



# McKinney-Vento Homeless Assistance Act (MKV)

## Dispute Resolution Policy

### Guidelines Update

#### An Informational Guide on Appeal Requests for LEAs

Under the McKinney-Vento Homeless Assistance Act (MKV), if a dispute arises between a school and a homeless student, parent, or guardian, over eligibility, enrollment, or school selection, a child or youth has a right to access the dispute resolution policy. (42 USC 11432 (g)(3)(E)). But, not all disagreements around eligibility, enrollment, or school selection are eligible to go through the dispute resolution process. This informational guide for local education agencies (LEAs) outlines when a dispute resolution appeal request can and cannot be granted to a parent, guardian or unaccompanied youth in the District of Columbia.

#### What are the enrollment rights of students experiencing homelessness?

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Under MKV, a child or youth has the right to enroll in any public school that non-homeless students who live in the attendance area are able to attend, so long as the child or youth is actually living in the attendance area (i.e., geographical boundary). Excluded from the circumstances for which a dispute resolution may be requested are instances where the child or youth is not actually living in the attendance area and is seeking to enroll in the sought-after school. (42 USC 11432 (g)(3)(A)). For example, when a child or youth is not residing in a homeless situation in the boundaries of a school, but the parent, guardian, or unaccompanied homeless youth seeks enrollment at the school due to its specialized academic or athletic programs and requests to initiate an enrollment dispute at that particular school. The child or youth would not be entitled to a dispute resolution appeal.

#### What are school of origin rights?

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MKV allows the child or youth to continue their education in the school of origin for the duration of homelessness, if it remains in the best interest of the child or youth. According to MKV, “school of origin” is defined as the school that a child or youth attended when permanently housed or the school in which the child or youth was last enrolled, including a preschool. It also includes the designated receiving school, which is the next grade level for all feeder schools when the child completes the final grade served by school of origin. (42 USC 11432 (g)(3)(I)). For example, if a student becomes displaced while attending eighth grade in a middle school, the student is entitled to remain enrolled in the same middle school for the remainder of the school year even if the student no longer resides in-boundary to the school. The student may also enroll in the feeder high school the following school year as long as the student is still experiencing homelessness. **In cases where the sought-after school can clearly document that the school is neither the school of origin nor the designated receiving school, based on residential information provided or previous school enrollment information, a dispute resolution appeal would not be permissible.**

#### How should a school or LEA inform parents, guardians or youth that they’re ineligible to dispute a decision?

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As a best practice, in instances when a child or youth is not entitled to dispute resolution because there is no dispute under MKV as articulated above, a school/LEA should provide the parent/ guardian of the child or youth (in the case of an unaccompanied youth) with a written explanation of its decision related to school selection or enrollment. The written explanation should include contact information for the LEA homeless liaison, should the parent/guardian or youth, in the case of an unaccompanied minor, have questions, concerns or need assistance. Also, a school/LEA should direct the individuals to the appropriate school of origin or appropriate in-boundary school, based on the information provided to the school or LEA by the parent, guardian or unaccompanied youth. A sample ineligibility notification form template can be found on OSSE’s Homeless Education Program Dispute Resolution Guidelines and Appeals Process [webpage](#).

## What are some additional examples of dispute resolution cases?

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### **Scenario 1:**

A family becomes displaced and is currently residing temporarily with friends or relatives at an address in-boundary to a District of Columbia Public Schools (DCPS) middle school. The student attended a DC public charter school when the family lost their housing. Due to attendance and transportation challenges, the parents determined that they wanted to enroll the child at the in-boundary DCPS middle school since they are within walking distance to the school. While the family attempts enrollment, the school states that they cannot enroll the child since their identification reflects the previous address and there is no proof that they reside at the temporary address since they are not on the lease. **This case would be eligible for a dispute resolution appeal since their temporary address is in-boundary to the DCPS school.**

### **Scenario 2:**

A parent experiencing homelessness has a physical disability and cannot accompany her six-year-old child to or from school on public transportation using the SmarTrip card provided by the elementary school. The parent requests alternative door-to-door transportation services (e.g., Uber or privately hired van service) to transport the child to/from school. The school refuses to provide alternative transportation service since the school is already providing public transportation assistance to the parent. **This case would be eligible for a dispute resolution appeal due the student's current enrollment status as a student experiencing homelessness and transportation is an MKV eligible service.**

## For More Information

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For more information on resolving disputes relative to the eligibility, enrollment, or school selection for students experiencing homelessness in the District of Columbia, please visit OSSE's Homeless Education Program Dispute Resolution Guidelines and Appeals Process [webpage](#).

For additional assistance with policy guidance, please contact [HEP.OSSE@dc.gov](mailto:HEP.OSSE@dc.gov) or call (202) 654-6123. Contact information for OSSE program staff has also been provided below for your convenience:

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