

Supporting Students in Temporary Housing



McKinney-Vento Act: Navigating the Dispute Process



Presented by: NYS-TEACHS

Wendy Cleary & Dan Martinelli

December 6, 2024

9:30am - 11:00am



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Webinar Format



- Today's session will be recorded.



- Your microphone will be automatically muted.



- Your camera will be automatically disabled.



- The in-webinar chat will allow you to communicate with the panelists and the host only.



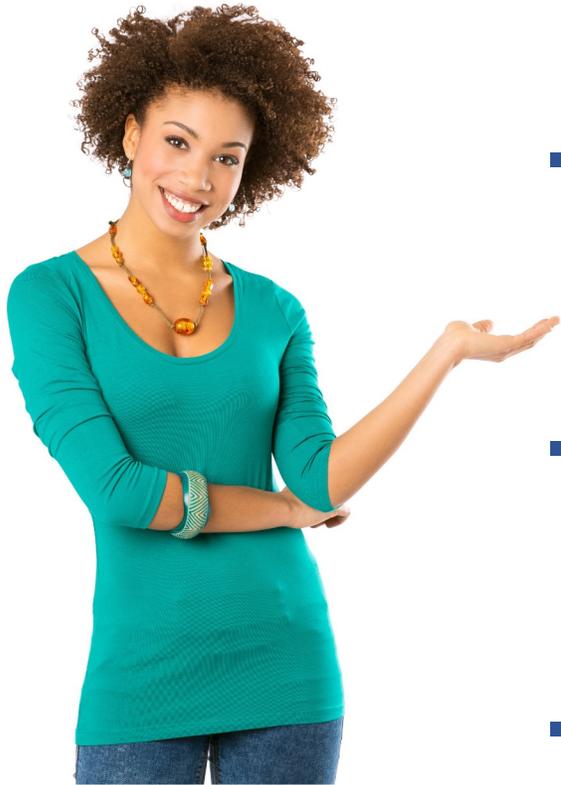
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Housekeeping



- We will launch poll questions periodically throughout the session and ask you to respond to questions in the chat.
- We won't be able to answer questions about specific situations in the chat, but we welcome you to call the Help Line to discuss these issues at 800-388-2014.
- The Help Line is open 24 hours a day. Specialists are available from 9:00am – 5:00pm. If you leave a message, you will be called back by the next business day.
- Following today's webinar, today's recorded session, attachments and Q&As will be posted/accessible.



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Who Is In The Room?

Are you a...

- New McKinney-Vento Liaison (1st Year)
- McKinney-Vento Liaison (2-4 years)
- McKinney-Vento Liaison (5–9 years)
- McKinney-Vento Liaison (10+ years)
- Other School/District Staff
- BOCES Staff



Which region are you from?

- * Western
- * Capital
- * Finger Lakes
- * Hudson Valley
- * Central
- * New York City
- * Southern Tier
- * Long Island
- * Mohawk Valley
- * North Country



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Welcome!



By the end of today's webinar, participants will be able to:

- Identify the responsibilities of SED, the LEA, and the McKinney-Vento Liaison in the dispute process.
- Describe the steps in a dispute process.
- Apply this knowledge to examples.
- Use strategies and resources during the dispute process.

Today's Agenda



Welcome! Who is in the Room?



Opening Activity and Review of McKinney-Vento Act



Role of SED, the LEA and the McKinney-Vento Liaison



The Dispute 310 Appeal Process: A Step-by-Step Guide



Strategies for Success



Summary, Survey, and Resources



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Opening: Handling Disputes



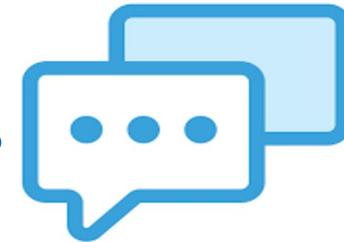
Think about any kind of dispute that you have been involved in-or witnessed-that was **successfully resolved.**

What factors facilitated an effective resolution to the dispute?

Sammy vs. David



Please put your answers in the chat!



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McKinney-Vento Homeless Assistance Act

The McKinney-Vento Act states that children and youth who lack a “fixed, regular, and adequate nighttime residence” will be considered homeless.



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Homelessness: Living Conditions

- Sharing the housing of others due to loss of housing, economic hardship or a similar reason
- Living in emergency or transitional shelters
- Living in motels, hotels, trailer parks, camping grounds due to the lack of alternative adequate accommodations
- Abandoned in hospitals
- Living in a public or private place not designed for sleeping
- Living in cars, parks, abandoned buildings, substandard housing, bus or train stations, etc.
- Migratory children living in circumstances described above
- Unaccompanied youth living in circumstances described above



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Education Law §3209(1)(a); 8 NYCRR §100.2(x)(1); see also 42 USC §11434A(2)(B)(i)



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Introduction to the Dispute Process

“While few people enjoy conflict, a **dispute resolution process** is an important tool to protect the rights and best interests of homeless children and youths, as well as those of the local education agency (LEA).”

The dispute resolution process “**ensures that each party’s views are represented**” so that disagreements can be resolved expeditiously.

Source: National Center for Homeless Education:
[NCHE Local-Liaison-Toolkit](#): Dispute Resolution

“It is under the greatest adversity that there exists the greatest potential for doing good, both for oneself and others.”

-Dalai Lama



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Quick Poll #1



Have you personally been involved in helping a parent/guardian/youth with a McKinney-Vento dispute (Dispute 310 appeal)?

- A. Yes
- B. No
- C. Not Sure

Role of SED, the LEA, and the McKinney-Vento Liaison



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Dispute Resolution: State Level

The McKinney-Vento **Act requires each State educational agency (in New York, NYSED) to include a written procedure for the prompt resolution of disputes** in its state plan for homeless education [42 U.S.C. § 11432(g)(1)(C)].

In addition, **SEAs are required to have a McKinney-Vento dispute resolution process in place** [42 U.S.C. § 11432(g)(1)(C)]. While each district is allowed to design its own process as long as basic requirements are included, it is important for LEA dispute policies to align with the State dispute resolution policy.

Source: National Center for Homeless Education, *Local Liaison Toolkit: Dispute Resolution*

[NCHE Local-Liaison-Toolkit](#)

[NYSED Dispute Resolution Process Memo - 2024](#)



Sample Forms Available

Instructions and sample forms for McKinney-Vento appeals can be found on the New York State Education Department, Office of Counsel's website.

The appeal form, also called the Form Notice of Petition or 310 Appeal, is available in English, Spanish, Arabic, Bengali, Chinese, and Haitian Creole.

<http://www.counsel.nysed.gov/appeals/homelessForms>



Dispute Process: Local Level

If there is a dispute regarding a student's homeless status, school selection, enrollment, and/or request for transportation in New York State, the **student must be immediately enrolled in the school where enrollment is sought and provided with transportation services (if requested)**.

Each Local Education Agency (LEA) must also have a dispute policy that aligns with the state dispute resolution policy. A sample policy is available under Guides and Fact Sheets in the Resource Library topic, Dispute Resolution/Appeals process of our website.

DISPUTE RESOLUTION PROCESS

(*LEA Name Here*) has established the following procedures for the prompt resolution of disputes regarding school selection or enrollment of a homeless child or youth:

- (*LEA Name Here*) will provide a written explanation, including a statement regarding the right to appeal, to the parent or guardian of a student in temporary housing, or to an unaccompanied youth if (*LEA Name Here*) determines that (*LEA Name Here*) is not required to either enroll and/or transport such child or youth to the school of origin or a school requested by the parent or guardian or unaccompanied youth, or if there is a disagreement about a child's or youth's status as a homeless child or unaccompanied youth. The written explanation will be in a manner and form understandable to such parent, guardian, or unaccompanied youth and will include a statement regarding the McKinney-Vento liaison's availability to help the parent, guardian, or unaccompanied youth with any appeal and the contact information for the liaison.
- (*LEA Name Here*) will immediately enroll the student in the school in which enrollment is sought by the parent or guardian or unaccompanied youth, provide transportation to the school, and will delay for 30 days the implementation of a final determination to decline to either enroll in and/or transport the student in temporary housing to the school of origin or a school requested by the parent or guardian or unaccompanied youth.
- If the parent or guardian of a student in temporary housing or unaccompanied youth commences an appeal to the Commissioner within 30 days of such final determination, the student will be permitted to continue to attend the school he or she is enrolled in at the time of the appeal and/or receive transportation to that school pending the resolution of all available appeals.

Source: <https://www.nysteachs.org/dispute-resolution-appeals-process>

LEAs are Required to Do the Following:

If a dispute arises regarding whether a student should be considered homeless under Education Law 3209, about a homeless student's eligibility, school selection, enrollment in a school or transportation, the **LEA must issue a written decision** to the parent, guardian or youth that includes:

- A statement regarding the **right to appeal the LEA's decision** to the Commissioner with the State Education Department;
- The name, post office address, telephone number, and email address of the **McKinney-Vento Liaison**; and,
- The **petition form** used to file an appeal with the Commissioner, and an explanation of the district's decision.



Source: [LEA Requirements for Implementing McKinney-Vento Homeless Student Dispute Resolution Process](#)

Quick Poll #2



Which of the following topics is not grounds for a possible 310 Appeal in New York State?

- A. Eligibility
- B. Transportation
- C. School Selection
- D. Gifted Program Participation

Role of the McKinney-Vento Liaison in Disputes

McKinney-Vento Liaisons must assist the parent, guardian or youth in commencing a 310 Appeal.

There are eight important responsibilities:

1. provide the parent, guardian, or youth with the form petition;
2. help the parent, guardian, or youth fill out the form petition;
3. make copies of the form petition and any supporting documents at no cost to the parent, guardian, or youth;
4. accept service of the form petition, supporting documents, and any other pleadings;



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Role of the Liaison (continued)

5. give or send the parent, guardian, or youth verifications that the liaison has served the appeal and will file it with the SED;
6. make sure the petition and any other subsequent pleadings are properly filed with SED within five days of service;
7. maintain a record of all appeals; and
8. inform school personnel, service providers, and advocates working with families who are homeless of the duties of the McKinney-Vento Liaison.



Dispute 310 Appeal Process

Step-by-Step Guide



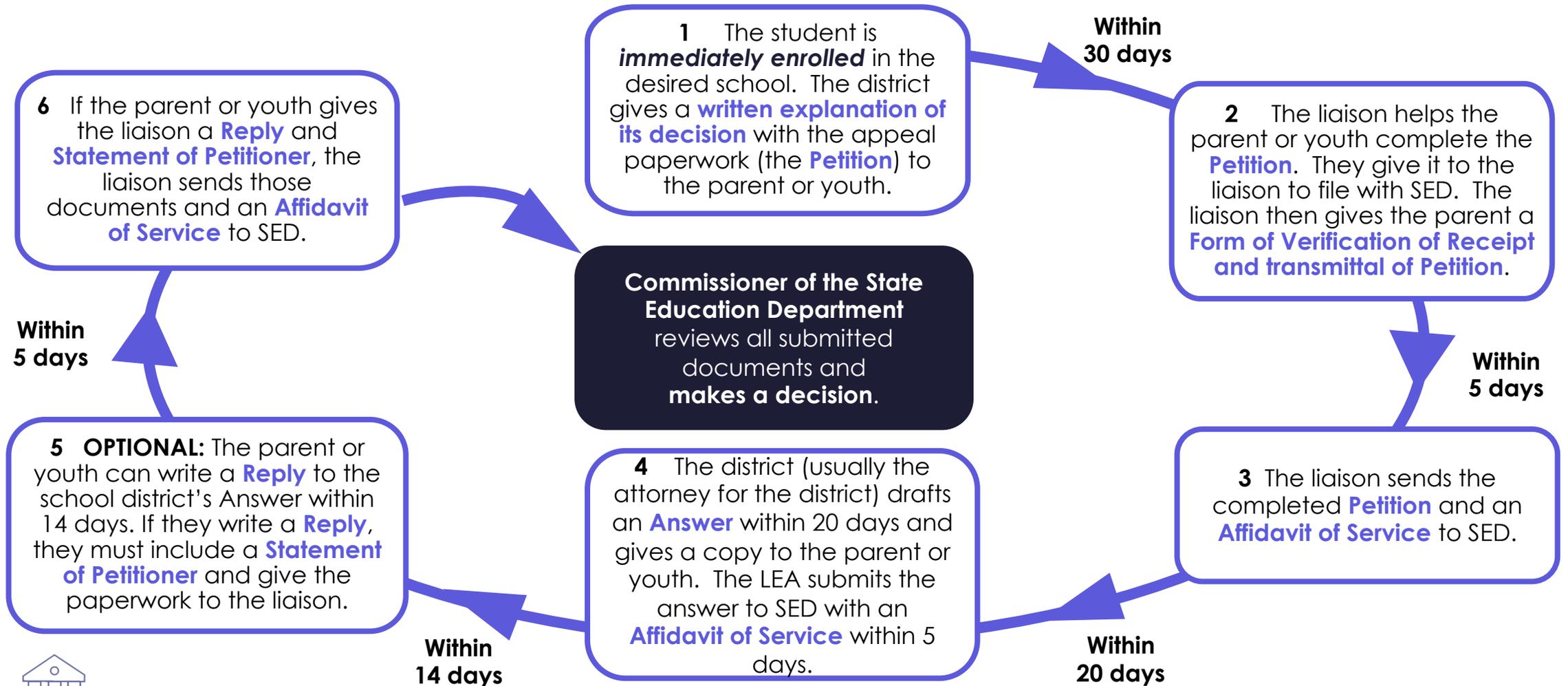
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McKinney-Vento Dispute Resolution Overview



Dispute Resolution: Step 1

1

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



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LEA's Written Decision

A **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.



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Quick Poll #3

A district has sent a decision letter (also known as a determination letter) to a student's parent. The parent decides to file a 310 appeal. The McKinney-Vento Liaison is unsure if she thinks that the student is actually in temporary housing. How should the Liaison proceed?

A. Ask the district registrar to help the parent file the petition instead of helping the parent herself.

B. Assist the parent through the process regardless of her own uncertainty.

C. Ask the student if his family has found a new home.

D. Tell the mom to enroll her son where the family is currently located.



Dispute Resolution: Step 2

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**.



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What is the Petition?

If the parent/guardian/youth wants to appeal the LEA's decision, the parent/youth must complete the appeal form, known as the **Petition** (or **310 Appeal**).

- 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 Memo](#) as a starting point.

Revised June 2024

NOTE: Pursuant to the McKinney-Vento Homeless Assistance Act as amended by the Every Student Succeeds Act of 2015 (ESSA) school districts must immediately enroll and transport such homeless student, or continue enrollment and transportation in the school and district where the parent, guardian, or youth is seeking enrollment until all available appeals are final (42 U.S.C. §11432(g)(3)(E)(i); 42 U.S.C. §11432(g)(4)(A)).

FORM NOTICE OF PETITION
FOR AN APPEAL INVOLVING HOMELESS CHILDREN AND YOUTHS

NEW YORK STATE EDUCATION DEPARTMENT

In the Matter of: _____
(parent's/guardian's/unaccompanied youth's name, otherwise known as "petitioner")

on behalf of: _____
(child's/youth's name, a homeless child or youth)

from action of the Board of Education of the: _____
(School District, "respondent")

regarding the provision of education and related services.

NOTICE:

The respondent is hereby required to appear in this appeal and to answer the allegations contained in the petition. Your answer must conform with the provisions of the regulations of the Commissioner of Education relating to appeals before the Commissioner of Education, copies of which are available at www.counsel.nysed.gov or from the Office of Counsel New York State Education Department, State Education New York Building, 89 Washington Avenue, Albany, NY 12234.

If an answer is not served and filed in accordance with the provisions of such rules, the statements contained in the petition will be deemed to be true statements, and a decision will be rendered thereon by the Commissioner.

Please take notice that such rules require that an answer to the petition must be served upon the petitioner, or if represented by counsel, upon their counsel, or if the petitioner so elects, the respondent shall serve the answer upon the local educational agency liaison for homeless children and youth, within 20 days after the service of the appeal, and that a copy of such answer must, within five days after such service, be filed with the Office of Counsel, New York State Education Department, State Education Building, 89 Washington Avenue, Albany, NY 12234.

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Sample Evidence

- Pictures of a car or trailer where the student is living (petitioner should include detailed statements describing the contents of each photo)
- Receipt(s) from campground or mobile-camper park where the student is living
- Receipt(s) from hotel/motel where the student is living
- Statement from a person who lets the student sleep temporarily or on a short-term basis on their property or in their home
- Eviction notice/warning
- Foreclosure notice/warning
- Letter from caseworker stating that the student is living in a shelter or in transitional housing



To: LEA Liaisons
From: NYS TEACHS
Date: April 2024
Re: McKinney-Vento Dispute Resolution¹

According to the federal McKinney-Vento Homeless Education Assistance Improvements Act (42 USC §11431 et seq., "McKinney-Vento") and New York State Education Law §3209, students who lack a fixed, regular and adequate nighttime residence, including those who are "sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason," are homeless and therefore entitled to immediate enrollment in and, in some cases, transportation to school. Sometimes, disputes arise about whether a student meets the definition of a homeless child under McKinney-Vento. In these cases, the parent, legal guardian, or unaccompanied youth ("petitioner") can appeal the school district's final determination regarding enrollment, school selection, and/or transportation to the Commissioner of Education. The LEA liaison must assist the petitioner in commencing such appeal. For additional information on the appeal process and the [liaison's responsibilities](http://www.counsel.nysed.gov/appeals/homeless), please see: <http://www.counsel.nysed.gov/appeals/homeless>.

Sample Evidence

In an appeal to the Commissioner, the petitioner must prove that the student is homeless under McKinney-Vento and must produce relevant evidence to support the particular facts and circumstances of his or her appeal. Below is a list of examples of evidence that a petitioner may include in an appeal in order to establish that the student is homeless under McKinney-Vento. Wherever possible, a petitioner should also provide detailed statements that explain and/or describe any evidence included in an appeal. When assisting a petitioner in commencing an appeal to the Commissioner, the liaison is encouraged to review this document with the petitioner. Please note that this list is intended only to provide examples of evidence that may be produced in appropriate cases – it is not intended to be exhaustive, nor is it a list of required documentation.

1. Pictures of car or trailer where the student is living (petitioner should include detailed statements describing the contents of 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
8. Statement from a caseworker, real estate agent, management company or any other person who is helping the petitioner find permanent housing

¹The information provided in this document is not legal advice and should not be used as a substitute for obtaining professional legal advice.



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Sample Evidence (continued)

- Statement from a caseworker, real estate agent, management company or any other person who is helping the petitioner find permanent housing
- Copies of applications for permanent housing and an explanation of the status of the applications
- 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
- Statements or other documentation establishing that the home does not have adequate heat, hot water, plumbing, or electricity
- Statement from an inspector explaining that the home is not safe or sanitary
- Statements describing overcrowded sleeping arrangements



Quick Poll #4

All but one of the following are possible sources of sample evidence for the petition. Which one is **NOT** possible evidence to include in a petition?

- A. Mom's Driver's License
- B. Photos of overcrowded sleeping arrangements where the family is doubled up
- C. Letter from a realtor stating that she is helping the parent find housing in the district of origin
- D. A statement from mom's boyfriend that he continues to let the student and his mom stay at his house temporarily.



Important Notes

- Wherever possible, a **petitioner should also provide detailed statements** that explain and/or describe any evidence included in an appeal.
- This is **the only chance to include evidence**. There is no investigation, and the petitioner cannot submit more evidence later.
- The **petitioner can decide if they want the M-V liaison to receive mail about the appeal on their behalf** or if they want the mail to go directly to them instead.
- The **M-V Liaison should attach a copy of any letter the district gave the parent or youth**.
- A **statement of the petitioner** is part of the petition.
- The required sections of the petition **can be written by hand** if the handwriting is legible.
- **The petition should be sent to the Commissioner via the Office of Counsel.**

Office of Counsel

New York State Education Department

89 Washington Ave.

Albany, New York 12234

Attn: McKinney-Vento 310



Form Notice of Petition

On the NYS-TEACHS website, under Dispute Resolution, there is a link to the **M-V Form Notice of Petition.**

When you click on the link, there are **two versions** of the form.

- **Fillable PDF**
- **Word document**

Source: [McKinney-Vento 310 appeal form](#)

Fillable PDF

Revised June 2024

NOTE: Pursuant to the McKinney-Vento Homeless Assistance Act as amended by the Every Student Succeeds Act of 2015 (ESSA) school districts must immediately enroll and transport such homeless student, or continue enrollment and transportation in the school and district where the parent, guardian, or youth is seeking enrollment until all available appeals are final (42 U.S.C. §11432(g)(3)(E)(i); 42 U.S.C. §11432(g)(4)(A)).

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PETITION
FOR AN APPEAL INVOLVING HOMELESS CHILDREN AND YOUTHS

Word Document

Revised June 2024

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Legal Advice

Schools and LEAs may inform parents, guardians and unaccompanied youth that they can **seek the assistance of advocates, attorneys, and other service providers**. For a link to a list of providers with a thorough understanding of the McKinney-Vento Act who are willing to work with parents and guardians, see the link below.

Note that NYS-TEACHS and NYSED can advise about the dispute process but **cannot** offer legal advice.

[NYSTEACHS List of Legal Services](#)



Quick Poll #5

If a parent doesn't have a chance to gather all the evidence to prove his son's housing status in time for the petition, he can send in additional evidence later.

- A. True
- B. False
- C. Not Sure



Working With the Family

Most parents and unaccompanied youth experiencing homelessness have limited resources, little to no ability to secure an attorney or advocate, and are dealing with the extreme stressors of homelessness. Parents, guardians, and unaccompanied youth must receive clear and simple information about

- their right to dispute decisions,
- how to initiate the dispute,
- how the process will unfold,
- who in the LEA they can contact with questions, and
- the timeline for the process.

Provide this information in writing, but also go over it orally.

Source: NCHE Toolkit pp. 8-5 to 8-6 [NCHE Local-Liaison-Toolkit](#)



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Working With the Family (continued)

When a dispute arises under the McKinney-Vento Act, an LEA may wish to look further into the situation of the family or youth to compile evidence in support of its position.

It is absolutely critical that all such efforts be grounded in sensitivity and respect, keeping the academic well-being and best interest of the child or youth in the forefront.



Parents, guardians, and unaccompanied youth should be able to initiate the dispute resolution process ***directly at the school they choose or at the local liaison's office.*** Offer both options. If needed, take statements orally.

Source: [NCHE Toolkit](#) [NCHE Local-Liaison-Toolkit](#)

Incorporating Trauma Sensitivity

Consider how you can incorporate *trauma sensitivity* into your approach to working with families:

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



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Dispute Resolution: Step 3

3

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



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Affidavits

One of these two versions must be completed by the liaison, and notarized, and must accompany the petition that is submitted to SED:

[Form for Affidavit of Acceptance of Personal Service](#)

The screenshot shows the top portion of a web browser displaying the NYSED website. The page title is "FORM FOR AFFIDAVIT OF ACCEPTANCE OF PERSONAL SERVICE BY LOCAL EDUCATIONAL LIAISON FOR HOMELESS CHILDREN AND YOUTH". The form includes fields for "STATE OF NEW YORK" and "COUNTY OF _____ ss:". Below this, there is a large, faint watermark that reads "LIAISON". The form text continues: "_____ being duly sworn, deposes and says that he/she is the local educational agency liaison for homeless children and youth for the _____ school district; that on the ____ day of _____, 20____ he/she accepted service of the annexed _____ on behalf of _____." There are lines for a signature and a date: "Subscribed and sworn to before me this ____ day of _____, 20____". At the bottom, there is a line for the "signature of notary public".

[Form of Affidavit of Service by Mail](#)

The screenshot shows the top portion of a web browser displaying the NYSED website. The page title is "FORM FOR AFFIDAVIT OF SERVICE BY MAIL BY LOCAL EDUCATIONAL AGENCY LIAISON FOR HOMELESS CHILDREN AND YOUTH". The form includes fields for "STATE OF NEW YORK" and "COUNTY OF _____ ss:". Below this, there is a large, faint watermark that reads "LIAISON". The form text continues: "_____ being duly sworn, deposes and says that he/she is over the age of eighteen years and is the local educational agency liaison for homeless children and youth for the _____ school district; that on the ____ day of _____, 20____, deponent served he within _____ upon _____ in this action, at _____ the address designated by _____ for that purpose, by depositing a true copy of the same by mail, enclosed in a post paid wrapper addressed to the named school district employee or officer or a person in the office of the superintendent who has been designated by the board of education to accept service on behalf of the school district, in (check one) _____ a post office _____ official depository (mailbox) under the exclusive care and custody of the United States Post Office Department." There are lines for a signature and a date: "Subscribed and sworn to before me this ____ day of _____, 20____". At the bottom, there is a line for the "signature of notary public".



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These forms are available on our website and on NYSED Office of Counsel's website.



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Dispute Resolution: Step 4

4

The district (usually the attorney for the district) drafts an **Answer** within 20 days and gives a copy to the parent or youth. The LEA submits the answer to SED with an **Affidavit of Service** within 5 days.



Dispute Resolution: Step 5

5

OPTIONAL: The parent or youth can write a **Reply** to the school district's Answer within 14 days. If they write a **Reply**, they must include a **Statement of Petitioner** and give the paperwork to the liaison.



Statement of Petitioner

STATEMENT OF PETITIONER

FOR AN APPEAL INVOLVING A HOMELESS CHILD OR YOUTH

NOTE: THE FOLLOWING STATEMENT MUST BE COMPLETED AND SUBMITTED WITH THE NOTICE OF PETITION AND PETITION INVOLVING A HOMELESS CHILD OR YOUTH

(name of petitioner)

States:

1. That they are the petitioner in this proceeding and are the parent or guardian of a homeless child or youth or are an unaccompanied youth as defined by §100.2(x)(iii)ⁱ of the regulations of the Commissioner of Education;
2. That they have read the annexed petition and any supporting affidavits or exhibits and know the contents thereof;
3. That the same is true to their knowledge except as to the matters therein stated to be alleged upon information and belief; and
4. As to those matters they believe to be true and further acknowledge that they are aware of the fact that, pursuant to Penal Law §175.30, a person who knowingly offers a false instrument for filing to a public official or public servant is guilty of Offering a False Instrument for Filing in the 2nd Degree, a Class A Misdemeanor.

Petitioner's Signature

Date



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Dispute Resolution: Step 6

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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.



Quick Poll #6

If the McKinney-Vento Liaison is busy and doesn't file the paperwork according to the timeline established by SED, is there a grace period?

- A. Yes
- B. No
- C. Not sure



Quick Poll #7

If a parent who files an appeal decides to write a Reply to the LEA's Answer to the Petition, which of these documents does the District Liaison have to submit to SED?

- A. The Reply and an Affidavit of Service
- B. The Reply and the Statement of Petitioner
- C. The Reply, Affidavit of Service and Statement of Petitioner
- D. Not sure



Dispute Resolution: Step 7

7

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



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Decisions



There is no designated time frame for the Commissioner's review. All documents must be received and reviewed before a decision can be made.

You can see Commissioners' past decisions here:

<http://www.counsel.nysed.gov/Decisions/commissionersdecisions>

Petitions can be denied on **merit** (family is not in temporary housing) and/or **procedural grounds** (e.g., petition was not filed within 30 days of the school district's written decision).

NCHE Toolkit has a table you can use (Appendix 8.B) to review the dispute resolution process internally.



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Quick Poll #8



Is it acceptable for a district to indicate that a parent has two weeks to file an appeal in the district decision letter?

A. Yes, district policy supersedes state policy in terms of the timeframe.

B. Yes, the timeframe is modifiable based on the particular situation.

C. No, unless the appeal occurs at the end of the school year.

D. No, state requirements must be adhered to.

Quick Poll #9

How is a district decision letter (also known as a determination letter) different from a district **residency** determination letter?

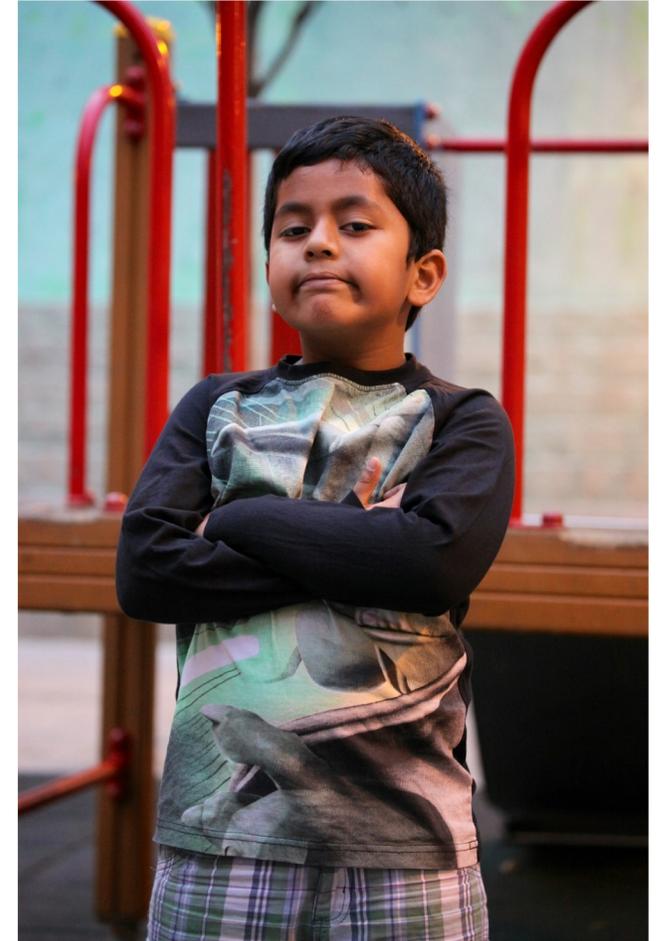
- A. A residency determination is appropriate when the family has **not** been M-V designated or claimed homelessness.
- B. These are different terms for the same letter.
- C. A district decision letter is issued when the district determines that the student is in temporary housing.
- D. A residency letter is sent first, followed by the district decision letter.



Quick Poll #10

Which of the following is **not** an acceptable way to ensure that the family receives the district decision letter?

- A. Send the letter to the family's current address using a mail tracking service.
- B. Hand deliver the letter to the parent at home.
- C. Arrange to meet the parent at a public location to provide the letter.
- D. Leave the letter on the doorstep of the last known address.



Strategies for Success

Types of Conflicts, Time Frame, Glossary and Helpful Tips



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Types of Conflicts

Type of Conflict	Examples
McKinney-Vento dispute resolution conflicts	<ul style="list-style-type: none"> • Disagreement about remaining in school of origin • Disagreement about immediate enrollment in school of residency • Disagreement about homeless status when student was appropriately identified as homeless previously (e.g., doubled-up in same location for two years)
Conflicts not appropriate for dispute resolution, but which are McKinney-Vento compliance issues	<ul style="list-style-type: none"> • School failed to inform of educational rights under McKinney-Vento • Student is not provided free meals • Systemic non-compliance by an LEA which requires state intervention (e.g., failure to identify homeless students; lack of outreach and coordination within schools and community)

From [NCHE Local-Liaison-Toolkit](#) : Dispute Resolution, p. 8-4 to 8-5

Types of Conflicts (continued)

Type of Conflict	Examples
Issues which do not indicate McKinney-Vento compliance, but address services which are allowable or beneficial	<ul style="list-style-type: none">• Additional activities could enhance homeless identification (e.g., using a housing questionnaire)• Summer school could improve student's academic performance but is not required to pass a course or grade
Conflicts not related to McKinney-Vento status	<ul style="list-style-type: none">• Parent disagrees with the services being offered in an Individualized Education Program• Parent wants child to enroll in a school which is neither the school of origin nor the local attendance area school

Steps and Time Frame

Steps in the Dispute Process		Time Frame
1.	District gives parent, guardian or unaccompanied youth (the “petitioner”) a written explanation of its decision and the 310 Appeal (Petition) paperwork.	When a dispute arises, if efforts to resolve a dispute within the district fail
2.	If petitioner chooses to appeal, the liaison helps them complete the Petition. Liaison receives the completed Petition and gives the petitioner the form of verification of receipt and transmittal of petition.	Within 30 calendar days
3.	The liaison sends the completed Petition and Affidavit of Service to SED Office of Counsel.	Within 5 calendar days
4.	The district drafts an Answer and gives a copy to the petitioner.	Within 20 calendar days
5.	The LEA submits the Answer to SED with an Affidavit of Service.	Within 5 calendar days
6.	OPTIONAL: The petitioner can write a Reply to the school district’s Answer. If they write a Reply, they must include a Statement of Petitioner and give the paperwork to the liaison.	Within 14 calendars days
7.	If the petitioner gives the liaison a Reply and Statement of Petitioner, the liaison sends these documents and an Affidavit of Service to SED.	Within 5 calendars days
8.	The Commissioner of NYSED reviews all of the documents and makes a decision.	On a rolling basis, after all documents have been received and reviewed



Glossary

Term	Definition
Petition	(Also known as Form Notice of Petition for an Appeal involving a homeless child or youth <u>or</u> a 310 Appeal) The form must be completed by the parent, guardian, or unaccompanied youth to challenge a school districts denial of enrollment and/or transportation within <u>30 calendar days</u> of receiving a written decision.
Petitioner	The parent, guardian or unaccompanied youth who files an appeal with the Commissioner
Form for Affidavit of Service by Mail/Form of Affidavit of Acceptance of Personal Service	The McKinney-Vento Liaison must complete ONE of these Affidavits (either by Mail or by Personal Service) and send the original with the completed Petition to SED's Office of Counsel within <u>5 calendar days</u> .
Form of Verification of Receipt and Transmittal of Petition and Materials by LEA	The McKinney-Vento Liaison must complete this form and give it to the parent, guardian, or unaccompanied youth to verify that the liaison has received the petition and will mail it to the Office of Counsel.
LEA's Answer	The LEA must draft an Answer to the Petition to explain its side of the appeal. The LEA must serve its Answer on the petitioner or serve it on the liaison to give to the petitioner within <u>20 calendar days</u> of the LEA's acceptance of the Petition.
Reply	Not required - Petitioner can submit a Reply to the Liaison within 14 days of accepting the Answer. LEA then submits the Reply and Affidavit of Service within 5 days of acceptance of the Reply.
Statement of Petitioner	Must accompany the Reply and be given to the liaison, who sends the reply, statement of petitioner and an Affidavit of Service to SED.* *Note that there is a Statement of Petitioner in the Form Notice of Appeal.

Sources: NYS Field Memo: [LEA Requirements for Implementing McKinney-Vento Homeless Student Dispute Resolution Process](#) and NYSED Office of Counsel website

Helpful Tips

Avoid disputes when possible by:

- Training school staff members on the provisions of the M-V 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;
- Conducting investigations with respect and sensitivity, and
- Training school staff members on trauma-informed approaches to working with families and youth in homeless situations.

Sources: [NCHE Dispute Resolution Brief](#)

[Tale: How to Conduct an Investigation;](#)

[Navigating Challenging Conversations](#)



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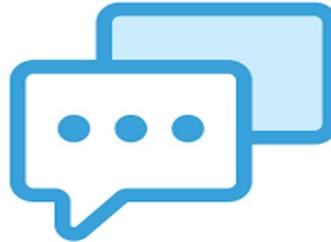
Revisiting Our Opening Activity

At the beginning of this webinar, you listed some factors that facilitated effective resolution of disputes in the chat.

What have you learned about the McKinney-Vento dispute process today that you think would ensure effective resolution of disputes?



**Please put
your answers
in the chat!**



Resource Links

More
Information



- [Appeal Sample Evidence memo](#)
- [Tale: How to Conduct an Investigation](#)
- [Information on the appeals process and the liaison responsibilities](#)
- [LEA Requirements for Implementing McKinney-Vento Homeless Student Dispute Resolution Process](#)
- [List of Legal Resources](#)
- [McKinney-Vento 310 appeal form](#)
- [Navigating Challenging Conversations Tip Sheet](#)
- [NYSED Prior Decision Page](#)
- [NYSED Appeals FAQ](#)



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Resource Links Continued

National Center for Homeless Education Resources:

- [NCHE Local-Liaison-Toolkit](#)
- [NCHE Dispute Resolution Brief](#)
- [NCHE Confirming Eligibility Brief](#)

More
Information



Technical and Educational Assistance Center

- **Help Line** - 800-388-2014
- **Website** <https://nysteachs.org>
- **Web-Based Trainings**
- **Outreach Materials** <https://www.nysteachs.org/order-brochures/brochures-posters>
- **Tales from the Field** <https://www.nysteachs.org/>

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Next Webinar:

Supporting Students Attending Charter Schools

(In rest of State, not NYC)**

Thursday, December 12, 2024, 9:30-11 am



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