

**16 NCAC 06H .0115 DISPUTE RESOLUTION PROCESS FOR HOMELESS STUDENTS – LEA
DISPUTE RESOLUTION PROCESS**

(a) Each LEA shall develop and implement an LEA dispute resolution process for parents, guardians, or unaccompanied youth who have complaints about eligibility, school selection, or enrollment to file an appeal to the local liaison upon registering, or attempting to register, the child or youth at the school where enrollment is sought. For purposes of this process, the phrase "school where enrollment is sought" may be either the school of origin or the school located in the attendance zone of the child or youth's temporary residence. Enrollment shall be deemed to include attending classes and participating fully in all school activities, as required by 42 USC 11434a(1). The LEA shall publish the LEA dispute resolution process on its website or in any school unit publication that sets forth the rules, procedures, and standards for students or parents. The LEA dispute resolution process shall provide that:

- (1) the parent, guardian, or unaccompanied youth may initiate the dispute resolution process with the local liaison at the school where enrollment is sought or at the local liaison's office;
 - (2) faculty and staff of the school who know about the complaint must refer the parent, guardian, or unaccompanied youth to the local liaison;
 - (3) the local liaison shall carry out the LEA dispute resolution process within 15 school business days, or 30 calendar days, whichever is less;
 - (4) the LEA official(s) responsible for making the final LEA decision shall be identified in the local policy;
 - (5) the LEA shall enroll the child or youth immediately as required by 42 USC 11432 in the school where enrollment is sought pending resolution of any complaint between the school or LEA and the parent, guardian, or unaccompanied youth over school enrollment;
 - (6) the LEA shall provide the student with all services for which the student is eligible and shall permit the student to participate in school activities while the dispute is being resolved;
 - (7) the LEA shall, within one school business day, provide the parent, guardian, or unaccompanied youth with a statement of rights and procedures, written in a language, manner, and form they understand, to the extent the LEA deems practicable, that informs them of:
 - (A) contact information including telephone number, e-mail address, and physical address of the local liaison and of the State Coordinator for homeless education, with a description of their roles;
 - (B) the right to notify the local liaison, within two school business days of the school's decision, of the parent's, guardian's, or unaccompanied youth's intent to appeal the decision and the right to receive notice of the appeal procedure, including the timeline and process for making the initial appeal and any subsequent appeals available under LEA policy. This process must allow for requests for appeals to be made orally or in writing and must identify the LEA official(s) who makes the final LEA decision;
 - (C) a form that parents, guardians, or unaccompanied youth can understand, complete, and submit to the local liaison to formally initiate the appeal and any subsequent appeals available under LEA policy;
 - (D) the right to appeal, or request an extension of time to appeal, the final LEA decision to the State Coordinator within three school business days of receipt of the final LEA decision;
 - (E) the right to enroll immediately in the school located in the attendance zone of the child or youth's temporary residence or remain in the school of origin with transportation provided by the LEA pending resolution of the dispute, if such transportation is requested by the parent, guardian, or local liaison on behalf of the youth;
 - (F) notice that the right to enroll includes the right to fully participate in all school activities;
 - (G) the right to obtain assistance of advocates or attorneys; and
 - (H) the right to provide supporting written or oral documentation during the appeals process.
- (b) Each LEA shall appoint a local liaison for identifying homeless students. The local liaison shall:
- (1) ensure that when parents, guardians, or unaccompanied youth initiate the dispute resolution process, all parties comply with the process and that the appellants are provided with the information required by Paragraph (a) of this Rule;
 - (2) ensure that each homeless child or youth who files a dispute about enrollment or whose parent or guardian files such a dispute is enrolled immediately in the school pending resolution of the dispute;

- (3) communicate the LEA dispute resolution process to parents, guardians, and unaccompanied youth;
and
 - (4) inform the LEA superintendent, other school officials participating in the LEA dispute resolution process, and the State Coordinator of the dispute no more than two school business days after the parent, guardian, or unaccompanied youth has initiated the dispute resolution process.
- (c) The State Coordinator shall train the local liaisons to carry out and mediate the dispute resolution process and to ensure that each school and the LEA meets the requirements of the McKinney-Vento Act as amended by the Every Student Succeeds Act of 2015, as set forth in 42 U.S.C. 11431 et seq.

*History Note: Authority G.S. 115C-12; 115C-366; 42 U.S.C. 11431; 42 U.S.C. 11432;
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