

Mississippi Board of Education – Policy Review
Office of Federal Programs – March 2012

Board Item Number	Descriptor (Title)	Policy #	Issue	Resolution from Office	APA Process
11A	Consolidated Applications (Federal Funds)	2400	State no longer classifies school districts as Level 1 and Level 2; Duplicate of policy 4700.	Remove as State Board policy.	Yes
11B	Homeless	4200	Methodology for Homeless RFP not needed as board policy.	Homeless Dispute policy needed as board policy.	Yes
11C	Level 1 and 2 Districts Consolidated Applications	4700	State no longer classifies school districts as Level 1 and Level 2.	Remove as State Board policy.	Yes
11D	Complaint Procedures	7801	Outdated language.	Revise policy to address changes in guidelines and procedures for complaints.	Yes
11E	Expenditure of Funds on Instruction	7802	Outdated language.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
March 15-16, 2012

OFFICE OF FEDERAL PROGRAMS

11. Approval of revision/removal of the following State Board Policies
- A. Approval to remove State Board Policy 2400 – Consolidated Applications (Federal Funds)
(Has cleared the Administrative Procedures Act process with no public comments)
 - B. Approval to revise State Board Policy 4200 – Homeless
(Has cleared the Administrative Procedures Act process with no public comments)
 - C. Approval to remove State Board Policy 4700 – Level 1 and 2 Districts Consolidated Applications
(Has cleared the Administrative Procedures Act process with no public comments)
 - D. Approval to revise State Board Policy 7801 – Complaint Procedures
(Has cleared the Administrative Procedures Act process with no public comments)
 - E. Approval to revise State Board Policy 7802 – Expenditure of Funds on Instruction
(Has cleared the Administrative Procedures Act process with no public comments)

OFFICE OF INSTRUCTIONAL ENHANCEMENT AND INTERNAL OPERATIONS
Summary of State Board of Education Agenda Items
March 15-16, 2012

OFFICE OF FEDERAL PROGRAMS

- 11A. Approval to remove State Board Policy 2400 – Consolidated Applications (Federal Funds)
(Has cleared the Administrative Procedures Act process with no public comments)

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 Level 2.

Recommendation: Approval

Back-up material attached



Mississippi Department of Education

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

~~STATE BOARD POLICY~~

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

OFFICE OF INSTRUCTIONAL ENHANCEMENT AND INTERNAL OPERATIONS
Summary of State Board of Education Agenda Items
March 15-16, 2012

OFFICE OF FEDERAL PROGRAMS

- 11B. Approval to revise State Board Policy 4200 – Homeless
(Has cleared the Administrative Procedures Act process with no public comments)

Executive Summary

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

DESCRIPTOR TERM: McKinney-Vento Homeless Education	CODE: 4200
ADOPTION DATE: December 18, 1992	REVISION: March 16, 2012

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

OFFICE OF INSTRUCTIONAL ENHANCEMENT AND INTERNAL OPERATIONS
Summary of State Board of Education Agenda Items
March 15-16, 2012

OFFICE OF FEDERAL PROGRAMS

- 11C. Approval to remove State Board Policy 4700 – Level 1 and 2 Districts Consolidated Applications
(Has cleared the Administrative Procedures Act process with no public comments)

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 Level 2.

Recommendation: Approval

Back-up material attached



Mississippi Department of Education

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

STATE BOARD POLICY

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

OFFICE OF INSTRUCTIONAL ENHANCEMENT AND INTERNAL OPERATIONS
Summary of State Board of Education Agenda Items
March 15-16, 2012

OFFICE OF FEDERAL PROGRAMS

- 11D. Approval to revise State Board Policy 7801 – Complaint Procedures
(Has cleared the Administrative Procedures Act process with no public comments)

Executive Summary

State Board Policy 7801-Complaint Procedures need to be removed and replaced with revised complaint procedures.

Recommendation: Approval

Back-up material attached

DESCRIPTOR TERM: Title I Complaint Procedures	CODE: 7801
ADOPTION DATE: October 16, 1992	REVISION: March 16, 2012

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

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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Summary of State Board of Education Agenda Items
March 15-16, 2012

OFFICE OF FEDERAL PROGRAMS

- 11E. Approval to revise State Board Policy 7802 – Expenditure of Funds on Instruction
(Has cleared the Administrative Procedures Act process with no public comments)

Executive Summary

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

Recommendation: Approval

Back-up material attached



Mississippi Department of Education

DESCRIPTOR TERM: <u>Title I Administrative Limit 20%</u>	CODE: 7802
ADOPTION DATE: March 22, 1996	REVISION: March 16, 2012

STATE BOARD POLICY

School districts shall spend no more than twenty-percent of annual Title I budgets on administrative expenses.

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