



The McKinney-Vento Act

is a federal law designed to increase the school enrollment, attendance, and success of children and youth who are experiencing homelessness.

DEFINING HOMELESSNESS FOR CHILDREN AND YOUTH

Individuals who lack a fixed, regular, and adequate nighttime residence.

Fixed residence is one that is stationary, permanent, and not subject to change.

Regular residence is one that is used on a regular basis (i.e. nightly).

Adequate residence is one that is sufficient for meeting both the physical and psychological needs typically met in home environments.

It is important to note that if a living situation does not meet all three (fixed, regular, and adequate), then the situation is considered homeless. The homeless liaison in the district is responsible for determining who qualifies under the educational law as homeless and what services are needed.



KEY RIGHTS OF ELIGIBLE CHILDREN AND YOUTH

The main rights for children and youth who are experiencing homelessness in the school setting include:

- Right to immediate enrollment in school
- Right to remain in the school of origin IF it is in the student's best interest
- Right to receive transportation to and from the school of origin, when requested
- Access to free school meals
- Supports for academic success

SUPPORT SERVICES FOR ELIGIBLE CHILDREN AND YOUTH

Educational support services are available to children and youth experiencing homelessness. The district homeless liaison and the parent, guardian, or unaccompanied youth may determine services such as:

- Tutorial services
- Transportation to and from the school of origin
- School supplies
- Referrals to community services
- Other provisions of services that will support the success of a child in school



FOR MORE INFORMATION CONTACT THE HOMELESS LIAISON:

Name Madeline Wynn
Email mwynn@beargrasscharter.org
Phone 252-789-1010

THE STATE COORDINATOR FOR THE EDUCATION OF HOMELESS CHILDREN AND YOUTH IN NC:

Lisa Phillips

NC Department of Public Instruction
Office of the Deputy State Superintendent of Innovation
Federal Program Monitoring and Support Division

336-315-7491 or 336-543-4285

<https://hepnc.uncg.edu>

www.dpi.nc.gov/districts-schools/federal-program-monitoring/homeless-program-monitoring



Public Schools of North Carolina

State Board of Education
Department of Public Instruction



UNC GREENSBORO

Information for Parents

Información para los Padres



IF YOUR FAMILY LIVES IN ANY OF THE FOLLOWING SITUATIONS:

In a shelter, motel, campground, park, abandoned building, bus or train station, or some other inadequate accommodation
Doubled up with other people due to loss of housing or economic hardship

Then, your school-aged children may qualify for certain rights and protections under the federal McKinney-Vento Act.

If your children are eligible, they have the right to:

- Receive the free, appropriate public education to which they are entitled.
- Be enrolled in school immediately, even if lacking documents normally required for enrollment.
- Be enrolled in school and attend classes while the school gathers needed documentation.
- Enroll in the local school near where they're living; or continue attending their school of origin (the school they attended when permanently housed or the school in which they were last enrolled), if that is your preference and is in the best interest of your child. If the school district believes that the school you select is not in the best interest of your child, then the district must provide you with a written explanation of its position and offer you the opportunity to appeal its decision.
- Receive transportation to and from the school of origin, if you request this.
- Receive educational services comparable to those provided to all other students, according to your child's need.

If you believe your children may be eligible, contact the local liaison (see below) to find out what services and supports may be available.

SI SU FAMILIA VIVE EN CUALQUIERA DE LAS SIGUENTES SITUACIONES:

En un albergue, un motel, un sitio para acampar, un parque, un edificio abandonado, una estación de trenes o de autobuses, u otra situación inadecuada Compartiendo la vivienda de otras personas debido a la pérdida de su casa o a una dificultad económica Entonces, sus niños de edad escolar podrían calificar para recibir ciertos derechos y protecciones bajo la ley federal McKinney-Vento.

Si sus hijos son elegibles, tienen derecho a:

- Recibir una educación pública gratuita y apropiada.
- Inscribirse en la escuela inmediatamente, aunque falten documentos normalmente requeridos para la inscripción.
- Inscribirse, asistir a la escuela, y participar completamente en todas las actividades escolares mientras que la escuela obtiene los documentos necesarios.
- Asistir a la escuela local o a la escuela de origen, según la preferencia de usted y lo que sea mejor para su hijo; la escuela de origen es la escuela a la cual su hijo asistió cuando tenía una residencia permanente, o es la última escuela en la cual estaba inscrito. Si el distrito escolar cree que la escuela escogida por usted no es la mejor para su hijo, el distrito tiene que darle a usted una explicación escrita de su posición y ofrecerle la oportunidad de apelar su decisión.
- Recibir transporte a/de la escuela de origen, si usted lo pide.
- Recibir servicios educacionales comparables a los que están provistos para otros estudiantes, según la necesidad de su hijo.

Si cree que sus hijos pueden ser elegibles, hable con el oficial para la educación de los niños y jóvenes sin hogar del distrito escolar (información de contacto a continuación) para averiguar los servicios y ayudas que podrían estar disponibles.

District Local Liaison and Contact Information:
El Contacto del Distrito:

Madeline Wynn
mwynn@beargrasscharter.org

State Coordinator:
El coordinador estatal:

Lisa Phillips



NORTH CAROLINA HOMELESS EDUCATION PROGRAM
The SERVE Center at UNC Greensboro
<http://center.serve.org/hepnc>



PUBLIC SCHOOLS OF NORTH CAROLINA
State Board of Education | Department of Public Instruction
<http://www.ncpublicschools.org/program-monitoring/homeless/>

Information for School-Aged Youth

Información para los Jóvenes de Edad Escolar

IF YOU LIVE IN ANY OF THE FOLLOWING SITUATIONS:

- In a shelter, motel, campground, park, abandoned building, bus or train station, or some other inadequate accommodation
- Doubled up with other people due to loss of housing or economic hardship
- Then, you may qualify for certain rights and protections under the federal McKinney-Vento Act.**

Eligible students have the right to:

- Receive the free, appropriate public education to which they are entitled.
- Be enrolled in school immediately, even if lacking documents normally required for enrollment.
- Be enrolled in school and attend classes while the school gathers needed documentation.
- Enroll in the local school near where they're living; or continue attending their school of origin (the school they attended when permanently housed or the school in which they were last enrolled), if that is their preference and is in the best interest of your child. If the school district believes that the school selected by the student is not in his/her best interest, then the district must provide the student with a written explanation of its position and offer him/her the opportunity to appeal its decision.
- Receive transportation to and from the school of origin, if requested.
- Receive educational services comparable to those provided to all other students, according to the student's needs.

If you believe you may be eligible, contact the local liaison (see below) to find out what services and supports may be available.

SI VIVES EN CUALQUIERA DE LAS SIGUIENTES SITUACIONES:

En un albergue, un motel, un sitio para acampar, un parque, un edificio abandonado, una estación de trenes o de autobuses, u otra situación inadecuada Compartiendo la vivienda de otras personas debido a la pérdida de tu casa o a una dificultad económica

Entonces, podrías calificar para recibir ciertos derechos y protecciones bajo la ley federal McKinney-Vento.

Estudiantes elegibles tienen derecho a:

- Recibir una educación pública gratuita y apropiada.
- Inscribirse en la escuela inmediatamente, aunque falten documentos normalmente requeridos para la inscripción.
- Inscribirse, asistir a la escuela, y participar completamente en todas las actividades escolares mientras que la escuela obtiene los documentos necesarios.
- Asistir a la escuela local o a la escuela de origen, según la preferencia del estudiante y lo que sea mejor para él/ella; la escuela de origen es la escuela a la cual el estudiante asistió cuando tenía una residencia permanente, o es la última escuela en la cual estaba inscrito. Si el distrito escolar cree que la escuela que el estudiante escoge no es la mejor para él/ella, el distrito tiene que darle al estudiante una explicación escrita de su posición y ofrecerle la oportunidad de apelar su decisión.
- Recibir transporte a/de la escuela de origen, si se solicita.
- Recibir servicios educacionales comparables a los que están provistos para otros estudiantes, según la necesidad del estudiante.

Si crees que puedes ser elegible, habla con el oficial para la educación de los niños y jóvenes sin hogar del distrito escolar (información de contacto a continuación) para averiguar los servicios y ayudas que podrían estar disponibles.

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National Center for Homeless Education
Supporting the Education of Children
and Youth Experiencing Homelessness
<https://nche.ed.gov>



McKINNEY-VENTO LAW INTO PRACTICE BRIEF SERIES

Dispute Resolution

This NCHE brief:

- summarizes the key provisions of the McKinney-Vento Act related to dispute resolution, and
- provides an overview of implementation strategies at the State and local levels

INTRODUCTION

Subtitle VII-B of the McKinney-Vento Homeless Assistance Act (42 U.S.C. § 11431 et seq.; hereafter *the McKinney-Vento Act*), reauthorized in 2015 by Title IX, Part A of the Every Student Succeeds Act, guarantees educational rights and supports for students experiencing homelessness. The 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 schools over eligibility for services, school selection, or school enrollment under the Act [42 U.S.C. § 11432(g)(3)(E)]. The dispute resolution process is intended to represent each party's views for objective consideration so that disagreements can be resolved expeditiously and in keeping with McKinney-Vento provisions. This NCHE brief summarizes the key provisions related to dispute resolution included in the McKinney-Vento Act, and suggests strategies for

McKINNEY-VENTO DEFINITION OF HOMELESS 42 U.S.C. § 11434a(2)

The term “homeless children and youth”—

- 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).

implementation at the SEA and LEA levels.

STATUTORY REQUIREMENTS RELATED TO DISPUTE RESOLUTION

SEA REQUIREMENTS

The McKinney-Vento Act requires every State to include in its State plan for implementing the Act a description of procedures for the prompt resolution of disputes regarding the educational placement of children and youth experiencing homelessness [42 U.S.C. § 11432(g)(1)(C)].

LEA REQUIREMENTS

If a dispute arises under the McKinney-Vento Act over eligibility, school selection, or school enrollment [42 U.S.C. 11432(g)(3)(E)], the Act requires LEAs to take the following steps:

1. The child or youth shall be immediately enrolled in the school in which enrollment is sought, pending final resolution of the dispute, including all available appeals [42 U.S.C. § 11432(g)(3)(E)(i)]. In the case of an unaccompanied youth, the local homeless education liaison (hereafter *local liaison*) must ensure that the youth is enrolled immediately in the school in which the youth seeks enrollment pending final resolution of the dispute [42 U.S.C. § 11432(g)(3)(E)(iv)]. While disputes are pending, students have the right to participate fully in school and receive all services for which they are eligible (U.S. Department of Education, 2017, p 35), as the definition of enrollment includes “attending classes and participating fully in school activities” [42 U.S.C. § 11434a(1)].
2. The parent, guardian, or unaccompanied youth must be provided with a written explanation of any dispute-related decisions made by the school, LEA, or SEA involved, including the right of the parent, guardian, or unaccompanied youth to appeal such decisions [42 U.S.C. § 11432(g)(3)(E)(ii)]. The LEA must provide this written explanation, including the reasons for its determination and information regarding the right to appeal, in a manner and form understandable to the parent, guardian, or unaccompanied youth [42 U.S.C. § 11432(g)(3)(B)(iii)]. In the case of an unaccompanied youth, the local liaison must ensure

that this written notice is provided directly to the youth [42 U.S.C. § 11432(g)(3)(B)(iv)].

3. The parent, guardian, or unaccompanied youth must be referred to the local liaison, who will carry out the dispute resolution process described in the State McKinney-Vento plan as expeditiously as possible after receiving notice of the dispute [42 U.S.C. § 11432(g)(3)(E)(iii)]. The local liaison must be familiar with the State’s McKinney-Vento dispute resolution process and follow all procedures outlined therein.

STRATEGIES FOR IMPLEMENTATION

STATE-LEVEL STRATEGIES

State Coordinators for Homeless Education (hereafter *State Coordinators*) should

- make their State’s McKinney-Vento dispute resolution process available to all LEAs, and train local liaisons regularly on its implementation;
- ensure that any State-level participants in the dispute resolution process are trained sufficiently on the McKinney-Vento Act;
- 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 after a parent, guardian, or unaccompanied youth expresses a desire to dispute a school or LEA decision, to the final resolution of the dispute;
- include indicators for LEA monitoring that pertain to the implementation of the McKinney-Vento dispute process, including the provision of written notice to parents, guardians, or unaccompanied youth; and
- review all McKinney-Vento disputes, once resolved, to ensure compliance with the State dispute resolution process, determine ways in which the process may need improvement, and revise the process, as necessary. (For a dispute review checklist, see *Appendix 8B: Dispute Review Guide* in NCHE’s *Homeless Liaison Toolkit* at <https://nche.ed.gov/homeless-liaison-toolkit/>.)

LEA-LEVEL STRATEGIES

Local liaisons should

- avoid disputes when possible by
 - training school staff members on the provisions of the McKinney-Vento Act, and their responsibilities for enrolling and serving children and youth experiencing homelessness;
 - communicating in person with parents, guardians, and unaccompanied youth to try to diffuse disagreements before they reach the level of a formal dispute; and
 - training school staff members on trauma-informed approaches to working with families and youth in homeless situations.
- provide written notice to parents, guardians, or unaccompanied youth when they disagree with a school's or LEA's decision that includes
 - contact information for the local liaison and the State Coordinator, with a brief description of their roles;
 - a simple form that can be detached and submitted to the school to initiate a formal dispute;
 - a description of the dispute resolution process, timeline, and steps to take to appeal the school's or LEA's decision (For a sample form for

UNACCOMPANIED YOUTH

The McKinney-Vento Act defines unaccompanied youth as “a homeless child or youth not in the physical custody of a parent or guardian” [42 USC § 11434a(6)]. Under the Act, unaccompanied youth have the right to access the dispute resolution process, and have any disputes that may arise resolved expeditiously and in keeping with the Act’s provisions. For more information on unaccompanied youth, download NCHE’s Supporting the Education of Unaccompanied Students Experiencing Homelessness brief at <https://nche.ed.gov/resources/>.

written notice, see *Appendix 8A: Written Notification of Decision* in NCHE’s *Homeless Liaison Toolkit* at <https://nche.ed.gov/homeless-liaison-toolkit/>; and

- notice of the right to obtain the assistance of advocates or attorneys, and a list of legal and advocacy service providers in the area that can provide assistance during any part of the process.
- provide parents, guardians, and unaccompanied youth with assistance with the dispute process, as needed, by
 - offering to assist them with gathering information, and providing referrals to local legal and advocacy service providers;
 - ensuring that they understand the dispute resolution timeline, including deadlines they may need to meet, and being flexible with deadlines when necessary;
 - allowing them to submit written documentation and/or oral statements in support of their position; and
 - allowing them to submit dispute-related documentation at their child’s school to minimize any inconvenience that could occur by requiring them to submit documentation at other locations.
- gather information in ways that do not harass or intimidate parents, guardians, or unaccompanied youth, and do not violate privacy guidelines, including those specified in the Family Educational Rights and Privacy Act (FERPA; 20 U.S.C. § 1232g) and any other applicable Federal or State laws.
- keep thorough documentation of all dispute-related communication with parents, guardians, or unaccompanied youth.
- during the dispute process, follow up with the school selected by the parent, guardian, or unaccompanied youth to ensure that the student is enrolled and receiving all services for which the student is eligible, including transportation to and from the school of origin.

- follow up with the parent, guardian, or unaccompanied youth and the involved school(s) once a final decision is rendered to assist with the implementation of the decision. This follow-up is especially important when the decision is not what the parent, guardian, or unaccompanied youth requested. The local liaison can play a key role in helping the parent, guardian, or youth accept the decision and access available student supports, regardless of how the dispute was resolved.

RESOURCES

For more information about developing and implementing an effective McKinney-Vento dispute resolution process, consult the following resources:

- U.S. Department of Education, *Education for Homeless Children and Youths Program: Non-Regulatory Guidance, Section K: Dispute Resolution Procedures*
<https://oese.ed.gov/files/2020/07/160240ehcyguidanceupdated082718.pdf>
- National Center for Homeless Education, *Homeless Liaison Toolkit, Chapter 8: Dispute Resolution*
<https://nche.ed.gov/homeless-liaison-toolkit/>
- National Center for Homeless Education, *State Coordinators' Handbook, Section G: Dispute Resolution*
<https://nche.ed.gov/state-coordinators-handbook/>

REFERENCES

Subtitle VII-B of the McKinney-Vento Homeless Assistance Act, 42 U.S.C. § 11431 et seq.
Retrieved from
<https://uscode.house.gov/view.xhtml?path=/prelim@title42/chapter119/subchapter6/partB&edition=prelim>

U.S. Department of Education. (2018). *Education for Homeless Children and Youth Program non-regulatory guidance*. Retrieved from
<https://oese.ed.gov/files/2020/07/160240ehcyguidanceupdated082718.pdf>

This brief was developed by:
National Center for Homeless Education
800-308-2145 | homeless@serve.org
<https://nche.ed.gov>

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

For more information on issues related to the education of children and youth experiencing homelessness, contact the NCHE helpline at 800-308-2145 (toll-free) or homeless@serve.org.

Local Contact Information:



McKinney-Vento Statistics for Bear Grass Charter School

2024-2025	0
2023-2024	0
2022-2023	0