

**Mississippi Board of Education - Policy Review  
Office of Federal Programs - January 2012**

<b>Board Item Number</b>	<b>Descriptor (Title)</b>	<b>Policy #</b>	<b>Issue</b>	<b>Resolution from Office</b>	<b>APA Process</b>
12A	Consolidated Applications (Federal Funds)	2400	State no longer classifies school districts as Level 1 and Level 2; Duplicate of 4700.	Remove as State Board policy.	Yes
12B	Homeless	4200	Methodology for Homeless RFP not needed as board policy.	Homeless Dispute policy needed as board policy.	Yes
12C	Level 1 & 2 Districts Consolidated Applications	4700	State no longer classifies school districts as Level 1 and Level 2.	Remove as State Board policy.	Yes
12D	Complaint Procedures	7801	Outdated language.	Revise policy to address changes in guidelines and procedures for complaints.	Yes
12E	Expenditure of Funds on Instruction	7802	Outdated language.	Revise policy language to address changes in guidelines to annual Title I budgets on administrative expenses.	Yes

**OFFICE OF INSTRUCTIONAL ENHANCEMENT AND INTERNAL OPERATIONS**  
**Summary of State Board of Education Agenda Items**  
**January 19-20, 2012**

**OFFICE OF FEDERAL PROGRAMS**

12. Approval to begin the Administrative Procedures Act process to revise/remove the following State Board Policies
  - A. Approval to begin the Administrative Procedures Act process: To remove State Board Policy 2400 – Consolidated Applications (Federal Funds)
  - B. Approval to begin the Administrative Procedures Act process: To revise State Board Policy 4200 – Homeless
  - C. Approval to begin the Administrative Procedures Act process: To remove State Board Policy 4700 – Level 1 and 2 Districts Consolidated Applications
  - D. Approval to begin the Administrative Procedures Act process: To revise State Board Policy 7801 – Complaint Procedures
  - E. Approval to begin the Administrative Procedures Act process: To revise State Board Policy 7802 – Expenditure of Funds on Instruction

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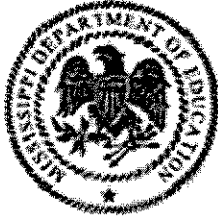
- 12A. Approval to begin the Administrative Procedures Act process: To remove State Board Policy 2400 - Consolidated Applications (Federal Funds)

**Executive Summary**

State Board Policy 2400 - Consolidated Applications (Federal Funds) is a duplicate of State Board Policy 4700 - Level 1 and 2 Districts Consolidated Applications. The State no longer classifies school districts as Level 1 and 2.

Recommendation: Approval

Back-up material attached



# Mississippi Department of Education

DESCRIPTOR TERM: <b>Consolidated Applications (Federal Funds)</b>	CODE: <b>2400</b>
ADOPTION DATE: <b>December 20, 1996</b>	REVISION:

## STATE BOARD POLICY

Levels 1 and 2 school districts are required to submit a consolidated application for federal funds.

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- 12B. Approval to begin the Administrative Procedures Act process: To revise State Board Policy 4200–Homeless

**Executive Summary**

The current language of State Board Policy 4200–Homeless needs to be removed and replaced with the McKinney-Vento Homeless Education Dispute Resolution.

Recommendation: Approval

Back-up material attached



# Mississippi Department of Education

DESCRIPTOR TERM: <b>Homeless</b>	CODE: <b>4200</b>
ADOPTION DATE: <b>December 18, 1992</b>	REVISION:

## STATE BOARD POLICY

When awarding grants to local school districts under the *Education for Homeless Children and Youth Program*, the following areas will be rated and used in the selection process:

RATING AREA		POINTS AWARDED
<b>A. NEED FOR PROJECT (20 PTS. MAX.)</b>		
1	The proposal clearly shows a need for the project in the targeted service area. (5 Pts. Max.)	
2	The proposal includes the number of homeless youth in the targeted area and identifies their needs. (5 Pts. Max.)	
3	The proposal builds on existing services to homeless children in the targeted area. (5 Pts. Max.)	
4	The proposal addresses how funds will facilitate the enrollment, retention and success of homeless youth in the service area. (5 Pts. Max.)	
<b>B. PROJECT METHODOLOGY (25 PTS. MAX.)</b>		
1	The proposal identifies problems to be addressed. (4 Pts. Max.)	
2	The proposal provides a detailed description of planned, realistic activities for implementing the project. (4 Pts. Max.)	
3	The proposal contains timelines for implementing the project. (4 Pts. Max.)	
4	The proposal contains measurable goals for implementing the project. (4 Pts. Max.)	
5	All planned activities come from the authorized activity list. (4 Pts. Max.)	
<b>C. EXPECTED OUTCOMES (25 PTS. MAX.)</b>		
1	The project will result in a measurable reduction of a significant problem. (5 Pts. Max.)	

-	2	Anticipated results are listed and expected benefits to those receiving services in the targeted area are identified. (10 Pts. Max.)	-
-	3	An Evaluation Plan or Procedure is fully described. (10 Pts. Max.)	-
<b>D. ASSURANCES (10 PTS. MAX.)</b>		-	-
-	1	The proposal designates a homeless liaison. (5 Pts. Max.)	-
-	2	The proposal has a statement assuring that the project will supplement and not supplant funds. (5 Pts. Max.)	-
-	3	The proposal contains an admission/resolution of dispute policy.	NO
<b>E. COORDINATION (10 PTS. MAX.)</b>		-	-
-	1	The proposal identifies the social or community service organizations the district currently coordinates with. (5 Pts. Max.)	-
-	2	The proposal contains a plan for improving coordination with community, social and shelter organizations. (5 Pts. Max.)	-
<b>F. BUDGET (10 PTS. MAX.)</b>		-	-
-	4	The total cost of the project is consistent with USDE requirements of 50% tutorial/remediation services and 35% for supportive services. (5 Pts. Max.)	-
-	2	The requested funds reflect the needs identified and the proposed services of the project. (5 Pts. Max.)	-
<b>TOTAL SCORE FOR THIS PROPOSAL</b>		-	-

COMMENTS:

<b>DESCRIPTOR TERM:</b>  <b>McKinney-Vento Homeless Education</b>	<b>CODE:</b>  <b>4200</b>
<b>ADOPTION DATE:</b>  December 18, 1992	<b>REVISION:</b>

**STATE BOARD POLICY**

**Guidelines**

**Mississippi Department of Education  
McKinney-Vento  
Homeless Education  
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 parents until the dispute is settled.
- ✓ Written explanation: Provide a written explanation of the school placement decision to the parent/guardian 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 Mississippi Department of Education, Office of Federal Programs, 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:

**Local Level:** Every effort must be made to resolve the complaint or dispute at the local level before it is brought to the Mississippi 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 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. 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 Mississippi Department of Education, Office of Federal Programs, State Homeless Education Coordinator, 359 North West Street-Ste. 111, P.O. Box 771, Jackson, MS 39205.
- 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 Federal Programs along with a recommendation for resolution or for further investigation.
- Within thirty (30) days after receiving a complaint, the Director of the Office of Federal Programs will recommend a resolution and will inform interested parties in writing of the decision.
- 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 of the Office of Instructional Enhancement and Internal Operations. This appeal must be in writing and state why the party disagrees with the decision of the Director of the Office of Federal Programs.
- 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 must be enrolled in the school preferred by the parent/guardian or unaccompanied youth unless previous arrangements have been implemented.**

[http://www.mde.k12.ms.us/innovative\\_support/TitleXHomeless.html](http://www.mde.k12.ms.us/innovative_support/TitleXHomeless.html)

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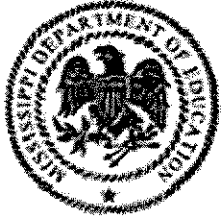
- 12C. Approval to begin the Administrative Procedures Act process: To remove State Board Policy 4700–Level 1 and 2 Districts Consolidated Applications

**Executive Summary**

State Board Policy 4700–Level 1 and 2 Districts Consolidated Applications needs to be removed. The State no longer classifies school districts as Level 1 and 2.

Recommendation: Approval

Back-up material attached



# Mississippi Department of Education

DESCRIPTOR TERM: <b>Level 1 and 2 Districts Consolidated Applications</b>	CODE: <b>4700</b>
ADOPTION DATE: <b>December 20, 1996</b>	REVISION:

## STATE BOARD POLICY

Levels 1 and 2 school districts are required to submit a consolidated application for federal funds.

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- 12D. Approval to begin the Administrative Procedures Act process: To revise State Board Policy 7801–Complaint Procedures

**Executive Summary**

The current language of State Board Policy 7801–Complaint Procedures need to be removed and replaced with revised complaint procedures.

Recommendation: Approval

Back-up material attached



# Mississippi Department of Education

DESCRIPTOR TERM: <b>Complaint Procedures</b>	CODE: <b>7801</b>
ADOPTION DATE: <b>October 16, 1992</b>	REVISION: <b>June 18, 1999</b>

## STATE BOARD POLICY

The complaint procedure and appeal procedure of the Mississippi State Department of Education for Title IV Improving America's School Act (IASA), 1994 as described below.

The Mississippi State Department of Education will accept complaints from any organization or individual regarding a program administered in Mississippi by a local school district, the Mississippi State Department of Education or other entities eligible to receive funds IASA, as amended.

The complaint must be a signed, written statement citing an alleged violation of the IASA law, the regulations governing the law, or other applicable State or Federal laws or regulations. The complaint must describe the alleged violation and include the facts and circumstances on which the statement of alleged violation is based.

Complaints should be sent to the Director of Innovative Support, Mississippi Department of Education, P.O. Box 771, Jackson, Mississippi 39205-0771.

### Procedure for Complaints

Within sixty calendar days of receipt of a complaint regarding an IASA program operated by a local school district or other eligible entity, the Mississippi Department of Education will:

1. Notify the complainant of receipt of complaint.
2. Notify the local school district or other entity of receipt of the complaint and the nature of the alleged violation.

3. Assign a Mississippi Department of Education Chapter 1 staff member to review the facts and circumstances of the complaint.
4. Conduct a monitoring visit if the State staff determines that it is necessary.
5. Determine if a violation of law or regulations has occurred.
6. If it is determined that a violation has occurred, the local school district or other entity will be required to take appropriate corrective action.
7. Notify all parties of the results of the review and actions taken. Programmatic concerns will be examined and resolved or negotiated.
8. If it is determined that no violation has occurred, all parties will be notified that the program is administered according to applicable state and federal law and regulations.

Following an investigation and determination by the State Department of Education IASA program staff, either party may appeal to the State Superintendent of Education, Mississippi State Department of Education. The Superintendent, or his/her representative, will review the investigation and findings, interview parties involved in the complaint, and make a final determination of compliance. After the final determination, either party may request a review by the United States Secretary of Education.

If the complaint alleges that the Mississippi State Department of Education, IASA has violated applicable law or regulation, the complaint will be referred directly to the State Superintendent of Education for review and investigation. Within sixty days, the Superintendent will assign the review to a unit or section not involved in the administration of Title I. This unit or section will follow the procedural steps outlined above.

If the Mississippi State Department of Education cannot investigate and resolve a complaint within sixty days because of the complexity of the complaint, any exceptional circumstances involved in a particular complaint, or other unforeseen difficulties, the Mississippi State Department of Education will notify both the complainant and the local school district or eligible entity of the circumstances. An extension of time will be negotiated by the Mississippi State Department of Education with all parties involved.

<b>DESCRIPTOR TERM:</b> Title I Complaint Procedures	<b>CODE:</b> 7801
<b>ADOPTION DATE:</b> October 16, 1992	<b>REVISION:</b> June 18, 1999

## STATE BOARD POLICY

### Guidelines

When a complaint cannot be resolved at the LEA level, the complaint must be submitted in writing to the Mississippi Department of Education, Office of Federal Programs. Persons issuing verbal complaints will be asked to complete a written complaint form prior to any official investigation, or assisted with the completion of the complaint form.

The complaint must include the name and address of the person submitting the complaint and a description of the complaint. The complaint must also include a statement which assures that to the best of the complainant's knowledge, the agency has violated a requirement of a federal statute or regulation that applies to an applicable program. In addition, the facts on which the statement is based and the specific requirement allegedly violated must be included.

Complaints should be sent to the Bureau Director, Office of Federal Programs. The mailing address is: Mississippi Department of Education, Office of Federal Programs, Suite 111 Central High School, Post Office Box 771, Jackson, Mississippi 39205-0771. The office may also be contacted via telephone at (601) 359-3499.

[http://www.mde.k12.ms.us/innovative\\_support/index.html](http://www.mde.k12.ms.us/innovative_support/index.html)

#### A. Procedure for Complaints

- a. In the first level of review, a complaint shall be answered by the Bureau Director, with assistance from staff.
- b. The Bureau Director shall determine whether additional information is necessary, if so appropriate program staff will notify the agency involved, and conduct an on-site review investigating the complaint.
- c. The Bureau Director shall determine whether additional information is necessary. If there are serious violations, verified after the on-site review, then the information gathered will be forwarded to other appropriate offices or organizations.
- d. Once the investigation has been completed, the Office of Federal Programs will issue a letter stating the findings of facts. The letter stating the findings of fact



shall be mailed no later than 60 calendar days from the date the Office of Federal Programs receives the complaint in writing.

- e. If areas of noncompliance are found, corrective action will be required and timelines for completion indicated. All parties will be informed of the areas of noncompliance and the required corrective actions.
- f. The Office of Federal Programs may extend the 60-day timeline, if exceptional circumstances exist. Examples of exceptional circumstances may be, but not limited to:
  - The complexity of the issues;
  - The need for additional information; and/or
  - The unavailability of any of the necessary parties.

## **B. Appeals**

- a. An individual may appeal an administrative determination of the Bureau Director. The individual must submit the appeal in writing to the address above. The appeal must be postmarked no later than 25 calendar days after the date the Bureau Director's determination is made.
- b. A final decision on the complaint shall be made after consulting with the State Superintendent of Education or designee.
- c. The State Superintendent of Education shall provide written notification to the individual who submitted the complaint about the disposition of the complaint no later than 30 days after final action.
- d. The complainant has the right to request the U.S. Secretary of Education to review the decision of the Mississippi State Department of Education. This review is at the U.S. Secretary's discretion.
- e. In matters involving violations of section 9503 (participation of private school children), the complainant has the right to request the U.S. Secretary of Education to review the decision of the Mississippi State Department of Education. The U.S. Secretary will follow the procedures in section 9501(b). For additional information on complaint procedures for participation of private school children, visit: <http://www.ed.gov/policy/elsec/leg/esea02/pg111.html#sec9503>.

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- 12E. Approval to begin the Administrative Procedures Act process: To revise State Board Policy 7802–Expenditure of Funds on Instruction

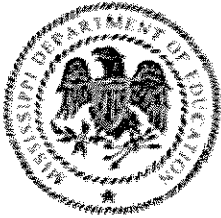
**Executive Summary**

State Board Policy 7802–Expenditure of Funds on Instruction needs to be revised to address changes in guidelines to annual Title I budgets on administrative expenses.

Note: Proposed language is underlined in bold. Current language to be deleted is indicated by strikethrough.

Recommendation: Approval

Back-up material attached



# Mississippi Department of Education

DESCRIPTOR TERM: <b><u>Expenditure of Funds on Instruction Title I Administrative Limit 20%</u></b>	CODE: <b>7802</b>
ADOPTION DATE: <b><u>March 22, 1996</u></b>	REVISION:

## STATE BOARD POLICY

School districts shall spend no more than ~~eighty-percent~~ **twenty-percent** of annual Title I (P.L. 103-382) budgets at participating school sites **on administrative expenses**.

The purpose of this state rule is to ensure that maximum Title I funds be spent directly on students at ~~the building level~~ to enable them to achieve high standards. ~~Other project~~ **Administrative** costs are defined as those costs spent on Title I **Administrative** activities ~~other than those conducted at the school site level~~ **at the district and school level**. These **activities** include, among others, salaries, benefits, travel, and office costs of Title I coordinators, clerks, bookkeepers, and maintenance personnel, cost of audits, and indirect cost.