

KIMBERLY AREA SCHOOL DISTRICT



McKINNEY-VENTO HOMELESS PROGRAM GUIDELINES and PROCEDURES

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Table of Contents

Page 3 - Statement of Philosophy

Page 3 - Definition of Homeless Children and Youth

Page 4 - Enrollment

Page 4 - Guardianship

Page 4-5 - Residency

Page 5 - School Selection

Page 6 - Lunch Waiver

Page 6 - Fee Waiver

Page 7 - Comparable Services

Page 7-8 - Transportation

Page 9-12 - Complaint/Dispute Resolution Process

STATEMENT OF PHILOSOPHY

It is the belief of the Kimberly Area School District that all students can and will learn. The McKinney-Vento Homeless program removes barriers to learning for homeless children and youth. All homeless children and youth will be served using all resources available to the district.

DEFINITION OF HOMELESS CHILDREN AND YOUTH

The term ‘homeless children and youths’ means individuals who lack a fixed, regular, and adequate nighttime residence due to economic hardship.

It includes children and youth who:

- are temporarily sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason;
- are living in motels, hotels, or camping grounds due to the lack of alternative adequate accommodations;
- are living in emergency shelters;
- are abandoned in hospitals;
- have a nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;
- are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings;
- are runaway children or children who are abandoned;

Migratory children and unaccompanied youth (youth not in the physical custody of a parent or guardian) will be considered homeless if they meet the above definition.

Homeless status is determined in cooperation with parents or in the case of unaccompanied youth by the school counselor, principal and/or district program liaison.

ENROLLMENT

The terms 'enroll' and 'enrollment' are defined to mean attending school and participating fully in school activities.

The school selected shall immediately enroll the child/youth, even if the child or youth lacks records normally required for enrollment. Records will immediately be requested from the previous school.

Homeless students who do not live with their parents or guardians may enroll themselves in school.

GUARDIANSHIP

For purposes of school placement, any parent, guardian or person in loco parentis who has legal or physical custody of a homeless child or youth shall enroll that child or youth directly in a KASD school.

RESIDENCY

A homeless child or youth is a resident if the child is personally present somewhere within the district with a purpose to remain but not necessarily to remain permanently.

The child or youth shall be considered a resident when living with a parent, guardian, or person in loco parentis not solely for school purposes or for participation in extracurricular activities.

1. Homeless children, youth and unaccompanied youth will be enrolled immediately, even if they lack immunizations and/or records ordinarily required for enrollment. Documents and records that can not be used for enrollment delays include but are not limited to:
 - A. transcripts/school records
 - B. immunization, health, medical records
 - C. birth certificates
 - D. proof of residency
 - E. proof of guardianship

Residency cont.

2. Once the student is enrolled it is the responsibility of the school to contact the previous school and request records.
3. The building level school counselor and/or principal should be contacted as soon as possible to assist the family with supplies and other needs.

SCHOOL SELECTION

Placement in a school shall, according to the child's best interest,

- For an elementary students (including 4K), continue the child's or youth's education in the school of origin for the duration of homelessness, in any case in which a family becomes homeless between academic years or during an academic year, or for the duration of the academic year, if the child or youth becomes permanently housed during an academic year.
- Enroll the child or youth in any school that non-homeless students who live in the attendance area in which the child or youth is actually living are eligible to attend.
- Parents/guardians may request their child attend any elementary school in the Kimberly Area School District and to the extent feasible the district will try to comply with these requests.

In determining the best interests of the child or youth, to the extent feasible the child or youth will be kept in the school of origin, except when doing so is contrary to the wishes of the child's or youth's parent or guardian, for the duration of homelessness.

In the case of unaccompanied youth, the district's homeless liaison will assist in placement or enrollment decisions considering the requests of such unaccompanied youth.

The school of origin means the school that the child or youth attended when permanently housed, or the school in which the child or youth was last enrolled. The school of origin also includes the designated receiving school at the next level.

The choice regarding placement shall be made regardless of whether the child or youth lives with the homeless parents or guardian or has been temporarily placed

elsewhere.

LUNCH WAIVER

1. When a student is identified as homeless they are automatically waived with or without paperwork. This is at the INITIAL point of identification.
2. The free status stays with that student the entire school year until the student is "permanently" housed. Then they must complete the paperwork/application.
3. The homeless liaison will send necessary documentation to the staff member in the Business Office who coordinates free and reduced lunch in order to facilitate this process.
4. Staff in the Business Office will be responsible for communicating with food service in order to process the waiver.
5. The homeless liaison will notify the school contact to confirm that the free lunch paperwork and waiver has been processed by the food service provider.

FEE WAIVER

Student fees for the purposes of serving homeless children include but are not limited to: fees for field trips, fees for Art courses/projects, Foods courses, Technical Education courses/projects, and yearly class fees. These fees are to be automatically waived. The waiving of fees will be done directly by the school counselor and/or a building administrator.

To encourage all homeless students to participate in all school activities, payment of all student fees will be waived if the student is identified as homeless.

COMPARABLE SERVICES

Each homeless child or youth shall be provided services comparable to services offered to other students in the school selected, such as

- School supplies
- Transportation services
- Educational services for which the child or youth meets eligibility criteria such as ELL or special education programs
- Programs for “At Risk” students
- Programs for gifted and talented students
- School nutrition programs
- Title I services

TRANSPORTATION

1. At the request of a homeless child’s parent/guardian or the homeless liaison in the cases of unaccompanied youth, transportation to the school of origin will be provided to homeless children and youth, following best interest provisions (outlined in the McKinney-Vento Homeless Assistance Act under Local Education Agency Requirements).
 - A. In order for transportation to be set up, the homeless liaison will determine with the family the best means of transportation.
 - B. The homeless liaison’s secretary will arrange for transportation.
 - C. When a student obtains permanent housing, transportation to the school of origin must be provided until the end of the academic year, if it is in the student’s best interest to remain in that school. At this point, parents/guardians can choose to enroll the child in the school in the attendance area in which they live.

Transportation cont.

2. When the child, youth or unaccompanied homeless student's temporary residence and school of origin are two different school districts, the districts will collaborate on the method and cost of transportation. The districts will share the cost of transportation.

3. Refugee students who are not independently housed may be considered homeless unless families choose to not be considered so. The homeless liaison/interpreters will discuss McKinney-Vento with families to determine if they are homeless. It will be determined based on where the student resides and where the program is for the refugee students if transportation is necessary. If it is deemed unsafe or too far for a non-English speaking homeless student to walk or arrange for their own transportation, then they will be transported the same as other homeless students. The guidelines listed above will be followed in those situations as well.

COMPLAINT/DISPUTE RESOLUTION PROCESS

* See attached Chapter PI 1 – DPI Complaint Resolution and Appeals Process

Register, June, 1999, No. 523

PI 1.04

DEPARTMENT OF PUBLIC INSTRUCTION

Chapter PI 1

COMPLAINT RESOLUTION AND APPEALS

PI 1.01 Purpose and applicability.

PI 1.02 Definitions.

PI 1.03 Receipt and filing of complaints and appeals.

PI 1.04 Procedures.

PI 1.05 Investigations.

PI 1.06 Mediation.

PI 1.07 Hearings.

PI 1.08 Decisions.

PI 1.09 Withdrawal, failure to prosecute.

PI 1.10 Rights to further review.

Note: Chapter PI 1 as it existed on December 31, 1987, was repealed and a new Chapter PI 1 was created effective January 1, 1988.

PI 1.01 Purpose and applicability.

(1) **PURPOSE.** The purpose of this chapter is to provide the state superintendent with a system of dealing with complaints and appeals received by the department: to promote coordination with other appropriate units of government and agencies regarding complaints and appeals; and to promote the voluntary resolution of problems at the level closest to their source.

(2) **APPLICABILITY.** This chapter applies to all complaints received by the department, and to all appeals authorized by statute which are filed with the department, except that this chapter does not apply to appeals or complaints subject to the other, more specific,

statutes or rules, including, but not limited to, the following:

(a) Appeals relating to the identification, evaluation, educational placement, or the provision of a free appropriate public education of a child who has an exceptional educational need, which shall be resolved under 20 USC 1415 of the Education of the Handicapped Act and ch. 115 subch. V. Stats.

(b) Appeals of a department decision that a teacher education program is not in compliance with ch. PI 3 or 4, which shall be resolved through the procedures under s.PI 4.03

(c) Complaints that the state or a subgrantee is violating subch. II of the Education of the Handicapped Act, 20 USC 1411-1418 and 1420, which shall be resolved through the procedures under the Education Department General Administrative Regulations at

34 CFR Parts 76 and 77, commonly referred to as EDGAR.

(d) Complaints, hearings and appeals related to license revocation and reinstatement under s. 118.19 (5), Stats., and s. PI 3.04, which shall be resolved through the procedures specified in s. PI 3.04.

(e) School district boundary appeal board hearings, which shall be conducted under s. 117.03. Stats.

(f) Appeals relating to the granting of high school credit and number of high school credits to be awarded to a pupil participating in the postsecondary enrollment options programs under ch. PI 40, which shall be resolved through the procedures under s. PI 40.08.

History: Cr. Register, December, 1987. No. 384. eff. 1-1-88; cr. (2) (f), Register, October, 1992, No. 442, eff. 11-1-92; corrections in (2) (d) made under s. 13.93 (2m) (b) 7., Stats., Register, June, 1999, No. 522.

PI 1.02 Definitions. In this chapter:

(1) "Appeal" means an application to the state superintendent, as provided by statute or rule, to review a decision by a local education agency.

(2) "Complaint" means an allegation of wrongdoing filed with the state superintendent against a local education agency, its officers or employees stating essential facts and demanding relief.

(3) "Department" means the Wisconsin department of public instruction.

(4) "Local education agency" means school boards, school districts, cooperative educational service agencies, county handicapped childrens' education boards, public libraries, public library systems, and private schools or agencies if the private schools' or agencies' actions or decision concern

programs receiving state or federal funds which are administered by the department.

(5) "Party" means the complainant or appellant and the local education agency named in the complaint or appeal.

(6) "Rule" means any rule in the Wisconsin Administrative Code or regulation in the Code of Federal Regulations.

(7) "State superintendent" means the state superintendent of public instruction.

(8) "Statute" means any Wisconsin or United States statute.

History: Cr. Register, December, 1987, No. 384, eff. 1-1-88.

PI 1.03 Receipt and filing of complaints and appeals. (1) All complaints and appeals shall be filed in writing specifying the grounds upon which the action is brought, the facts, and any relief sought. Complaints and appeals shall be signed by the complainant or appellant or the representative of the complainant or appellant. If the complainant or appellant is a minor, the complaint or appeal shall also be signed by his or her parent or guardian, unless the statute or rule under which the complaint or appeal is filed prohibits this requirement.

(2) If the complaint or appeal is filed by the representative under sub.(1), the representative shall file a notice of representation which shall include written consent of the complainant or appellant and the parent or guardian if required in sub. (1).

(3) Failure of the complainant or appellant to file a complaint or appeal within the time period specified in the statute or rule under which the complaint or appeal is filed deprives the state

superintendent of jurisdiction in the matter.

History: Cr. Register, December, 1987. No. 384, eff. 1-1-88.

PI 1.04 Procedures. Upon receipt of a written complaint or appeal filed under s. PI 1.03, the state superintendent shall acknowledge receipt of the complaint or appeal in writing and shall use any or all of the following procedures which he or she determines to be appropriate:

(1) Provide technical assistance and information and attempt to resolve the matter informally.

(2) Refer the complainant to another state agency for action or resolution.

(3) Conduct an investigation under s. PI 1.05.

(4) Conduct a hearing under s. PI 1.07.

(5) Issue a decision based on a review of the record of a hearing held before the local education agency.

(6) Issue protective orders or grant temporary relief as deemed necessary by the state superintendent to preserve the rights of any party prior to the issuance of a final decision or order.

(7) Arrange for mediation under s. PI 1.06.

(8) Direct the complainant to exhaust any administrative remedies available before the local education agency.

(9) Determine that the state superintendent does not have jurisdiction in the matter.

History: Cr. Register, December, 1987, No. 384, eff. 1-1-88.

PI 1.05 Investigations. (1) If the state superintendent determines under s. PI 1.04 (3) to conduct an investigation, the investigation may include an on-site review or any other activity which the state superintendent deems appropriate.

(2) The state superintendent may

determine whether reasonable grounds exist for believing that the matter asserted by the complainant or appellant is probably true, and may issue a finding to that effect.

(3) During the investigation, the state superintendent may keep the identity of the complainant in confidence if, in the state superintendents' judgment, disclosure of the complainant's identity would be likely to subject the complainant to retaliatory action or would otherwise jeopardize the investigation.

History: Cr. Register. December, 1987. No. 384, eff. 1-1-88.

PI 1.06 Mediation. (1) Prior to holding a hearing regarding a complaint or an appeal, the state superintendent may attempt to resolve the matter through mediation if the parties agree. The state superintendent shall appoint the mediator. If the parties agree to a negotiated settlement, the mediator shall notify the state superintendent of the terms of the settlement and the state superintendent shall find that the matter is resolved. If the parties are unable to agree to a negotiated settlement, the state superintendent shall determine which other procedures under s. PI 1.04 to follow.

(2) The mediation sessions shall be conducted at the discretion of the mediator, except that if a negotiated settlement has not been reached within 90 days after the mediator received the complaint or appeal, the mediator shall either request an extension of time or inform the state superintendent that the mediation effort is unsuccessful.

History: Cr. Register, December, 1987, No. 384, eff. 1-1-88.

PI 1.07 Hearings. (1) WHEN HELD.

The state superintendent shall conduct a hearing when required by the statute or rule under which the complaint or appeal is filed or when required under s.

227.42, Stats. The state superintendent may conduct a hearing in other matters if he or she deems it is appropriate.

(2) NOTICE. Except in case of emergency, as determined by the state superintendent, at least 10 days prior to the hearing the state superintendent shall mail to the parties, by certified mail, written notice of hearing stating the time, date and place of the hearing, the nature of the case, a general statement of the issues to be heard and the procedures to be followed. The parties may by mutual consent waive the right to notice. The state superintendent may postpone the hearing in the case of exceptional circumstances.

(3) HEARING EXAMINER. The state superintendent shall preside over the hearing or appoint a hearing examiner. The state superintendent may not appoint any person as hearing examiner who has been involved, either directly or indirectly, with the action or decision which is the subject of the complaint or appeal.

(4) CONDUCT OF HEARING. a) If the state superintendent determines that the matter is a contested case under s. 227.02 (3), Stats., the hearing shall be conducted under procedures specified in subch. III of ch. 227, Stats., and this chapter.

(b) The hearing examiner shall have the powers specified in s.227.46, Stats., regardless of whether the matter is being treated as a contested case under ch. 227, Stats.

(c) If the local education agency fails to appear at the hearing, the hearing examiner may proceed with the hearing.

(5) HEARING RECORD AND

TRANSCRIPTS. The department shall ensure that a stenographic or electronic record of oral proceedings is made when required under ch. 227, Stats. The department shall transcribe the hearing record at the request of either party if the transcript is needed for an appeal of the decision of the state superintendent or hearing examiner. The department shall charge a reasonable fee for transcribing the hearing record unless the state superintendent determines that the party is unable to pay.

History: Cr. Register, December, 1987. No. 384, eff. 1-1-88.

PI 1.08 Decision. Following the hearing of a contested case under ch. 227, Stats., and when otherwise required by statute or rule, the decision of the state superintendent or hearing examiner shall be in writing stating separate findings of fact and conclusions of law. The decision may order remedies which the state superintendent or hearing examiner determines appropriate, and may or may not include the relief sought by the complainant or appellant. Decisions shall be served on all parties by mailing a copy to each party's last known address by certified mail along with a notice of any right to further review as may be provided by the statute or rule under which the complaint is filed or ss. 227.52 to 227.57, Stats.

History: Cr. Register, December, 1987. No. 384, eff. 1-1-88.

PI 1.09 Withdrawal, failure to prosecute. (1) WITHDRAWAL. At any time prior to the issuance of a final decision, the complainant or appellant may withdraw the complaint or appeal in writing. Upon receiving such a request,

the state superintendent shall issue an order dismissing the matter without prejudice.

(2) FAILURE TO PROSECUTE. The state superintendent may dismiss any complaint or appeal if:

(a) The complainant or appellant fails to respond within 20 days to correspondence, sent by certified mail to his or her last known address, from or on behalf of the state superintendent concerning the complaint or appeal, or

(b) The complainant or appellant fails to appear at the hearing.

History: Cr. Register, December, 1987, No. 384, eff. 1-1-88.

PI 1.10 Rights to further review. (1)

Upon the request of either party, the state superintendent may reopen a complaint or appeal which was resolved informally or through mediation. If the state superintendent reopens the complaint or appeal, he or she shall determine which procedures under s. PI 1.04 to follow.

(2) Final decisions issued by the state superintendent shall specify any rights the parties may have to judicial review under ch. 227, Stats., or other statute or rule.

History: Cr. Register, December, 1987, No. 384, eff. 1-1-88.