

Students

8045 Homeless Children

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The Board is committed to identifying homeless children and youth.¹ The Superintendent shall develop guidelines and procedures for identifying homeless children within the District and will produce written guidelines for distribution to each school that explains the rights of homeless students and the responsibilities of the schools to meet their needs and eliminate barriers to school attendance. This information shall also be disseminated in writing and by other means designed to raise awareness of these rights and responsibilities to staff, homeless families and students, the public, and homeless service providers.

Such children shall be provided with educational services to meet their needs as determined and directed by the Superintendent. Regulations/Guidelines will be developed that implement the requirements of the No Child Left Behind Act.

The child may attend the school, which is in the best educational, social, and emotional interest of the child.

¹ Under the McKinney Act, the terms homeless children and youths mean “individuals who lack a fixed, regular, and adequate nighttime residence ... and 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...;
- (iii) children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
- (iv) migratory children ... who qualify as homeless for the purposes of this part because the children are living in circumstances described [above].”

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The Superintendent shall waive fees and charges that may act as barriers and prevent homeless children from enrolling in school and/or acquiring an appropriate education.²

If a parent/guardian is dissatisfied with a placement decision under this statute, the state recommended dispute resolution procedures shall be followed.

Approved: December 9, 2002

Revised/Approved: February 14, 2011

LEGAL REF: 42 USCA §11433 (McKinney Homeless Assistance Act); 20 USCA § 6311 (No Child Left Behind Act)

² To be eligible for federal funds for programs assisting the education of homeless children, a District must provide written notice to the parents/guardians of each child enrolled in a separate school for homeless children of the choice of schools that homeless children are eligible to attend, that no homeless child is required to attend a separate school, and that homeless children must be provided transportation services, educational services and meals through school meal programs comparable to those offered to other children in the school attended. The notice must also include contact information for the local liaison for homeless children and the state coordinator for education of homeless children. If the District sends a homeless child to a school other than the school of origin or the school requested by the parent/guardian, the District must provide the parents/guardians a written explanation for, including notice of the right to appeal, the decision. This information must also be provided whenever a dispute arises over school selection. 42 U.S.C. § 11432 (e) (3) , (E); 11432 (g) (2) (B), (E)

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The District will emphasize the rights of homeless students to:

- Equal access to all educational programs and services including transportation,
- Continue to attend school in their school of origin for the duration of homelessness,
- Attend regular public school with non-homeless students, and
- Continue to receive all services for which they are eligible, such as special education, gifted and talented, or Local Education Agency (LEA).

Dispute Resolution Procedure

The McKinney-Vento Homeless Assistance Act acknowledges that disputes may arise between the school District and homeless students and their parent(s)/guardian(s) when the student is placed in a school other than the one requested. Guidance for school selection is provided in the law. The law includes dispute resolution among the required duties of the LEA Liaison.

The following procedures are specified in the Act:

- Enrollment: Immediately enroll the homeless student in the school preferred by the parent(s)/guardian(s) until the dispute is settled.
- Written explanation: Provide a written explanation of the school placement decision to the parent(s)/guardian(s) or unaccompanied youth.
- Liaison: The designated LEA liaison is assigned to carry out the dispute resolution in an expeditious manner.
- It is the responsibility of the school District to inform the parent(s)/guardian(s) of homeless students of the Complaint Resolution Procedures.

The Michigan Department of Education, Homeless Education Office, has adopted a complaint resolution process. In a case where a dispute occurs regarding the education of a homeless child or youth, the following process may be used:

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- Local Level: Every effort must be made to resolve the complaint or dispute at the local level before it is brought to the Michigan Department of Education (MDE).
 - If a question concerning the education of the homeless child arises, the first person to contact in the school District is the homeless liaison. Each school District is required to have a designated homeless liaison, with someone in every school or in the central office for the school District able to identify said homeless liaison. If there is a complaint about services for the homeless student(s), the complainant is to be provided a copy of the local complaint procedure. If the District or public school academy does not have a complaint procedure in place, the following steps are suggested:
 - The homeless liaison should discuss the complaint with the complainant and the complainant is to be provided copies of the policies that the local Board of Education has adopted concerning the education of homeless children and youth.
 - A determination is to be made as to whether the requested services for the homeless student are consistent with local school Board policy.
 - If the complaint is not resolved, the complainant will be advised to present it in writing to the homeless liaison.
 - A written proposed resolution of the complaint or plan of action is to be provided to the complainant within five (5) days of the date of receipt of the written complaint.
 - If the complaint is not resolved at this level within five (5) days, it may be taken to the Superintendent of the District the student is attending or wishes to attend.

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In addition to presenting the written complaint, an appointment will be made for the complainant to meet with the Superintendent to discuss the complaint.

At the end of the discussion with the Superintendent, a written resolution will be provided within five (5) days of the date of the discussion.

- If the complaint is still not resolved, it may be possible to appeal to the local Board of Education.
- State Level: If the complaint is not resolved in a satisfactory manner at the local level, the complaint may be directed to MDE. Complaints made under this process must be made in writing and signed by the complainant. The following steps are to be taken:
 - Address the complaint to the Michigan Department of Education, State Homeless Coordinator, P.O. Box 30008, Lansing, MI 48909.
 - Include in the complaint:
 - A description of the situation that prompted the complaint.
 - The name(s) and age(s) of the child or children involved.
 - The name(s) of the involved school District personnel and the school District or Districts involved.
 - A description of the attempts that were made to solve the issue at the local level including copies of any documentation used up to that point.
 - The State Homeless Coordinator will gather needed information from statements of the parties involved and will forward the information to the Director of the Office of School Improvement along with a recommendation for resolution or for further investigation.
 - Within thirty (30) days after receiving the complaint, the Director of the Office of School Improvement will recommend a resolution and will inform interested parties in writing of the decision.

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- If a complainant or one of the parties involved in the complaint disagrees with the decision, that party may, within ten (10) working days, appeal to the Deputy Superintendent. This appeal must be in writing and state why the party disagrees with the decision of the Director of the Office of School Improvement.
- Within thirty (30) days after receiving an appeal, the Deputy Superintendent will render a final administrative decision and notify the complainant and the school District(s) involved in writing.

If the party disagrees with the decision of the Deputy Superintendent in a matter concerning homeless children or youth, the party may request a review of the decision by the United States Secretary of Education in accordance with 34 CFR Part 299.11.

While the dispute is being resolved, the child or children in question must be enrolled in school. If the dispute is concerning the school of “best interest”, the child or children must be enrolled in the school preferred by the parent(s)/guardian(s) or unaccompanied youth unless previous arrangements have been implemented.

Approved: February 14, 2011

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