

### **Federal Programs Complaint Policy**

A parent, student, employee, or district stakeholder who has a complaint regarding the use of Federal NCLB funds and is unable to resolve the issue, may address the complaint in writing to the district's superintendent.

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 parent or guardian, 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. Disputes addressing the eligibility of students for McKinney-Vento, enrollment of students in the school district, assigning students to a school, transportation (including inter-district disputes) and other barriers to the education of children and youth experiencing homelessness are also addressed under this procedure. Parents, guardians, and unaccompanied youth may initiate the dispute resolution process directly at the school they choose, as well as at the district or district's homeless liaison's office. The parent or guardian or unaccompanied youth shall be provided with a written explanation of the school's decision including the rights of the parent, guardian, or youth to appeal the decision. Students shall be provided with all the services for which they are eligible while disputes are resolved.

#### **The following procedures are specified in the McKinney-Vento Act:**

*Enrollment:* If a dispute arises over school selection or enrollment in a school, the child or youth shall be immediately called 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, guardian or unaccompanied youth. (The written explanation must include a description of the parents, guardians, 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 or guardian of the homeless student(s) or the unaccompanied youth of the dispute resolution process.

#### **Dispute Process Overview**

In a case where a dispute occurs regarding the enrollment of a homeless child or youth: 1) Appeal to the district's homeless liaison for a decision. If unresolved, the case is appealed to the 2) local school district superintendent for a decision. If the dispute continues to be unresolved, the final appeal is to the SD DOE. **Every effort must be made to resolve the complaint or dispute at the local level before it is brought to the SD DOE.** Remember, *If a dispute arises over school selection or enrollment in a school, the child or youth shall be immediately enrolled 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 the youth is immediately enrolled in school, pending resolution of the dispute.*

#### **Initiation of the Dispute Resolution Process**

**If a school district seeks to place a homeless child or youth in a school other than the school of origin, OR the school requested by the parent, guardian, or unaccompanied youth, the child's/youth's parent or guardian, or the unaccompanied youth shall be informed of their right to appeal the decision by the school district and be provided the following:**

1. Written contact information for the LEA homeless liaison and State Coordinator, with a brief description of their roles.
2. A simple, written detachable form the parent, guardian, or unaccompanied youth can complete and turn into the school to initiate the dispute process (the school should copy the form and return the copy to the parent, guardian, or youth for their records when it is submitted).
3. A written step-by-step description of how to dispute the school district's decision.
4. Written notice of the right to enroll immediately in the school of origin pending resolution of the dispute.
5. Written notice of the right to the state if the district-level resolution is not satisfactory.
6. Written timelines for resolving district and state-level appeals.

A dispute resolution form can be found under school district policy KLE-E (1). Parents/Guardians may seek assistance from the school district McKinney-Vento liaison, Amy Cooper, when filling out the resolution form.

### **Step 1: LEA Liaison Communication**

If a parent, guardian, or unaccompanied youth wishes to appeal a school district's decision related to a student's placement.

- Resolved (stop):
  - district liaison notes the issue was resolved
- Disputed
  - LEA liaison documents the decision was disputed and the date of dispute
  - liaison provides written documentation as to why the request was denied to parent, guardian, or unaccompanied youth (documentation is included in notes).
  - the liaison communicates the rights of parent, guardian, or unaccompanied youth to pursue an appeal with the superintendent
  - LEA liaison notifies district superintendent of status of process
  - LEA liaison notifies SD DOE Homeless Education Program State Coordinator of status of process
  - LEA complete a dispute resolution form (must be filled out within fifteen (15) business days of district liaison's decision)
  - dispute resolution form is sent to district superintendent
  - dispute resolution form is sent to Homeless Education Program State Coordinator

### **Step 2: District Superintendent Communication**

(If the dispute remains unresolved after Step 1 appeal)

The district superintendent holds a meeting with parent, guardian, or unaccompanied youth and renders decision within five (5) business days of receipt of dispute resolution form.

- Resolved (stop)
  - district superintendent notes the issue was resolved
- Disputed:
  - decision documented by district
  - written explanation of decision provided to liaison, parent, guardian, or unaccompanied youth, and SD DOE Homeless Education Program State Coordinator
  - liaison informs SD DOE Homeless Education Program State Coordinator that issue is resolved/unresolved
  - parent, guardian, or unaccompanied youth have fifteen (15) days to appeal to SD DOE Homeless Education Program State Coordinator
  - additional information can be provided by the parent, guardian, unaccompanied youth, or district liaison in writing supporting decisions

The district superintendent shall forward all written documentation and related paperwork to the SD DOE Homeless Education Program State Coordinator (or designee) for review, within five (5) business

days of notifying the parent, guardian, or unaccompanied youth of the decision by the district superintendent

**Step 3:** SD DOE Homeless Education State Program Coordinator Communication (If the dispute remains unresolved after Step 2 appeal)

- parent, guardian, or unaccompanied youth completes dispute resolution form (must be completed within (15) days of district superintendent decision)
- SD DOE provides a written decision within 5 days from receipt of appeal
- decision is sent to district liaison
- district liaison shares the decision/documentation with parent, guardian, or unaccompanied youth
- SD DOE's decision is final

### **Inter-District Disputes**

Disputes arising between school districts (LEAs) regarding the placement of a homeless child or youth in a district should be resolved between the districts at the local level in the best interest of the child and according to the law.

Disputes between the LEAs that remain unresolved shall be forwarded in writing by either of the disputing districts to the SD DOE Homeless Education Program State Coordinator (or designee). A decision will be made by the SD DOE (committee including the Homeless Education Program State Coordinator and SD DOE staff members) within ten (10) business days of the receipt of the dispute and will be forwarded in writing to the district's superintendents, the districts' homeless liaisons, and the parent, guardian, or unaccompanied youth.

The decision made by SD DOE shall be the final resolution between the disputing LEAs for placement of a homeless child or youth in a district.

### **Definitions**

*Adequate Living Situation* - sufficient for meeting the physical, psychological and safety needs typically met in a home environment

*Doubled Up* - sharing the housing of others due to loss of housing, economic hardship or similar reason

*Enrollment* - The terms "enroll" and "enrollment" include attending classes and participating fully in school activities.

*Fixed Living Situation* - stationary, permanent, not subject to change

*Homeless Children and Youth* - individuals who lack a fixed, regular, and adequate night-time residence and includes:

- children and youth who are sharing the house 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 housing
- are abandoned in hospitals
- primary nighttime residence is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings
- living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings, and
- migratory children who qualify as homeless for the purposes of this part because the children are LIVING IN CIRCUMSTANCES described in above bullet points

*Regular Living Situation* - used on a nightly basis

*School of Origin* - School that the child or youth attended when permanently housed or the school in which the child or youth was last enrolled

*Substandard Housing* - housing that poses a serious risk to the health, safety, or physical well-being of occupants

*Unaccompanied Youth* - youth not in the physical custody of a parent or guardian

**Program Contact Information:**

**Bon Homme School District Contact:**

**Amy Cooper** / Elementary Principal and Title Director

Email: amy.cooper@k12.sd.us

Phone: (605) 589-3388

**South Dakota Department of Education/State Coordinator Contact:**

**Emily Quick** / McKinney-Vento State Coordinator

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Legal References: General Provisions Regulations, at 34 CFR Sections 299.10 - 299.12

Homelessness Section 723 amended by Title X Part C of the ESEA

Citation: [Subtitle B of Title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431) - Section 722 (g) (l) (j) and Section 722 (g)(3) as amended by NCLB in 2001

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