

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.