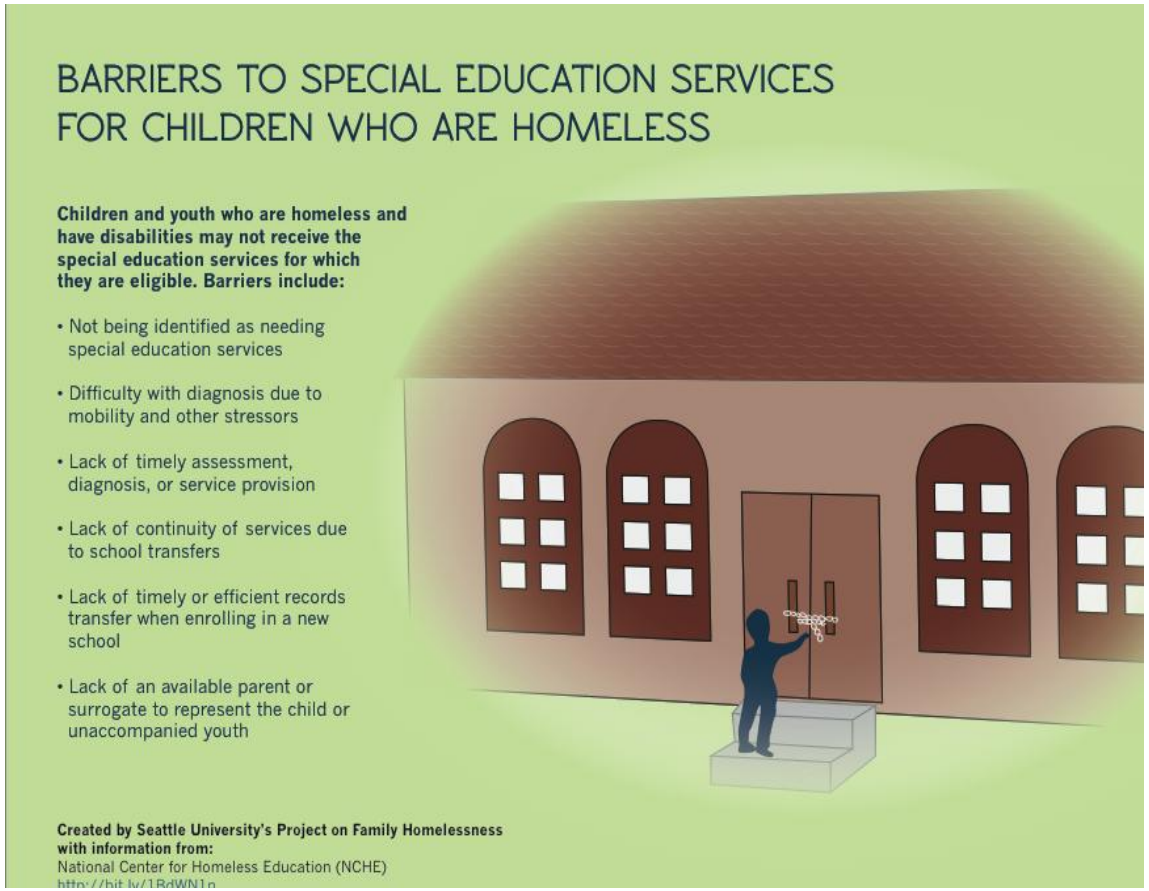
Additional Considerations & Resolving Disputes (Appeals)

MKV & Special Education



- Research indicates that many children experiencing homelessness don't get the services they need.
- And given the relationship between early intervention for disabilities and developmental delays, and successful academic growth, this lack of academic services is concerning.
- This infographic highlights some of the barriers that prevent children experiencing homelessness from accessing the special education services they need. It also demonstrates that even if a child was receiving services at their old school, they may lose them when transferring.

Immigration & MKV

- All students have the right to participate in academic and extracurricular activities regardless of immigration status.
  - Schools can't ask or fish for information that will or may reveal family/student's immigration status.
  - Schools can't provide info to federal immigration authorities.
  - OSPI: Immigrant Students' Rights to Attend Public Schools
- Students who are immigrants/undocumented are eligible for MKV services if they meet the definition of being homeless as defined by MKV.
  - Children and youth "who lack a fixed, regular, and adequate nighttime residence." 42 USC § 11434a(2)(A)
    - Can include living at families' homes, or even if they receive assistance as refugees.
- Participation in certain classes or programs may prove challenging.
  - E.g., Work-study programs where the employer requires documentation.
- Tip: Have MKV/Immigration information in multiple languages.

Appeals Process under the McKinney Vento Act

DISPUTE RESOLUTION

If a dispute arises over school selection, enrollment in a school, or whether the student meets the definition of homeless, the child or youth shall be immediately admitted to the school in which enrollment is sought, pending resolution of the dispute.

- In the case of an unaccompanied youth, the McKinney Vento liaison shall ensure that the youth is immediately enrolled in the school in which enrollment is sought, pending resolution of the dispute.

- The district must provide a written explanation of its decision to the parent/guardian or, in the case of an unaccompanied youth, to the unaccompanied youth (the written explanation must include a description of the parent/guardian's or unaccompanied youth's right to appeal the decision). The school district's homeless liaison shall inform the child's/youth's parent/guardian or the unaccompanied youth in a language and format understandable to the parent/guardian or unaccompanied youth.

Appeals Process under the McKinney Vento Act Continued

DISPUTE RESOLUTION - APPEAL PROCESS

Level I Appeal - (Appeal to McKinney-Vento Liaison)

Must file a request for dispute resolution within **fifteen (15) business days** of receiving a written denial.

Level II Appeal - (Appeal to school district's superintendent)

Appeal within **ten (10) business days** of receipt of Level I Appeal decision. Superintendent must arrange for a personal conference within **five (5) business days.**

Level III Appeal -

(OSPI Communication)

Appeal within **ten (10) business days** of receipt of Level II Appeal decision.

OSPI decision is final.

Recent Federal Updates to MKV Guidance

Updates as of August 4, 2026

- U.S. Department of Education (ED) issued a “Dear Colleague Letter” to Chief State School Officers that states that local educational agencies (LEAs) may use Education for Homeless Children and Youth (EHCY) subgrants to pay for “short-term, temporary emergency housing (such as a hotel or motel room) for families and youth experiencing homelessness.”
  - Determination of the use of these funds should be on a “case-by-case basis.”
  - Use of funds must be “last resort.”
- State Educational Agencies (SEA) will develop “process, compliance, and documentation.”
  - SEAs should determine appropriate length of stay with LEAs.
    - Guidance doesn’t have a time limit on how long the funds can be used for a family/student.
- Potential limits on this funding for unaccompanied minors.

Resources

- “Dear Colleague Letter” dear-colleague-letter-update-regarding-permissibility-of-short-term-housing-august-4-2026-114354.pdf
- ED also released an updated guidance: Education for Homeless Children and Youths Program Non-Regulatory Guidance (MS Word)
- More information and considerations: Short-Term, Temporary Emergency Housing with EHCY Funds: Resources for State and Local Educational Agencies

- Hypotheticals

Hypothetical 1

- Bryce is 17 years old and is currently incarcerated at the King County Juvenile Detention Center. He is eligible to be released from detention while awaiting trial, but he doesn't have housing to release to. Prior to being incarcerated, Bryce was attending Highline High School and couch surfing with his friends. While incarcerated, Bryce has been attending school at the detention center that is administered by Seattle Public Schools. Bryce was able to secure a bed at Cocoon House in Everett where he can stay until he turns 18. Bryce felt very supported at Highline and would like to finish out the school year there, despite the commute, since he only has a couple of credits left before he graduates.
  - What school is considered Bryce's school of origin? Can he attend Highline?
  - Will Bryce be able to get transportation to Highline from Everett?
  - How would you advocate for Bryce in this situation?

Hypothetical 2

- Melanie is 8 years old and has been living in various shelters throughout Western Washington with her mom for the past two years. During kindergarten and first grade, Melanie lived with her mom and her grandma in an apartment where she attended Lowell Elementary. The summer before second grade, Melanie's family got evicted and have been navigating the shelter system since. During second grade, Melanie attended several different elementary schools in different districts that were nearby the shelters she was staying at. Her grades have been suffering because of the changes. Melanie and her mom are now at a shelter in Shoreline. Melanie's mom went to enroll Melanie at Lowell Elementary School for third grade, but was not able to enroll her because she didn't have any of Melanie's required documents. Melanie has been out of school for several weeks because of the delay.
  - Can Melanie attend Lowell Elementary?
  - How would you advocate for Melanie to get into school?
  - Is there any other support an MKV Liaison could provide that would be helpful to Melanie and her mom?

TeamChild

DISCUSSION/ QUESTIONS?