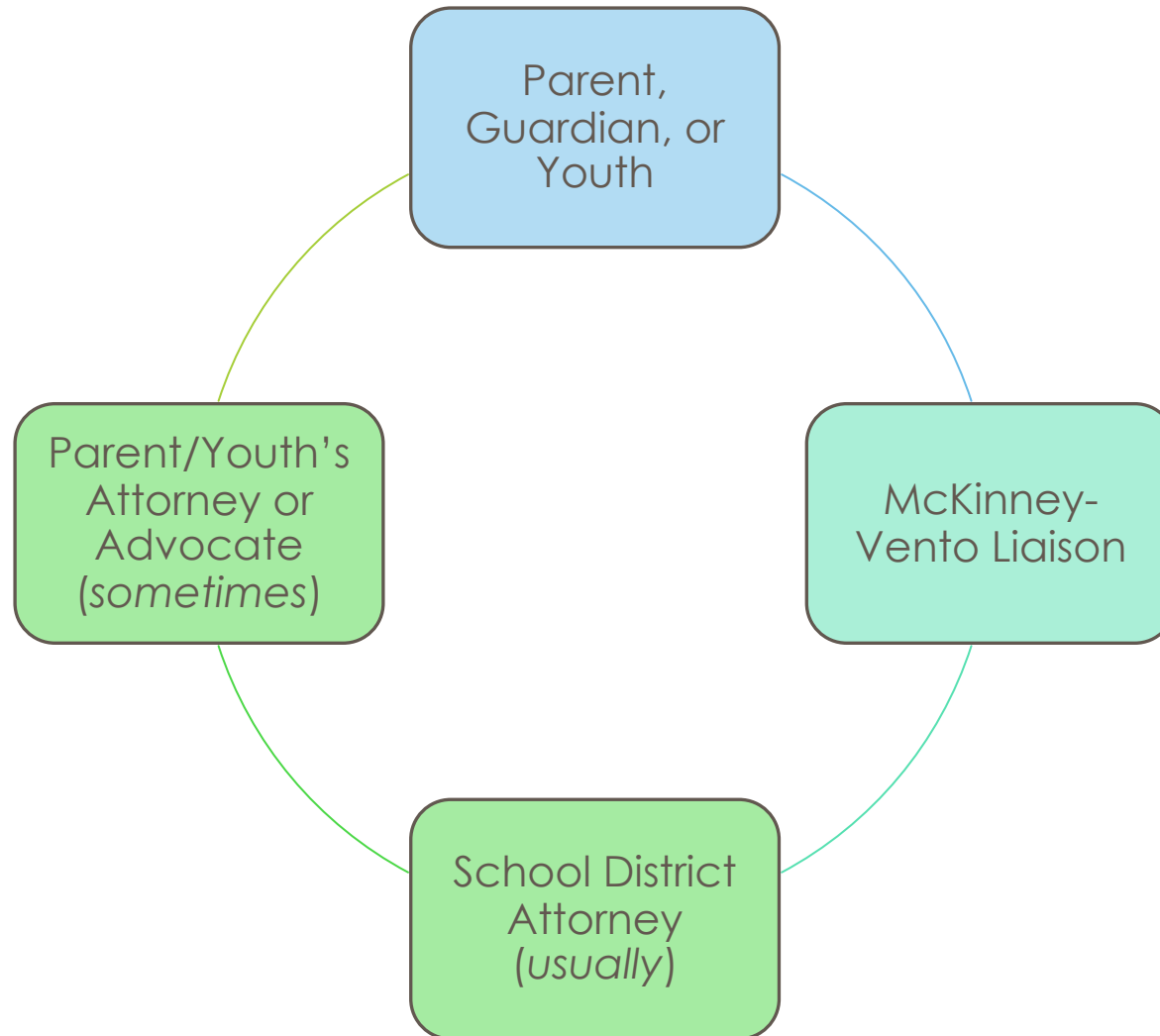


# Remember...

Residency Disputes  $\neq$  McKinney-Vento Disputes



# Who's Involved in the Dispute Resolution Process?



# Roadmap

1

When is the McKinney-Vento Dispute Resolution process required and what is it?

★  
2

What are the steps to the McKinney-Vento Dispute Resolution process?

3

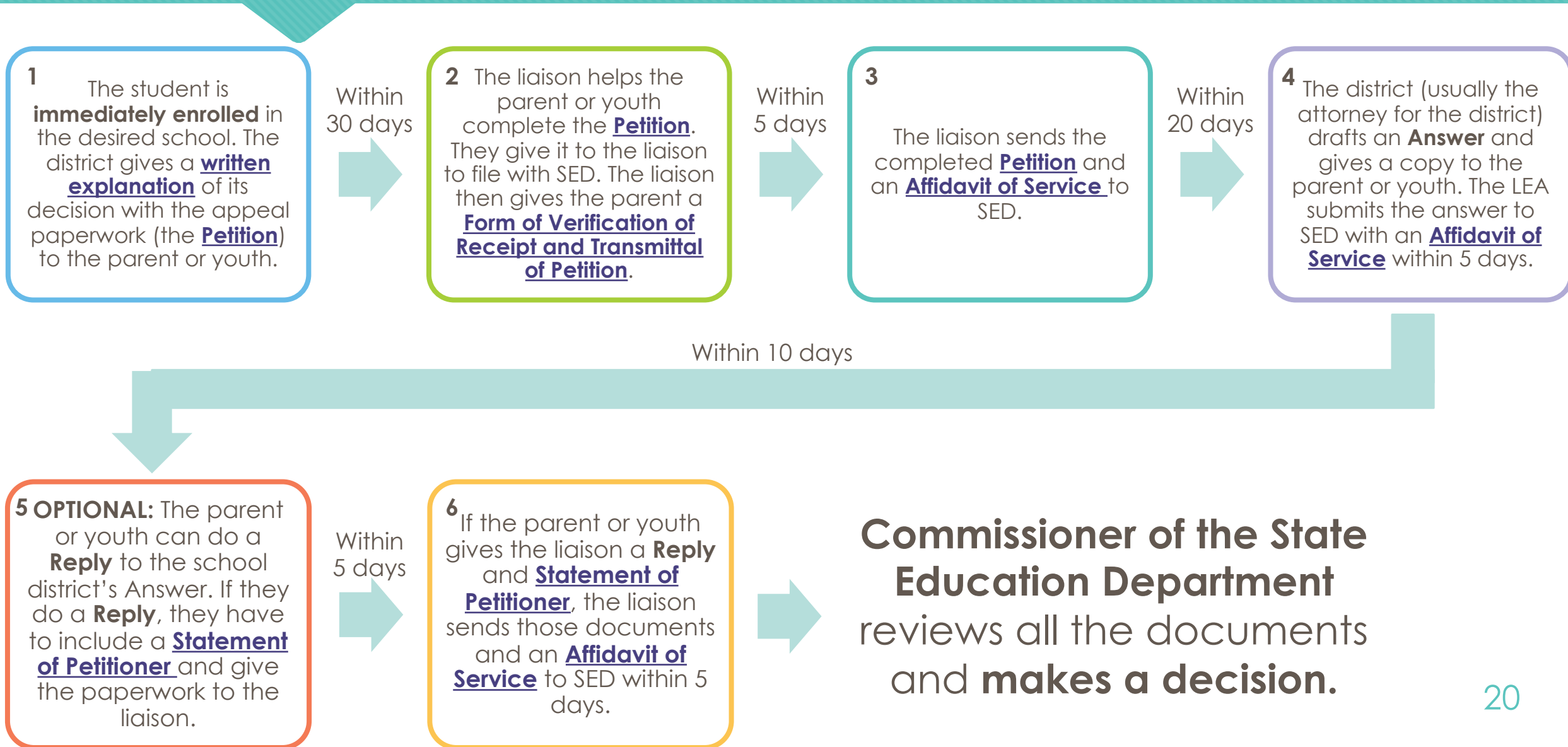
What are some best practices for navigating challenging conversations?

# Poll

**A district's McKinney-Vento liaison must assist the student/family in a McKinney-Vento dispute.**

- A. True
- B. False

# McKinney-Vento Dispute Resolution Overview





# McKinney-Vento Dispute: Step 1

1

The student is **immediately enrolled** in the desired school. The district gives a **written explanation** of its decision with attached appeal paperwork (the **Petition**) to the parent or youth.

# Step 1: LEA's Written Decision

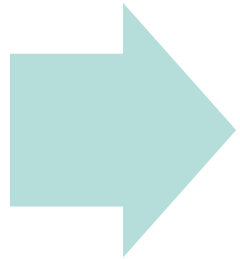
- **Written decision** to the parent, guardian, or youth must include:
  - An explanation of the district's decision
  - A statement explaining the right to appeal the LEA's decision to the State Commissioner within 30 calendar days of the LEA's decision
  - Name, post office address, and telephone number of the LEA McKinney-Vento Liaison
  - Petition form used to file an appeal with the Commissioner

 **Practice Tip:** When issuing a written decision, make sure to include a copy of the [Appeal Sample Evidence](#).

 **Remember:** The LEA must immediately enroll the student in the school in which enrollment is sought and/or provide transportation pending resolution of the dispute.

# McKinney-Vento Dispute: Step 2

Within  
30 days



**2**

The liaison helps the parent or youth complete the **Petition**. They give it to the liaison to file with SED. The liaison then gives the parent a **Form of Verification of Receipt and Transmittal of Petition.**

# Step 2: Petition (Appeal Form)

- If the parent/guardian/youth wants to appeal the LEA's decision, the parent/youth must complete the appeal form, known as the **Petition**.
- In the petition, the **parent/guardian/youth must provide whatever proof** there may be that the student is homeless under McKinney-Vento.
- Wherever possible, a **student or parent should provide detailed statements** that explain and/or describe the evidence included in the appeal.
- It is the **liaison's responsibility** to help the parent/guardian/youth complete the Petition.
- When helping families with an appeal to the Commissioner, the liaison should discuss the types of sample evidence that a student or caregiver might need to produce in order to prove their claim. **Use the Appeal Sample Evidence document as a starting point.**



## Annotated Form Notice of Petition for an Appeal Involving a Homeless Child or Youth

- Annotated Appeal Form (created by NYS-TEACHS) contains helpful notes explaining how to fill out each blank on the form.

In the Matter of Parent, guardian, or unaccompanied youth's name  
 (otherwise known as "petitioner") on behalf of PETITION  
Student's name, a homeless child or  
 youth, from action of the Board of Education of the  
School district's name School District  
 ("respondent") regarding the provision of education and  
 related services.

TO THE COMMISSIONER OF EDUCATION:

1. My name is The parent, guardian, or unaccompanied youth's name.

2. Please check and complete one of the following statements.

Check this box if an unaccompanied youth is filing the appeal.

I am a homeless child or youth.

OR

OR check this box and fill in the blanks if the parent or another adult is filing the appeal on behalf of the student.

My relationship to Student's name  
 is Write the adult's relationship to the student (for example mother, father, grandparent, etc.).

3. Student's name (child's/youth's name) is a "homeless child" as defined by §100.2(x) of the Regulations of the Commissioner of Education.

4. Student's name (child's/youth's name) is over 3 and under 21 years of age and has not received a high school diploma.

# Sample Evidence – Examples

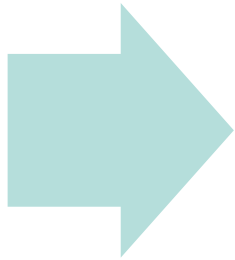
1. **Pictures of car or trailer** where the student is living that show why the living arrangement is not F/R/A. (Parent/youth should include detailed statements describing each photo)
2. **Receipt(s) from campground** or mobile-camper park where the student is living
3. **Receipt(s) from hotel/motel** where the student is living
4. **Statement from a person** who lets the student sleep temporarily or on a short-term basis on their property or in their home
5. **Eviction** notice/warning
6. **Foreclosure** notice/warning
7. **Letter from caseworker** stating that the student is living in a shelter or in transitional housing

# Sample Evidence, Continued

8. **Statement from a caseworker**, real estate agent, management company or any other person who is helping the parent/guardian/youth find permanent housing
9. **Copies of applications for permanent housing** and an explanation of the status of the applications (*for example: Is the student or student's family on any waitlist for permanent housing? Was an application for permanent housing submitted?*)
10. **Copies of bills** or other documents showing that utilities such as electricity, water, oil, or gas **services have been turned off or are not working**
11. Statements or other **documentation establishing that the home does not have adequate heat, hot water, plumbing, or electricity**
12. **Statement from an inspector** explaining that the home is not safe or sanitary
13. **Statements describing overcrowded sleeping arrangements** (*for example: student sleeps on floor, sofa, etc.*)

# McKinney-Vento Dispute: Step 3

Within 5  
days



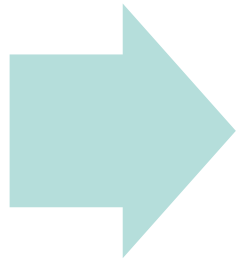
**3**

The liaison sends the completed **Petition** and an **Affidavit of Service** to SED.



# McKinney-Vento Dispute: Step 4

Within  
20 days

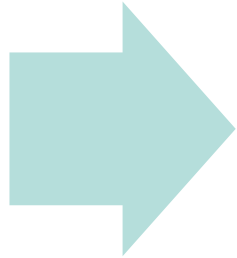


**4**

The district (usually the attorney for the district) drafts an **Answer** and gives a copy to the parent or youth. The LEA submits the answer to SED with an **Affidavit of Service** within 5 days.

# McKinney-Vento Dispute: Step 5

Within  
10 days

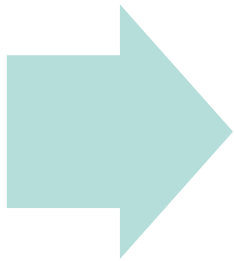


**5**

**OPTIONAL:** The parent or youth can do a **Reply** to the school district's Answer. If they do a **Reply**, they have to include a **Statement of Petitioner** and give the paperwork to the liaison.

# McKinney-Vento Dispute: Step 6

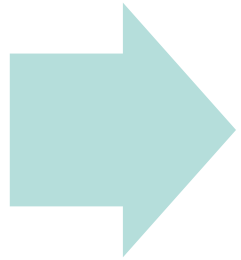
Within 5  
days



**6**

If the parent or youth gives the liaison a **Reply** and **Statement of Petitioner**, the liaison sends those documents and an **Affidavit of Service** to SED within 5 days.

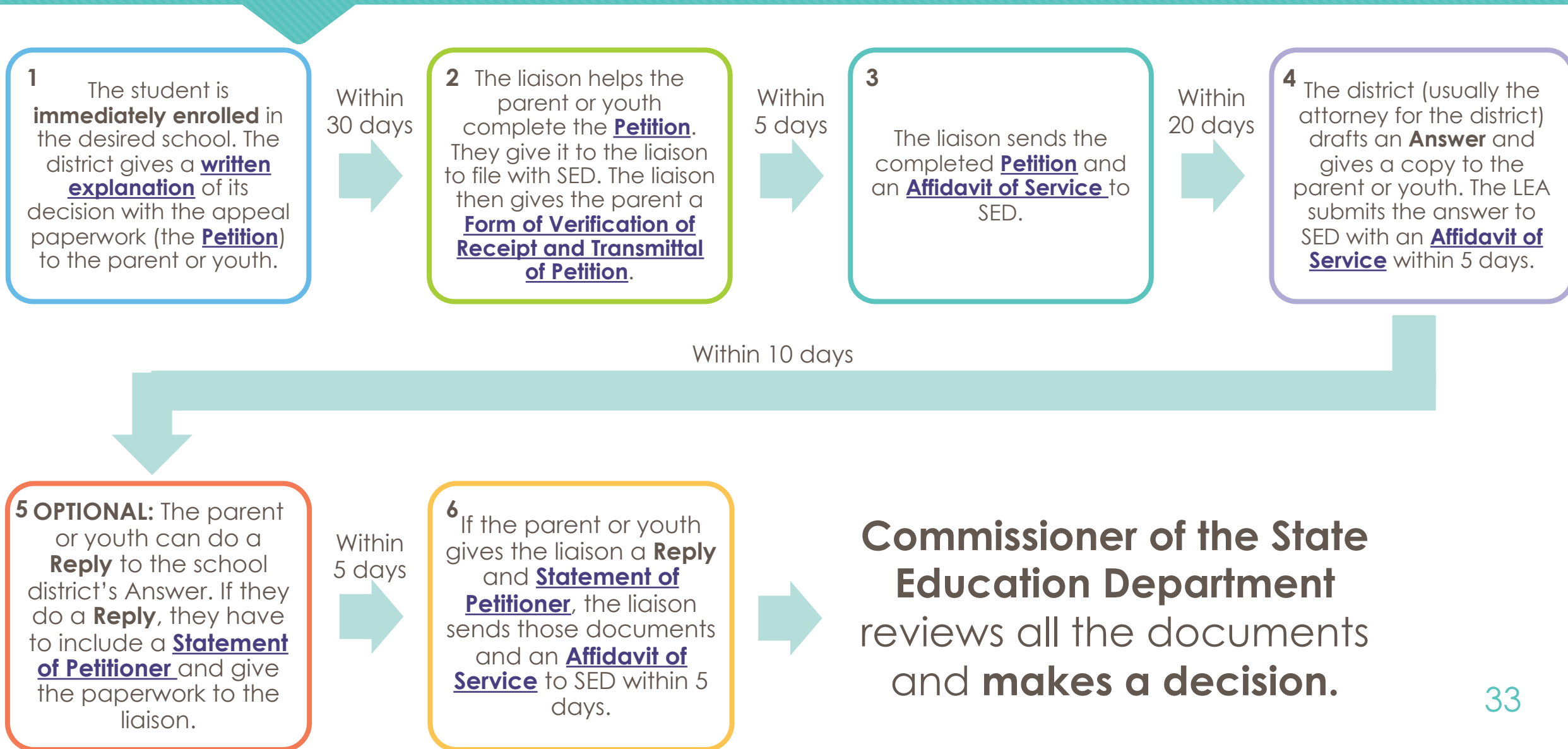
# McKinney-Vento Dispute: Final Step



**Commissioner of the State  
Education Department**  
reviews all the documents  
and **makes a decision.**



# McKinney-Vento Dispute Resolution Overview



# Process and Merit

Two separate factors should be considered in disputes:

- **Did the LEA follow the proper PROCESS for the dispute?**
  - Appeal of V.G. and L.G., Dec. No. 16,328 (*District scolded for failure to follow proper notice procedure*).
  - LEAs may be required to start the DR process over again if they don't take the proper steps.
- **Do the student's claims to MV protections have MERIT?**
  - Appeal of G.R, No 15,955. (*MV protections apply for student in doubled up and inadequate/overcrowded housing*).
  - Appeal of R.W., No. 15,962. (*MV rights upheld for student in doubled-up inadequate housing*).



# A Checklist: Liaison's Responsibilities Before and During Disputes

- ❑ Ensure that enrollment disputes are mediated in accordance with the McKinney-Vento Act
- ❑ Explain the appeal process to the parent/guardian/youth
- ❑ Providing the appeal form ("Petition")
- ❑ Help the parent/guardian/youth fill out the appeal form ("Petition"). This includes explaining the definition of homeless to the parent/guardian/youth and giving examples of types of proof they could submit.
  - ❑ **Practice Tips: Give the parent/guardian or youth a copy of the Appeal Sample Evidence handout and the annotated Appeal form from NYS-TEACHS**
- ❑ Make copies of the appeal forms and any supporting documents at no cost to the parent/guardian/youth
- ❑ Accept service of the appeal form ("Affidavit of Service")
- ❑ Make sure the appeal is properly filed with the State **within 5 days**
- ❑ Give copies to the parent/guardian/youth with verification that s/he has properly filed and served the appeal ("Verification of Receipt")

# A Change of Address? New Student Enrolling?



**Housing Questionnaire**, conversation with parent/youth about housing.

Liaison determines student is **NOT MV-eligible** and parent/youth disagrees.

**Immediate enrollment** in desired school; district begins DR process.

Liaison determines **student is MV-eligible**.

Liaison explains **school selection** options with parent/youth and **student is enrolled** in selected school

Liaison **reviews the determination** to confirm it's in the student's best interest.

Liaison + parent/youth agree about best interest. **No dispute.**

Liaison disagrees with parent/youth, keeps student enrolled in desired school, **begins DR process.**



# Roadmap

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What are the steps to the McKinney-Vento Dispute Resolution process?

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What are some best practices for navigating challenging conversations?



# Communication is Key

- Gather information about the **student's living situation** from the perspective of the parent, guardian, and/or youth.
- Conversations about a student's living situation are **highly sensitive**.
  - Have conversations about students' housing arrangements in private spaces.
  - Avoid using the word "homeless."



# Communication is Key

Information about a student's living situation **cannot be considered *Directory Information*** under FERPA.

- In general, **no talking to others outside of school/district staff about where the student is living without consent** of the parent/eligible youth.





# Using a Trauma-Sensitive Approach for Challenging Conversations

- Trauma sensitivity is not about treating trauma symptoms.
- Trauma sensitivity is about creating the environment in which a person is:

1. **Approached with empathy** and understanding

2. **Made to feel safe** and supported both physically and emotionally

3. **Empowered** and viewed as having strengths to share





## How can you incorporate *trauma sensitivity*?

1. Provide a safe and comforting environment
2. Be empathetic
3. Avoid blame or shame
4. Focus on partnership, not control or authority
5. Focus on student and family strengths (rather than weaknesses or challenges)



## Resources to Decrease Disagreement



- Educate district staff and administrators about **McKinney-Vento eligibility and services** – *Under ESSA, this is now a Liaison requirement!*
  - Trainings and webinars
  - NYS-TEACHS [Tip Sheet Series](#)
  - Share resources [on trauma sensitivity and trauma-sensitive schools](#)
- NYS-TEACHS + Urban Arts Partnership [Registration Simulation video](#) highlights the importance of conversations in McKinney-Vento identification and service delivery.

## Common Question: Continued Eligibility?

### Best Practices for Follow-Up

- Liaisons should follow up with families to reassess housing status.
  - Toward the end of the school year is an optimal time to follow up.
  - New! [Template end-of-year letter](#)
- Use a trauma-sensitive approach and convey when and how you will follow up with families.
- Remember that you must use the dispute resolution process if a family disagrees with your determination.

### Template End-of-Year Reverification Letter

Dear \_\_\_\_\_,

Each year, **[School District Name]** asks for updated address and housing information for students who receive services under the McKinney-Vento Act, which is a federal law that supports students in temporary housing. Your updated housing information will help us determine if **[child's name/you]**, **[is/are]** still eligible for services such as continued enrollment, transportation for students temporarily living outside of the district, and other programs **[list specific programs such as free meals or Title I services if the family may not otherwise qualify, or other school district interventions for students in temporary housing]**. Even if you have moved into permanent housing, **[your child/you]** can stay in **[his/her/your]** current school and get transportation to that school **for the rest of the school year [and next school year (only include the latter if next year is the student's terminal grade)]**.

The information on the questionnaire about your housing will be kept private and is protected under the Family Educational Rights and Privacy Act (FERPA).

Please fill out the enclosed *Housing Questionnaire* and return it to us at:

*(Insert School District Address)*

- Please write your current address on the questionnaire.
- If your family is now permanently housed, check the box "In Permanent Housing" on the questionnaire. Some examples of permanent housing include moving into your own apartment or house, or if a temporary shared housing arrangement has changed into a long-term, adequate arrangement.



## Spotlight on NYS-TEACHS Resources: Tips for Navigating Challenging Conversations

### Challenging Conversation Topics Include:

- Family providing **vague** or generalized answers to questions about where they are living
- Questions about **adequacy** of the living arrangement
- Questions about **continued eligibility** where the family has been doubled-up for an extended time
- Different **versions** of the story
- Lack of enrollment **documentation**
- **Unaccompanied youth**

### McKinney-Vento Quick Tip Series

### TIPS FOR NAVIGATING CHALLENGING CONVERSATIONS

The McKinney-Vento Homeless Education Act is a federal law that protects the educational rights of students in temporary housing. It defines “**homeless children and youths**” as any student who **lacks a fixed, regular, and adequate nighttime residence.**



Conversations about a family’s housing situation can be tense, uncomfortable, or invasive. This tip sheet provides trauma-sensitive strategies and conversation starters for some of the most common conversations you will encounter with students, families, and district administration.

THE CHALLENGE	WHY IT'S CHALLENGING	TRAUMA-SENSITIVE STRATEGIES AND CONVERSATION STARTERS
When asked about a current address or living situation, the family gives only vague or generalized answers.	This is challenging because liaisons and/or district staff need specific housing information in order to make an informed decision about McKinney-Vento eligibility. Vague answers may be misinterpreted as a “false story,” leading someone to make an incorrect determination. Additionally, a family may feel under attack or become upset as a result of numerous clarifying questions.	If you need more information from a family about their housing situation, first explain <b>WHY</b> you need housing details before you ask any additional questions. You may also want to: <ul style="list-style-type: none"> <li>• <b>Invite the family to speak with you in a private setting.</b> Avoid talking at the front desk or registration counter.</li> <li>• <b>Explain your position/role and intentions.</b> For example, “I am the McKinney-Vento liaison and my job is to connect students in temporary housing with educational supports and services.”</li> <li>• <b>Be clear about the goal of the conversation.</b> Make clear that you are not trying to get them in trouble, but rather, want to make sure they receive all services for which they are eligible.</li> <li>• <b>Avoid the word “homeless.”</b> Instead, talk about a temporary housing arrangement.</li> </ul>
A family’s housing situation seems to be fixed and regular, but you need to know if it is also adequate.	This is challenging because questions about housing adequacy can feel particularly uncomfortable and intrusive. Adequacy conversations are also challenging because families may be nervous that information shared about	It is important to take a very sensitive approach to this type of conversation. Before asking any questions about the adequacy of the housing arrangement, <b>begin the conversation by reminding the family that students living in temporary housing situations have special education rights</b> , which may be beneficial to the student and his/her family. Reassure them that your questions are intended to connect the student with appropriate supports and services.

The Challenge: A family has been living at the same address for more than a year, and you are unsure if the housing should still be considered to be temporary.

**Why it's Challenging:** Revisiting a McKinney-Vento eligibility determination may feel like a awkward “investigation” or worse, could be re-traumatizing to the family. It may also be challenging if you believe that a family’s temporary housing situation has actually become permanent, but the family disagrees.





The Challenge: The student or family seems to be telling a different version of their housing story to the liaison versus the school principal.

**Why it's Challenging:** This is challenging because variations in housing explanations/descriptions can raise a red flag for school or district staff about the authenticity of the story.



# Key Takeaways

- When disagreements arise, **schools must immediately enroll and provide services** to students **before disputing** McKinney-Vento eligibility, school selection, enrollment, or transportation.
- During the dispute process, students are entitled to continued enrollment in and transportation to their desired school, **pending a final resolution of the dispute**, including all available appeals.
- The **McKinney-Vento Liaison is responsible for ensuring that the McKinney-Vento Dispute process is done properly** and that the parent/youth receives assistance with the process.
- **Trauma-sensitive conversation strategies** may facilitate more positive interactions with families and minimize disagreements between districts and families.

# NYS-TEACHS

800-388-2014

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Website: [www.nysteachs.org](http://www.nysteachs.org)



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