



DALEVILLE COMMUNITY SCHOOLS

Office of the Superintendent
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McKinney-Vento District Plan (Homeless Student) 2018



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SECTION 1: OVERVIEW/GENERAL INFORMATION

McKinney-Vento Homeless Assistance Act:

The Education for Homeless Children and Youth (EHCY) program is authorized under Title VII-B of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.) (McKinney-Vento Act). The McKinney-Vento Act was originally authorized in 1987 and most recently re-authorized in December 10th, 2016 by the Every Student Succeeds Act (ESSA). The McKinney-Vento Act is designed to address the challenges that homeless children and youths have faced in enrolling, attending, and succeeding in school.

Under the McKinney-Vento Act, State educational agencies (SEAs) must ensure that each homeless child and youth has equal access to the same free, appropriate public education, including a public preschool education, as other children and youths. Homeless children and youths must have access to the educational and related services that they need to enable them to meet the same challenging State academic standards to which all students are held. In addition, homeless students may not be separated from the mainstream school environment. SEAs and local educational agencies (LEAs) are required to review and undertake steps to revise laws, regulations, practices, or policies that may act as barriers to the identification, enrollment, attendance, or success in school of homeless children and youths.

Definition of Homeless (McKinney-Vento Act Sec. 725(2); 42 U.S.C 11435(2)):

Children who lack a fixed, regular, and adequate night time residence:

- "Double up" - Sharing the housing of others due to the loss of housing, economic hardship, or similar reasons
- Living in motels, hotels, trailer parks, camping grounds, due to lack of adequate alternative accommodations
- Living in emergency or transitional shelters
- Living in a public or private place not designed for humans to live
- Migratory children living in above circumstances
- Living in cars, parks, abandoned buildings, substandard housing, bus or train stations, or similar settings
- Unaccompanied Youth - Children or youth who meets the definition of homeless and not in the physical custody of a parent or guardian

Residency and Educational Rights:

Students who are in temporary, inadequate and homeless living situations have the following rights in the Daleville Community School Corporation:

- Immediate enrollment in the school they last attended or the school in whose attendance area they are currently staying even if they do not have all of the documents normally required at the time of enrollment
- Access to free meals and textbooks, Title I and other educational programs and other comparable services including transportation
- Attendance in the same classes and activities that students in other living situations also participate in without fear of being separated or treated differently due to their housing situations

Procedures for the Dissemination of Educational Rights:

All schools within the Daleville Community School Corporation shall ensure that public notice of the educational rights of students and families in homeless situations is disseminated where children and youth receive services under the McKinney-Vento Act. Posters in both English and Spanish will be posted in all school buildings, local shelters, local hotels, the local post office building, city hall, local library, and local food banks.

SECTION 2: IDENTIFICATION AND ELIGIBILITY

Title 1 Services and Funding:

In the Daleville Community School Corporation, all children and youth who qualify for McKinney-Vento services are automatically eligible for Title I, Part A services, whether or not they attend a Title I, Part A school or meet the academic standards required of other students for eligibility (Title I of the Elementary and Secondary Education Act, Sec. 1115(b)(2)(E); 20 U.S.C. 6315(b)(2)(E)). This automatic eligibility acknowledges that the experience of homelessness puts children and youth at significant risk of academic failure, regardless of their previous academic standing. Additionally, all City School children and youth who qualify for McKinney-Vento services who are doing well academically are entitled to receive additional non-instructional education related support services needed to succeed in school.

School Selection:

Daleville Community School Corporation will keep students in homeless situations in their school of origin defined as the school attended when permanently housed or the school in which they were last enrolled, unless it is against the parent or guardian's wishes or unless it is determined to be in the student's best educational interest. Students and youth who qualify for McKinney-Vento Services are eligible to remain in their school of origin for the entire duration in which they are homeless and until the end of any academic year in which they move into permanent housing. Students and youth who qualify for McKinney-Vento Services may also choose to enroll in any public school that students living in the same attendance area are eligible to attend.

Procedures to Identify and Verify Eligibility of McKinney-Vento Students:

Every current, returning, and new student in the Daleville Community School Corporation must complete online enrollment via the district's School Management System known as PowerSchool. One of the forms to be completed online is the Daleville Community School Corporation McKinney-Vento Residency Questionnaire and Form (Appendix A). This Daleville Community School Corporation McKinney-Vento Residency Questionnaire and Form will be utilized to determine if the student is facing a homeless situation. Follow-up contact to verify the information provided on the Daleville Community School Corporation, McKinney-Vento Residency Questionnaire and Form will be conducted within 5 days of the completion of online enrollment by either the district or a building level McKinney-Vento liaison.

SECTION 3: SERVICES AND STANDARDS

Transportation:

Each Daleville Community School Corporation child or youth facing a McKinney-Vento situation shall be provided services comparable to services offered to other students in the school selected including transportation services.

Daleville Community School Corporation will provide students and youth who qualify for McKinney-Vento Services with transportation to and from their school of origin, at a parent or guardian's request. For unaccompanied youth, Daleville Community School Corporation will provide transportation to and from the school of origin at the request of the District McKinney-Vento Liaison. If the student's temporary residence and the school of origin are in the same district, Daleville Community School Corporation will provide and/or arrange transportation to and from school. If the student is living outside of the Daleville Community School will assume the responsibility and cost of providing transportation to and from school.

Students and youth who qualify for McKinney-Vento Services are eligible to receive these transportation services for the entire duration in which they are homeless.

*** "School of Origin" is defined as the school that the child or youth attended when permanently housed or the school in which the child or youth was last enrolled. ***

Food Services:

Each Daleville Community School child or youth facing a McKinney-Vento situation shall be provided services comparable to services offered to other students in the school selected including school nutrition programs. Students and youth who qualify for McKinney-Vento Services are eligible to receive free breakfast and lunch as offered by each school for the entire duration in which they are homeless.

Textbooks and Technology:

Each Daleville Community School child or youth facing a McKinney-Vento situation shall be provided services comparable to services offered to other students in the school selected including access to instructional materials, assessments, and technology. Students and youth who qualify for McKinney-Vento Services are eligible to receive free textbooks and technology fees as offered by each school for the entire duration in which they are homeless.

Academic Services & Standards:

Each Daleville Community School child or youth facing a McKinney-Vento situation shall be provided services comparable to services offered to other students in the school selected including educational services for which the child or youth meet the eligibility criteria (Title I services, pre- school, educational programs for children with disabilities or for students with limited English proficiency), programs in vocational and technical education, and programs for gifted and talented students as available.

SECTION 4: ENROLLMENT

Enrollment Procedures:

Any child or youth who claims to be homeless will be immediately enrolled in Daleville Community School even if they do not have required documents such as:

- school records
- medical records
- proof of residency
- guardianship papers or other documents.

Enrolling schools must obtain school records from the previous school, and students must be enrolled in school while records are obtained.

The McKinney-Vento District Liaison will assist unaccompanied youth in choosing and enrolling in a school after considering the youth's wishes, informing the youth of their rights to transportation and assisting the youth in accessing transportation, and informing the youth of their right to appeal school or school district decisions. The McKinney-Vento District Liaison must ensure that unaccompanied youth are immediately enrolled in school pending resolution of disputes that may arise over school enrollment or placement.

Unaccompanied youth have the right to:

- Remain in their school of origin
- Transportation to and from the school of origin
- Immediately enroll in a new school serving the area in which they are currently living even if they don't have typically required documents (e.g. proof of guardianship)
- Equal access to programs and services such as gifted and talented education, special education, vocational education, and English Language Learner services.

Daleville Community School Corporation shall remove any /all barriers to the enrollment and retention of children and youth in homeless situations. Students in homeless situations shall be free from segregation, isolation, and stigmatization.

*** The term "enroll" is defined as attending classes and participating fully in school activities. ***

*** "School of Origin" is defined as the school that the child or youth attended when permanently housed or the school in which the child or youth was last enrolled. ***

Appeal and Dispute Processes:

If a dispute arises over school selection or enrollment in a school, the child or youth shall be immediately admitted to the school in which enrollment is sought, pending resolution of the dispute. The child, youth parent, or guardian shall be referred to the McKinney-Vento District Level Team, who shall carry out the dispute resolution process as expeditiously as possible in accordance with the enrollment disputes section of the McKinney-Vento Act as follows.

- Work with the McKinney-Vento District and Building Level Liaisons to ensure that enrollment disputes are mediated in accordance with the enrollment disputes section of the McKinney-Vento Act as follows:
 1. the child or youth shall be immediately admitted to the school in which enrollment is sought, pending resolution of the dispute;
 2. the parent or guardian of the child or youth shall be provided with a written explanation of the school's decision regarding school selection or enrollment, including the rights of the parent, guardian, or youth to appeal
 3. the child, youth, parent, or guardian shall be referred to the McKinney-Vento District Level Team, who shall carry out the Dispute resolution process as expeditiously as possible after receiving notice of the dispute; and
 4. in the case of an unaccompanied youth, the McKinney-Vento District Liaison shall ensure that the youth is immediately enrolled in school pending resolution of the dispute.

*** The McKinney-Vento District Level Team consists of McKinney-Vento District Liaison, Elementary Principal, Jr/Sr High School Principal ***

If a dispute arises over qualification for McKinney-Vento services, the child or youth shall receive all McKinney-Vento rights and services provided by Daleville Community School Corporation, pending

resolution of the dispute. The child, youth parent, or guardian shall be referred to the McKinney-Vento District Level Team, who shall carry out the dispute resolution process as expeditiously as possible in accordance with the McKinney-Vento Act as follows.

- Work with the McKinney-Vento District and Building Level Liaisons to ensure that enrollment disputes are mediated in accordance with the enrollment disputes section of the McKinney-Vento Act as follows:
 1. the child or youth shall receive all McKinney-Vento rights and services, pending resolution of the dispute;
 2. the parent or guardian of the child or youth shall be provided with a written explanation of the school's decision regarding school selection or enrollment, including the rights of the parent, guardian, or youth to appeal (Appendix B)
 3. the child, youth, parent, or guardian shall be referred to the McKinney-Vento District Level Team, who shall carry out the Dispute resolution process as expeditiously as possible after receiving notice of the dispute; and
 4. in the case of an unaccompanied youth, the McKinney-Vento District Liaison shall ensure that the youth receives all McKinney-Vento rights and services pending resolution of the dispute.

SECTION 5: PROFESSIONAL DEVELOPMENT

McKinney-Vento Professional Development Opportunities:

Professional development for the McKinney-Vento Homeless Assistance Act will be provided to all staff members of Daleville Community School Corporation via the following ways:

- Safe Schools Portal
- Quarterly McKinney-Vento District Level Team Meetings
- School Board Presentations

District Website:

The Daleville Community School Corporation Website will include a page that will be used to communicate McKinney-Vento information with students, parents, staff, and community members. Information on the Daleville Community School Corporation Schools' Website will include:

- Contact information for the McKinney-Vento District Liaison
- Contact information for the McKinney-Vento Building Level Liaisons
- Notice of Rights for McKinney-Vento Families
- Dispute Resolution Documents
- Link to McKinney-Vento Resources

SECTION 6: EDUCATIONAL STAFFING AND SUPPORT

McKinney-Vento District Liaison's Roles and Responsibilities:

The Assistant Superintendent for Daleville Community School Corporation serves as the District McKinney-Vento Liaison and will:

- Ensure that procedures are established and followed across the school district and provide each child or youth who qualifies for McKinney-Vento Services with a free and appropriate education

- Work collaboratively with transportation and food services personnel to coordinate appropriate services for any child or youth who qualifies for McKinney-Vento Services
- Disseminate critical information concerning the rights of students in homeless situations to all schools
- Post information regarding the availability of school programs and services for students facing homeless situations in local shelters, local hotels, the local post office building, city hall, local library, and local food banks
- Maintain a McKinney-Vento District Liaison Log to document the McKinney-Vento process for each child and youth who qualifies for McKinney-Vento services
- Plan and facilitate professional development regarding the McKinney-Vento Homeless Assistance Act to all staff responsible for identifying and working with students facing homeless situations
- Work with building level staff and administration to facilitate success of the McKinney-Vento program and each student facing a homeless situation
- Meet with community agencies and volunteers to share resources and information and to evaluate impact of services
- Monitor all district data collection and reporting requirements on each child and youth who qualifies for McKinney-Vento services
- Attend state level professional development opportunities

McKinney-Vento District Liaison:

- Name: David Stashevsky
- Email: dstashevsky@daleville.k12.in.us Phone: 765-378-3329

McKinney-Vento Building Level Liaison’s Roles and Responsibilities:

Each school in the Daleville Community School Corporation will identify one staff member (social worker, counselor, administrator, etc.) who will serve as a representation on the McKinney- Vento District Level Team and will:

- Identify students that may be facing homeless situations
- Monitor school attendance
- Facilitate training at the building level
- Ensure that building level procedures are established and followed to provide each child and youth who qualifies for McKinney-Vento services with a free and appropriate education
- Post public notice of the educational rights of students in homeless situations at the school
- Make sure parents feel welcome and set the tone for further parental involvement
- Establish a trusting relationship with students and parents

Building Level McKinney-Vento Liaisons for each school are as follows:

School Name & Address:

Daleville Elementary School, 8600 S. Bronco Drive, Daleville, IN 47334

Liaison Name: Kim Beard, Principal

Email: kbeard@daleville.k12.in.us **Phone:** 765-378-0251

School Name & Address:

Daleville Jr/Sr High School, 8400 S. Bronco Drive, Daleville, IN 47334

Liaison Name: Eric Douglas, Principal

Email: edouglas@daleville.k12.in.us **Phone:** 765-378-3371

McKinney-Vento Act Residency & Educational Rights Information *(Questionnaire must be completed for each student)*

In Indiana over 29,000 children experience homelessness each year. The McKinney-Vento Homeless Assistance Act was created with the goal of ensuring the enrollment, attendance, and success of homeless children and youth in school.

The McKinney-Vento Act provides certain rights for homeless students. This includes waiving certain requirements such as proof of residency when students are enrolling and allowing eligibility for certain services, such as free textbooks.

When families and students find themselves in transition due to their housing situation, it is important that they know their rights regarding education. If students meet the requirements as stated in the McKinney- Vento Act (42 U.S.C.11431) (TitleVII, Subtitle B), their rights are as follows:

- Students may attend their school of origin or the school where they are temporarily residing
- Students must be provided a written statement of their rights when they enroll and at least two additional times per year
- Students may enroll without school, medical or similar records
- Students have a right to transportation to school
- Students must be provided a statement explaining why they are denied enrollment or any other services
- Students must receive services, such as transportation, while disputes are being settled
- Students are automatically eligible for Title I services. Educational services for which the homeless student meets eligibility criteria including services provided under Title 1 of the Elementary and Secondary Education Act or similar State or local programs, educational programs for students with limited English proficiency

According to the U.S. Department of Education, people living in the following situations are considered homeless:

- Doubled up with family or friends due to loss of housing or economic hardship
- Living in motels and hotels for lack of other suitable housing
- Runaway and displaced children and youth– Unaccompanied Youth
- Homes for unwed or expectant mothers for lack of a place to live
- Homeless and domestic violence shelters
- Transitional housing programs
- The streets
- Abandoned buildings
- Public places not meant for housing
- Cars, trailers (does not include mobile homes intended for permanent housing), and campgrounds
- Migratory children staying in housing not fit for habitation

Please complete the McKinney-Vento Residency Form on the following page and return to your school office. Questions may be directed to your Principal or Corporation Liaison using the contact information.

Daleville Community School Corporation McKinney-Vento Residency Form

The McKinney-Vento Homeless Assistance Act defines “homeless” as “individuals who lack a fixed, regular, and adequate nighttime residence.” This includes children who “are temporarily sharing the housing of other persons due to the loss of housing or economic hardship.”

Student _____ DOB _____ Grade _____
 Parent or Guardian _____ Phone _____

Does not apply; student is not homeless.

Please check one of the following statements if your family is experiencing temporary homelessness:

- Living in a shelter, including transitional housing shelters. Please provide name of shelter and address: _____
- Living on the streets, abandoned buildings, in cars, trailers, campgrounds, public places, housing not fit for habitation. Please provide information regarding area in which student is living: _____
- Living in hotels/motels for lack of other suitable housing. Please list name and address of hotel/motel: _____
- Doubled-up; temporarily living with family or friends due to lack of adequate housing or financial conditions. Please provide address of where student is living: _____

Please answer the following if you checked one of the four boxes above:

How long do you expect to be at this address? _____
 Are you seeking permanent housing? _____
 Date student moved to this address: _____
 Is a parent living in the home with the student? _____
 If no, with whom is student living? _____ Relationship: _____

A McKinney-Vento Liaison may be in contact for clarification or bus transportation.

We have read the information provided & indicated our living circumstances above specific to the McKinney-Vento Act:

 Parent/Guardian/Unaccompanied Youth Signature Date

Office Use Only: _____ Does Qualify under McKinney-Vento Act _____ Does NOT Qualify

 McKinney-Vento Liaison/Appointee Signature Date

NOTICE OF RIGHT TO APPEAL

Dear Parent:

Be advised that you have the right to appeal the decisions made by Daleville Community Schools regarding your student's eligibility and enrollment under Title X, Part C of the McKinney-Vento Homeless Assistance Act. Students involved in a McKinney-Vento dispute process have the right to enroll immediately in the school of choice pending resolution of the dispute. Immediate enrollment includes full participation in all school activities.

As the district's McKinney-Vento Homeless Education Liaison designee, notification should be made to David Stashevsky (contact information below) in writing within 10 business days of receipt of this letter if you want to appeal the district's decision outlined above.

Below you will find an appeal form that you can use for this notification. If we cannot reach a resolution at the district-level, as required by Indiana Code 20-26-11-15, the Indiana State Board of Education will hear all appeals on an order expelling a child under IC 20-8.1- 5.1-11 (legal settlement), in addition to all disputes on (A) legal settlement; (B) right to transfer; (C) right to attend school in any school corporation; (D) amount of transfer tuition; and (E) any under matter arising under IC 20-26-11-15 (Transfers and Transfer Tuition).

- A. The party requesting an appeal or resolution of a dispute by the State Board of Education will submit a request in writing to the State Board Liaison at the Indiana Department of Education.
- B. The Board shall hold a hearing on the timely written application of the interested party.
- C. The Board shall make its determination under the following procedure:
 - A hearing shall be held on each matter presented.
 - Each interested party, including (where appropriate) the parents, student, transferor corporation, transferee corporation, or the state, shall be given at least ten (10) days' notice of the hearing by certified mail or personal delivery. The date of giving the notice is the date of mailing or delivery.
 - Any interested party may appear at the hearing in person or by counsel, present evidence, cross-examine witnesses, and present in writing or orally summary statements of position, and a written or recorded transcript of the hearing shall be made.
 - The hearing may be held by the Indiana State Board of Education or by a hearing examiner appointed by it who must be a state employee. The hearing, at the option of the State Board of Education or hearing examiner, may be held at any place in Indiana.

The Indiana Department of Education's (IDOE) State Coordinator for the McKinney-Vento Act. State Coordinator, Deepali Jani can be reached by phone at 317-233-3372 or 317-460-1340 or via email at: djani@doe.in.gov. Attached you will find a copy of Indiana's McKinney-Vento Dispute Resolution Process that provides additional details on the state's McKinney-Vento dispute and appeals process, including key timelines.

Feel free to contact me if you have questions on this decision or the McKinney-Vento dispute or appeal process.

Sincerely,

David Stashevsky, Assistant Superintendent
McKinney-Vento District Liaison
Daleville Community Schools, 14300 W. 2nd Street, Daleville, IN 47334
765-378-3329 www.daleville.k12.in.us

Indiana Education for Homeless Children & Youth (INEHCY)

McKinney-Vento Homeless Education Program

Dispute Resolution Procedure

Pursuant to programs administered under the McKinney-Vento Education for Homeless Children and Youth Act

This document addresses the requirements of 42 USC § 11432 (See section 722(g) (1)(C)) for resolving disputes applicable to enrollment or school placement for homeless children as covered by McKinney-Vento.

BACKGROUND INFORMATION

The McKinney-Vento Homeless Assistance Act (also referred to as the Act or the McKinney-Vento Act) acknowledges that disputes may arise between the school district and homeless students and their parents, or unaccompanied youth, when the district seeks to place a student in a school other than the school of origin or the school requested by the parent or unaccompanied youth. The Act includes dispute resolution among the required duties of the local education agency (LEA) liaison. The Indiana Department of Education – McKinney-Vento Homeless Education Program has developed a dispute resolution process as required by the McKinney-Vento Act.

Districts should bear in mind that disputes related to school selection or enrollment should be initiated at the request of the parent or unaccompanied youth and not at the request or convenience of the school district. Additionally, issues related to the definition of homelessness, the responsibilities of the school district to serve homeless children and youth, and/or the explicit rights of homeless children and youth are addressed in the McKinney-Vento Act. Disputes related to the school placement and enrollment of homeless children and youths shall be resolved within the parameters of the federal McKinney-Vento Act. The dispute resolution process for the school placement of homeless children and youths shall not be used in an effort to circumvent or supersede any part of the federal McKinney-Vento Act.

The following procedures are specified in the Act:

Enrollment: If a dispute arises over school selection or enrollment in a school, 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 homeless liaison shall ensure that the youth is immediately enrolled in the school in which enrollment is sought, pending resolution of the dispute.

Written Explanation: The district must provide a written explanation of the school placement decision to the parent or, in the case of an unaccompanied youth, to the unaccompanied youth. (The written explanation must include a description of the parent's or unaccompanied youth's right to appeal the decision.)

Liaison: The designated LEA homeless liaison is assigned to carry out the dispute resolution process in an expeditious manner.

Responsibility: The school district, usually the district's homeless liaison, is responsible to inform the parent of the homeless student(s) or the unaccompanied youth of the dispute resolution process.

OVERVIEW--

PART 1: As required by 42 USC § 11432(See section 722(g)(1)(C)), school corporations will adopt written procedures for the receipt and resolution of complaints alleging violations of law with regards to enrollment and school placement as covered by the McKinney-Vento Act. Therefore, for disputes originating at the local level, a request for appeal or resolution of an enrollment or placement dispute should not be filed with the Indiana State Board of Education until every effort has been made to resolve the issue through local written enrollment and school placement dispute resolution procedures. If a dispute arises over enrollment or school placement:

- A. The child or youth must be immediately enrolled in the school requested by the individual or organization submitting the complaint;
- B. The parent or guardian of the affected student(s) must be provided a written explanation of the school's decision regarding school selection or enrollment, including the rights of the parent, guardian, or youth to appeal the decision;
- C. the child, youth, parent, or guardian must be referred to the McKinney-Vento Liaison for the corporation, who shall carry out the dispute resolution process as expeditiously as possible after receiving notice of the dispute; and
- D. In the case of an unaccompanied youth, the homeless liaison shall ensure that the youth is immediately enrolled in school pending resolution of the dispute.

PART 2: As required by Indiana Code 20-26-11-15, the Indiana State Board of Education will hear all appeals on an order expelling a child under IC 20-8.1-5.1-11 (legal settlement), in addition to all disputes on (A) legal settlement; (B) right to transfer; (C) right to attend school in any school corporation; (D) amount of transfer tuition; and (E) any under matter arising under IC 20-26-11-15 (Transfers and Transfer Tuition).

- A. The party requesting an appeal or resolution of a dispute by the State Board of Education will submit a request in writing to the State Board Liaison at the Indiana Department of Education. [..\MEMO\State Board Appeal Memo.pdf](#)
- B. The Board shall hold a hearing on the timely written application of the interested party.
- C. The Board shall make its determination under the following procedure:
 - A hearing shall be held on each matter presented.
 - Each interested party, including (where appropriate) the parents, student, transferor corporation, transferee corporation, or the state, shall be given at least ten (10) days' notice of the hearing by certified mail or personal delivery. The date of giving the notice is the date of mailing or delivery.
 - Any interested party may appear at the hearing in person or by counsel, present evidence, cross-examine witnesses, and present in writing or orally summary statements of position, and a written or recorded transcript of the hearing shall be made.
 - The hearing may be held by the Indiana State Board of Education or by a hearing examiner appointed by it who must be a state employee. The hearing, at the option of the State Board of Education or hearing examiner, may be held at any place in Indiana.

PART 3: The State Coordinator for the Education for Homeless Children and Youth Program will provide technical assistance to interested parties and the State Board as requested and as necessary.

PART 4: The Indiana State Board of Education or hearing examiner (as identified in Part 2, section (C) (d), above) shall make written findings of fact and recommendations. The determination of the Indiana State Board of Education shall be made on the basis of record, summaries, and findings, but it is required to examine only those parts of the entire record as it deems necessary.

PART 5: A notice of the Board's determination shall be mailed to each party by certified mail. No action to contest the validity of the decision may be instituted at any time later than thirty (30) days after the mailing of the notice.

PART 6: The determination of the Indiana State Board of Education as a result of the proceedings described above is final and binding on the parties to the proceeding.

SEC. 721. STATEMENT OF POLICY. (42 U.S.C. 11432)

(G) STATE PLAN-

(1) IN GENERAL- For any State desiring to receive a grant under this subtitle, the State educational agency shall submit to the Secretary a plan to provide for the education of homeless children and youths within the State. Such plan shall include the following:

- A. A description of how such children and youths are (or will be) given the opportunity to meet the same challenging State academic standards as all students are expected to meet.
- B. A description of the procedures the State educational agency will use to identify such children and youths in the State and to assess their needs.
- C. A description of procedures for the prompt resolution of disputes regarding the educational placement of homeless children and youths.
- D. A description of programs for school personnel (including liaisons designated under subparagraph (J)(ii), principals and other school leaders, attendance officers, teachers, enrollment personnel, and specialized instructional support personnel) to heighten the awareness of such school personnel of the specific needs of homeless children and youths, including such children and youths who are runaway and homeless youths.
- E. A description of procedures that ensure that homeless children and youths who meet the relevant eligibility criteria are able to participate in Federal, State, or local nutrition programs.
- F. A description of procedures that ensure that--
 - i. homeless children have access to public preschool programs, administered by the State educational agency or local educational agency, as provided to other children in the State;
 - ii. youths described in section 725(2) and youths separated from public schools are identified and accorded equal access to appropriate secondary education and support services, including by identifying and removing barriers that prevent youths described in this clause from receiving appropriate credit for full or partial coursework satisfactorily completed while attending a prior school, in accordance with State, local,

and school policies; and

- iii. homeless children and youths who meet the relevant eligibility criteria do not face barriers to accessing academic and extracurricular activities, including magnet school, summer school, career and technical education, advanced placement, on-line learning, and charter school programs, if such programs are available at the State and local levels.
- G. Strategies to address problems identified in the report provided to the Secretary under subsection (f)(3).
- H. Strategies to address other problems with respect to the education of homeless children and youths, including problems resulting from enrollment delays that are caused by—
- i. requirements of immunization and other required health records;
 - ii. residency requirements;
 - iii. lack of birth certificates, school records, or other documentation;
 - iv. guardianship issues; or
 - v. uniform or dress code requirements.
- I. A demonstration that the State educational agency and local educational agencies in the State have developed, and shall review and revise, policies to remove barriers to the identification of homeless children and youths, and the enrollment and retention of homeless children and youths in schools in the State, including barriers to enrollment and retention due to outstanding fees or fines, or absences.
- J. Assurances that the following will be carried out—
- i. The State educational agency and local educational agencies in the State will adopt policies and practices to ensure that homeless children and youths are not stigmatized or segregated on the basis of their status as homeless.
 - ii. The local educational agencies will designate an appropriate staff person, able to carry out the duties described in paragraph (6)(A), who may also be a coordinator for other Federal programs, as a local educational agency liaison for homeless children and youths.
 - iii. The State and the local educational agencies in the State will adopt policies and practices to ensure that transportation is provided, at the request of the parent or guardian (or in the case of an unaccompanied youth, the liaison), to and from the school of origin (as determined under paragraph (3)), in accordance with the following, as applicable:

- i. If the child or youth continues to live in the area served by the local educational agency in which the school of origin is located, the child's or youth's transportation to and from the school of origin shall be provided or arranged by the local educational agency in which the school of origin is located.
 - ii. If the child or youth continues to live in the area served by the local educational agency in which the school of origin is located, the child's or youth's transportation to and from the school of origin shall be provided or arranged by the local educational agency in which the school of origin is located.

- iv. The State and the local educational agencies in the State will adopt policies and practices to ensure participation by liaisons described in clause (ii) in professional development and other technical assistance activities provided pursuant to paragraphs (5) and (6) of subsection (f), as determined appropriate by the Office of the Coordinator.

Indiana Code 20-26-11-15:**Determination by the Indiana state board of education -Sec. 10.**

- a. The Indiana state board of education shall hear the following:
 1. All appeals from an order expelling a child under IC 20-33-8-17.
 2. All appeals provided in this chapter.
 3. All disputes on the following:
 - A. Legal settlement.
 - B. Right to transfer.
 - C. Right to attend school in any school corporation.
 - D. Amount of transfer tuition.
 - E. Any other matter arising under this chapter.

The board shall hold a hearing on the timely written application of any interested party.

- b. The Indiana state board of education shall make its determination under the following procedure:
 1. A hearing shall be held on each matter presented.
 2. Each interested party, including where appropriate, the parents, the student, the transferor corporation, the transferee corporation, or the state, shall be given at least ten (10) days' notice of the hearing by certified mail or by personal delivery.
 3. The date of giving the notice is the date of mailing or delivery.
 4. Any interested party may appear at the hearing in person or by counsel, present evidence, cross-examine witnesses, and present in writing or orally summary statements of position.
 5. A written or recorded transcript of the hearing shall be made.
 6. The hearing may be held by the Indiana state board of education or by a hearing examiner appointed by it who must be a state employee.
 7. The hearing, at the option of the Indiana state board of education or hearing examiner, may be held at any place in Indiana.
 8. The hearing examiner shall make written findings of fact and recommendations.
 9. The determination of the Indiana state board of education shall be made on the basis of the record, summaries, and findings, but it is required to examine only those parts of the entire record as it deems necessary.
- c. The hearing and proceedings are not governed by IC 4-21.5.
- d. The determination of the Indiana state board of education is final and binding on the parties to the proceeding.
- e. A notice of the board's determination shall be mailed to each party by certified mail. No action to contest the validity of the decision may be instituted at any time later than thirty (30) days after the mailing of the notice.

DEFINITIONS

Homeless Children and Youths: According to Section 725(2) of the McKinney-Vento Homeless Education Act, "the term 'homeless children and youths'--

- A. means individuals who lack a fixed, regular, and adequate nighttime residence (within the meaning of section 103(a)(1)) [‘one who’]
 - 1. lacks a fixed, regular, and adequate residence or
 - 2. has a primary nighttime residence in a supervised publicly or privately operated shelter for temporary accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill), an institution providing temporary residence for individuals intended to be institutionalized, or a public or private place not designated for, or ordinarily used as, a regular sleeping accommodation for human beings.; 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; are abandoned in hospitals; or are awaiting foster care placement;
 - 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 (within the meaning of section 103(a)(2)(C));
 - 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 (as such term is defined in section 6399 of title 20) who qualify as homeless for the purposes of this subtitle because the children are living in circumstances described in clauses (i) through (iii)."

Section 103(c) of the Act specifically excludes from the definition of homeless individuals any person who is imprisoned or otherwise detained by Act of Congress or State law.

Unaccompanied Youth: Section 725(6) of the Act indicates that the term "unaccompanied youth" includes a youth not in the physical custody of a parent or guardian." Youth living on their own in any of the homeless situations described in the law, are covered by the law.

Fixed Residence: A residence that is stationary, permanent, and not subject to change.

Regular Residence: A residence which is used on a regular (i.e., nightly) basis.

Adequate Residence: A residence which is sufficient for meeting both the physical and psychological needs typically met in home environments.

Parent: For the purpose of this policy, a parent means a parent, legal guardian, or person having legal custody of a child.

School of Origin: The school of origin, as defined in the McKinney-Vento Homeless Education Act, Section 722 (g)(3)(G), is the school that the child or youth attended when permanently housed or the school in which the child or youth was last enrolled.

Enrollment: The terms “enroll” and “enrollment” include attending classes and participating fully in school activities.

Indiana Education for Homeless Children & Youth (INEHCY)

Complaint Procedures

Pursuant to programs administered under the McKinney-Vento Education for Homeless Children and Youth Act

This document addresses the requirements of 42 USC § 11432 for resolving complaints applicable to comparable educational services as covered by McKinney-Vento. A complaint may be submitted by any individual or organization, in-state or out-of-state, and is defined as a written, signed allegation that a federal or state law, rule, or regulation has been violated by a local school corporation or the Indiana Department of Education (IDOE). A complaint must include a statement that a school corporation or the IDOE has violated a statute, rule, or regulation applicable to a covered educational service and the facts on which the statement is based. The complaint must allege a violation that occurred not more than one (1) year prior to the date that the complaint is received, unless a longer period is reasonable because the violation is considered systemic or ongoing.

PART 1: A complaint may be filed by parents, teachers, administrators, or other concerned individuals or organizations. A comparable service is defined as a service for homeless students comparable to those offered to permanently housed students; they include transportation services, educational services such as Title I, special education, vocational or technical education, gifted and talented programs, programs for students with limited English proficiency, and school nutrition programs.

(A) As required by 42 USC § 11432, school corporations will adopt written procedures for the receipt and resolution of complaints alleging violations of law in the administration of the McKinney-Vento program. Therefore, for complaints originating at the local level, a complaint should not be filed with the IDOE until every effort has been made to resolve the issue through local written complaint procedures.

(B) Complaints to the IDOE shall provide, in writing, the facts on which the complaint is based, and must be signed. Complaints may be faxed or mailed.

School District Level: Every effort must be made to resolve the complaint or dispute at the school district level before it is brought to the Indiana Department of Education. It is the responsibility of the school district (the district) to inform the complainant of the district's Complaint Resolution Procedure when a question concerning the education of a homeless child or youth arises.

Resolution Procedures

1. If a question concerning the education of homeless child/youth arises, the first person to be contacted in the school district is the Homeless Liaison.
2. The Homeless Liaison must refer the family to sources of advocacy services. The parent/guardian may bring an advocate to the meeting.
3. The complaint will discuss with the Liaison. If the Liaison believes the complaint is justified, the complainant shall present it in writing and discuss it again with the Liaison.
4. Include in the complaint: (see Homeless Complaint Resolution Form)
 - a) a description of the complaint
 - b) the name(s) and age(s) of the children involved
 - c) the name(s) of involved school district personnel and the district they represent
 - d) a description of attempts that were made to solve the issue at the local level
5. The Homeless Liaison will present a proposed resolution or plan of action to the complainant and the district superintendent within five working days from the date of the written complaint.
6. If the complaint is not resolved at this level within five working days, it may take to the district superintendent. In addition to presenting the written complaint, ask for an appointment to see the superintendent to discuss the complaint. Within five days of the meeting, the superintendent shall provide the complainant with a written resolution.

State Level - If the complaint not resolved in satisfactory manner at the local level, the complaint may be brought to the State Board of Education. Complaints made under this process must be made in writing and signed by the complainant. The local Homeless Liaison shall assist the complainant in compiling necessary documentation. Include all written correspondence and address the complaint to:

Indiana McKinney-Vento Homeless Education State Coordinator
Department of Education
115 W. Washington Street South
Tower, Suite 600 Indianapolis, IN
46204

1. The State Homeless Coordinator will inform the involved school district(s) of the complaint. The Coordinator will gather needed information from statements of the parties (school corporation & complainant) involved.
2. If the complainant disagrees with the decision, the complainant shall be advised of his/her option to file a complaint with the State Board of Education. [..\..\MEMO\State Board Appeal Memo.pdf](#)

PART 2: Upon receipt of a complaint:

(A) The IDOE will issue a letter of acknowledgement to the complainant that contains the following information:

- The date that the IDOE received the complaint;
- How the complainant may provide additional information;
- A statement of the ways in which the IDOE may investigate the complaint;
- The IDOE's commitment to issue a resolution in the form of a "Letter of Findings."

If the complaint involves an LEA, the IDOE also will send a copy of the acknowledgment letter to the local McKinney-Vento Liaison and the local superintendent, along with a copy of the complaint.

(B) The Division Director of the relevant IDOE division will assign a DOE staff person to be the Complaint Investigator.

(C) The Complaint Investigator will:

- a. Carry out an independent on-site investigation, if the IDOE determines that such an investigation is necessary;
- b. Review all relevant information and make an independent determination as to whether the public agency has complied with the McKinney-Vento program;
- c. Issue a complaint investigation report, entitled *Letter of Findings*, to the complainant that addresses each allegation in the complaint and contains Findings of Fact, Conclusions, and Corrective Actions (with a specified timeline) where warranted, as well as the reasons for the IDOE's final decision.

(D) Where there are exceptional circumstances present with regard to a particular complaint, an extension of time can be granted to complete the investigation. Time extensions may only be granted after review by the Assistant Superintendent of the division.

PART 3: When investigating complaints concerning the IDOE, the Complaint Investigator will adapt the process used for LEAs. The complainant will be notified of the procedures being followed to investigate the complaint and will be provided with an appropriate opportunity to review any corrective action the IDOE proposes to take.

PART 4: The IDOE will review and investigate complaints and complete the *Letter of Findings* within 30 calendar days of receipt of a complaint. Complainant(s) will be notified, in writing, if exceptional circumstances exist requiring an extension of the 30-day time period, as described in Part 2(D). A complaint is considered resolved when the IDOE has released the *Letter of Findings* and corrective action has been achieved, where warranted. Until the resolution of the dispute, the educational services in question must be provided as requested by the submitting party.

ATTACHMENT: 42 USC § 11432

United States SEC. 721 Statement of Policy. (42 U.S.C 11432)

(G) STATE PLAN-

(1) IN GENERAL- For any State desiring to receive a grant under this subtitle, the State educational agency shall submit to the Secretary a plan to provide for the education of homeless children and youths within the State. Such plan shall include the following:

(A) A description of how such children and youths are (or will be) given the opportunity to meet the same challenging State academic standards as all students are expected to meet.

(B) A description of the procedures the State educational agency will use to identify such children and youths in the State and to assess their needs.

(C) A description of procedures for the prompt resolution of disputes regarding the educational placement of homeless children and youths.

(D) A description of programs for school personnel (including liaisons designated under subparagraph (J)(ii), principals and other school leaders, attendance officers, teachers, enrollment personnel, and specialized instructional support personnel) to heighten the awareness of such school personnel of the specific needs of homeless children and youths, including such children and youths who are runaway and homeless youths.

(E) A description of procedures that ensure that homeless children and youths who meet the relevant eligibility criteria are able to participate in Federal, State, or local nutrition programs.

(F) A description of procedures that ensure that--

(i) homeless children have access to public preschool programs, administered by the State educational agency or local educational agency, as provided to other children in the State;

(ii) youths described in section 725(2) and youths separated from public schools are identified and accorded equal access to appropriate secondary education and support services, including by identifying and removing barriers that prevent youths described in this clause from receiving appropriate credit for full or partial coursework satisfactorily completed while attending a prior school, in accordance with State, local, and school policies; and

(iii) homeless children and youths who meet the relevant eligibility criteria do not face barriers to accessing academic and extracurricular activities, including magnet school, summer school, career and technical education, advanced placement, on-line learning, and charter school programs, if such programs are available at the State and local levels.

(G) Strategies to address problems identified in the report provided to the Secretary under subsection (f)(3).

(H) Strategies to address other problems with respect to the education of homeless children and youths, including problems resulting from enrollment delays that are caused by--

- (i) requirements of immunization and other required health records;
- (ii) residency requirements;
- (iii) lack of birth certificates, school records, or other documentation;
- (iv) guardianship issues; or
- (v) Uniform or dress code requirements.

(I) A demonstration that the State educational agency and local educational agencies in the State have developed, and shall review and revise, policies to remove barriers to the identification of homeless children and youths, and the enrollment and retention of homeless children and youths in schools in the State, including barriers to enrollment and retention due to outstanding fees or fines, or absences.