

1 As required by the North Carolina Constitution and North Carolina law, the Transylvania County
2 Board of Education (the “board”) is committed to providing a free public school education to all
3 children who are legally entitled to enroll in the school system. In accordance with the
4 McKinney-Vento Homeless Assistance Act and the North Carolina State Plan for Educating
5 Homeless Children, the board will make reasonable efforts to identify homeless children and
6 youth of school age located within the area served by the school system, encourage their
7 enrollment, and eliminate barriers to their receiving an education that may exist in school system
8 policies or practices. Based on individual need, homeless students will be provided services
9 available to all students, such as preschool, free or reduced price school meals, services for
10 English learners, special education, career and technical education (CTE), academically or
11 intellectually gifted (AIG) services, and before- and after-school care.

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13 The provisions of this policy will supersede any and all conflicting provisions in board policies
14 that address the areas discussed in this policy.

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16 **A. DEFINITION OF HOMELESS STUDENTS**

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18 Homeless students are children and youth who lack a fixed, regular, and adequate
19 nighttime residence. The term “homeless student” will also be deemed to include the
20 term “unaccompanied youth,” which includes a youth who is not in the physical custody
21 of a parent or guardian. Homeless children and youth include those students who are as
22 follows:

- 23
24 1. sharing the house of other persons due to loss of housing, economic hardship, or a
25 similar reason;
- 26
27 2. living in motels, hotels, transient trailer parks, or camping grounds due to the lack
28 of alternative adequate accommodations;
- 29
30 3. living in emergency or transitional shelters;
- 31
32 4. abandoned in hospitals;
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34 5. living in a primary nighttime residence that is a public or private place not
35 designed for or ordinarily used as regular sleeping accommodations for human
36 beings;
- 37
38 6. living in cars, parks, public spaces, abandoned buildings, substandard housing,
39 bus or train stations, or similar settings; or
- 40
41 7. living in a migratory situation that qualifies as homeless because the child lacks a
42 fixed, regular, and adequate nighttime residence.

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44 **B. ENROLLMENT, ASSIGNMENT, AND TRANSPORTATION OF HOMELESS STUDENTS**

45
46 1. Enrollment

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48 a. Eligibility

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50 Notwithstanding the enrollment eligibility requirements established by the
51 board elsewhere in policy, school personnel shall immediately enroll
52 homeless students even if they do not have proof of residency, school and
53 immunization records, birth certificates, or other documents; have missed
54 application or enrollment deadlines during a period of homelessness; have
55 outstanding fees; or are not accompanied by an adult. The homeless
56 liaison shall assist the students and parents or guardians in securing
57 appropriate records or otherwise meeting enrollment requirements.

58
59 b. Records

60
61 Homeless students transferring into the school system may provide
62 cumulative and other records directly to school system personnel. The
63 superintendent or designee shall not require that such records be
64 forwarded from another school system before the student may enroll.
65 However, school personnel shall immediately request the official records
66 from the previous school.

67
68 Information regarding a child or youth's homeless situation must be
69 treated as a student record and protected accordingly. See policy 4700,
70 Student Records.

71
72 2. Assignment

73
74 A homeless student (or the student's parent or guardian) may request to attend (1)
75 his or her school of origin or (2) any public school that other students living in the
76 same attendance area are eligible to attend. The school of origin is defined as the
77 school the student attended before losing permanent housing or the school in
78 which the student was last enrolled, including a preschool. When a student
79 completes the final grade level served by the school of origin, the school of origin
80 includes the designated receiving school at the next grade level for all feeder
81 schools. Unless not in the student's best interest, a homeless student who
82 continues attending the school of origin will remain enrolled in the school of
83 origin for the entire time the student is homeless and until the end of any
84 academic year in which the student moves into permanent housing.

85
86 The superintendent shall designate the director of support services or other
87 appropriate personnel to decide, in consultation with the homeless liaison, which
88 school a homeless student will attend. The decision must be based upon

89 consideration of student-centered factors related to the student’s best interest,
90 including factors concerning the impact of mobility on achievement, education,
91 health, and safety of homeless students, giving priority to the request of the
92 student’s parent or guardian or the unaccompanied youth. The superintendent’s
93 designee must presume that keeping the student in the school of origin is in the
94 student’s best interest unless contradicted by the student’s parent or guardian or
95 the unaccompanied youth.

96
97 If the superintendent’s designee determines that it is not in the student’s best
98 interest to attend the school of origin or the school requested by the parent or
99 guardian or unaccompanied youth, he or she must provide a written explanation
100 of the reasons for the determination to the parent or guardian or unaccompanied
101 youth, along with information regarding the right to appeal the placement decision
102 as described in Section D, below.

103 3. Transportation

104
105 The board of education will provide homeless students with transportation
106 services comparable to those of other students. In addition, at the parent or
107 guardian’s request (or at the request of the homeless liaison for unaccompanied
108 youth), the board will provide transportation services to/from the school of origin.
109 The superintendent or designee and the homeless liaison shall coordinate
110 homeless students’ transportation needs, based on the child’s best interest. In
111 situations in which a student attends school in this system but his or her temporary
112 housing is in another system (or vice versa), the superintendent or designee shall
113 work with the other system to share the cost and/or responsibility for
114 transportation. If an agreement cannot be reached between the systems, the cost
115 of such transportation will be divided evenly.

116
117 If a homeless student becomes permanently housed and chooses to remain in his
118 or her school of origin, the board will provide transportation to the student for the
119 remainder of the school year.

120 121 122 **C. ELIGIBILITY FOR TITLE I SERVICES**

123 Homeless students are automatically eligible for Title I services. The homeless liaison
124 and the Title I director shall collaborate to identify the needs of homeless students.
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126 127 **D. DISPUTE RESOLUTION PROCESS**

128
129 A parent, guardian, or unaccompanied youth who disagrees with a decision of school
130 officials with regard to eligibility, school selection, or enrollment of a student who is
131 homeless (hereinafter, referred to as a “complainant”) may appeal the decision to the

132 school system's homeless liaison in accordance with this section upon registering or
133 attempting to register the child or youth at the school in which enrollment is sought.
134

135 Any employee who is aware that an unaccompanied youth or a parent or guardian of a
136 homeless student is dissatisfied with a decision of school officials with regard to
137 eligibility, school selection, or enrollment should immediately refer that individual to the
138 school system's liaison for homeless students.
139

140 As used in this section, "school days" means days when students are scheduled to be in
141 attendance.
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143 1. Notice, Stay Put, and Informal Resolution
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145 Upon learning of a complainant's disagreement with a decision of school
146 officials, the homeless liaison shall take the following actions.
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148 a. The homeless liaison shall arrange to have the student immediately
149 admitted to the school in which enrollment is sought (either the school of
150 origin or the school located in the attendance zone of the student's
151 temporary residence) if enrollment is at issue. Once enrolled, the student
152 must receive all services for which he or she is eligible and must be
153 allowed to participate fully in school activities, pending resolution of the
154 dispute.
155

156 b. ~~Immediately, but not later than~~ **Within** one school day ~~after~~ **of** learning of
157 the complainant's disagreement, the homeless liaison shall provide the
158 complainant a copy of the school system's uniform statement of rights and
159 procedures that is written **in a language, manner, and form the**
160 **complainant can understand, to the extent the school system deems**
161 **practicable, to the extent practicable, in a language that the complainant**
162 ~~can understand~~. The written statement must include all of the following:
163

164 1) contact information, including telephone number, e-mail address,
165 and physical address of the homeless liaison and of the State
166 Coordinator for homeless education, with a brief description of
167 their roles;
168

169 2) notice that, within two school days of the school's decision, the
170 complainant has the right to notify the homeless liaison that the
171 complainant intends to appeal the decision;
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173 3) an explanation of the appeal procedure, including the timeline and
174 process for making the initial appeal and for pursuing a subsequent
175 appeal to the superintendent and board, as provided by this policy;

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- 4) a ~~simple~~ complaint form that a complainant can **understand**, complete, and submit to the homeless liaison to initiate the dispute resolution process and to pursue any subsequent appeals to the superintendent and board;
 - 5) notice that the board of education or a designated panel of the board will make the final decision on behalf of the school system;
 - 6) notice of the right to appeal, **or request an extension of time to appeal**, the final decision of the school system to the State Coordinator within three school days **of receipt of the final decision** ~~and the option to request an extension from the State Coordinator, along with a step by step description of how to file the appeal;~~
 - 7) notice of the right to enroll immediately in the school located in the assignment area of the student's temporary residence or remain in the school of origin with transportation **provided by the school system** pending resolution of the dispute if such transportation is requested by the parent, guardian, or homeless liaison on behalf of the youth;
 - 8) notice that ~~immediate~~ **the right to enrollment** includes **the right to fully participate** ~~in~~ in all school activities;
 - 9) notice of the right to obtain assistance of advocates or attorneys; and
 - 10) notice of the right to provide supporting written or oral documentation during the appeals process.
- c. The homeless liaison shall attempt to informally resolve the matter. Complainants are encouraged to attempt informal resolution through discussion with the homeless liaison when possible.
- d. If informal resolution is unsuccessful, the homeless liaison shall inform the complainant of the right to appeal the matter by initiating the dispute resolution process provided in subsection D.2, below.
- e. If the complaint initiates the dispute resolution process, the homeless liaison shall expedite the process so that a final decision in the dispute is reached within 15 school days or 30 calendar days, whichever is less.

- 220 2. Steps in the Dispute Resolution Process and Related Timelines
221
222 a. Homeless Liaison Review
223
224 i. If informal resolution of a complaint is unsuccessful, the
225 complainant may initiate the dispute resolution process by making
226 a formal appeal to the homeless liaison, either directly or through
227 the principal of the school in which enrollment is sought. The
228 appeal must be presented within five school days of the decision
229 giving rise to the complaint unless the homeless liaison agrees to
230 an extension of up to five additional school days for good cause.
231
232 ii. The appeal may be made orally or in writing on the designated
233 complaint form. If the complainant makes an oral appeal, the
234 homeless liaison shall complete the written complaint form on the
235 complainant's behalf without delay.
236
237 iii. The complaint should include the date of the filing, a description of
238 the disputed action pertaining to eligibility, school selection, or
239 enrollment, the name of the person(s) involved, and a description
240 of the relief requested. The complainant must be informed of the
241 right to provide supporting written or oral documentation and to
242 seek the assistance of an advocate or attorney.
243
244 iv. **No more than two school days after the complainant initiates the**
245 **dispute resolution process, the local liaison shall (1) inform the**
246 **superintendent, other appropriate school officials participating in**
247 **the dispute resolution process, and the State Coordinator of the**
248 **dispute immediately after the parent, guardian, or unaccompanied**
249 **youth has initiated the dispute resolution process and (2) provide a**
250 **written decision, including the reasons for the decision, to the**
251 **complainant and the superintendent.**
252
253 ~~v. Within two school days after receiving the formal complaint, the~~
254 ~~homeless liaison shall provide a written decision, including the~~
255 ~~reasons for the decision, to the complainant and the superintendent.~~
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257 b. Appeal to the Superintendent of the Liaison's Decision
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259 i. Within two school days of receiving the liaison's decision, the
260 complainant may appeal the decision to the superintendent orally
261 or in writing using the form designated for this purpose. Oral
262 appeals must be made to the homeless liaison, who shall commit
263 the appeal to writing on the designated form. The homeless liaison

- 264 shall ensure that the superintendent receives copies of the written
265 complaint and the response of the liaison.
266
- 267 ii. The superintendent or designee shall schedule a conference with
268 the complainant to discuss the complaint.
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- 270 iii. Within four school days of receiving the appeal, the superintendent
271 or designee shall provide a written decision to the complainant
272 including a statement of the reasons for the decision.
273
- 274 c. Appeal to the Board of the Superintendent's Decision
275
- 276 i. If the complainant is dissatisfied with the superintendent's
277 decision, he or she may file an appeal with the board of education
278 within two days.
279
- 280 ii. The appeal may be filed orally or in writing using the form
281 designated for this purpose. Oral appeals must be made to the
282 homeless liaison, who shall commit the appeal to writing on the
283 designated form.
284
- 285 iii. The board or a panel of at least two board members acting on
286 behalf of the board will ~~hear~~ **render a decision on** the appeal. The
287 board or board panel will provide the complainant with a written
288 decision within five school days of receiving the appeal. In
289 unusual circumstances the board or board panel may extend this
290 time but will avoid exceeding the lesser of (1) 15 school days from
291 when the complaint was received or (2) 30 calendar days from
292 when the complaint was received.
293
- 294 iv. The board or board panel's decision will constitute the final
295 decision of the school system for purposes of the complainant's
296 right to appeal to the State Coordinator.
297
- 298 v. If the matter under appeal is a school assignment, a board panel
299 decision will be a recommendation that must be submitted to the
300 full board for a final determination as required by state law and
301 policy 4150, School Assignment. However, in order to ensure an
302 expedited appeals process for students who are homeless, the
303 recommendation of the board panel shall be considered the final
304 decision of the board for purposes of appeal to the State
305 Coordinator if a final determination by the full board reasonably
306 cannot be accomplished by the deadline described in the previous
307 paragraph.

308
309 vi. The written statement of the final decision will include the name
310 and contact information of the State Coordinator for homeless
311 education and will describe the appeal rights to the State
312 Coordinator. If the matter under appeal is a school assignment and
313 the appeal was not heard by the full board, the written decision will
314 also note that review of the matter by the full board as required by
315 state law is pending.

316
317 d. Appeal to the State Coordinator of the Board's Decision

318
319 If the complainant is dissatisfied with the decision of the board or board
320 panel, he or she may file an oral or written appeal with the State
321 Coordinator for homeless education within three school days of receiving
322 the board or board panel's decision **or within the period of any extension**
323 **granted**. The State Coordinator will issue a final decision on the
324 complaint. The appeal must include:

- 325
326 i. the name **of the complainant and**, ~~physical address~~ if available, **his**
327 **or her physical address**, e-mail address, and telephone number ~~of~~
328 ~~the complainant~~;
- 329
330 ii. the relationship or connection of the person to the child in
331 question;
- 332
333 iii. the name of the school system and the **specific** school in question;
- 334
335 iv. the federal requirement alleged to have been violated;
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337 v. how the requirement is alleged to have been violated; and
- 338
339 vi. the relief the person is seeking.

340
341 Within three school days following a request from the State Coordinator,
342 the homeless liaison shall provide the record of complaint, a copy of the
343 board or panel's decision, and any other **supporting** documents necessary
344 to complete the record.

345
346 **E. HOMELESS LIAISON**

347
348 The superintendent or designee shall appoint and train a school employee to serve as the
349 homeless liaison. In addition to the duties specifically assigned elsewhere in this policy,
350 the homeless liaison's duties shall include, but not be limited to, the following:
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- 352 1. ensuring that school personnel identify homeless children and youth;
353
 - 354 2. ensuring school/preschool enrollment of and opportunities for academic success
355 for homeless children and youth;
356
 - 357 3. ensuring that homeless families and children have access to and receive
358 educational services for which they are eligible;
359
 - 360 4. ensuring that homeless families and children receive referrals to healthcare,
361 dental, mental health and substance abuse, housing, and other appropriate
362 services;
363
 - 364 5. informing parents or guardians and any unaccompanied youth of available
365 transportation services and helping to coordinate such services;
366
 - 367 6. ensuring that public notice of the educational rights of homeless students is
368 disseminated in locations frequented by parents or guardians and unaccompanied
369 youth;
370
 - 371 7. informing parents or guardians of educational and related opportunities available
372 to their children and ensuring that parents or guardians have meaningful
373 opportunities to participate in their children's educations;
374
 - 375 8. communicating the dispute resolution process to parents, guardians, and
376 unaccompanied youth experiencing homelessness;
377
 - 378 9. helping to mediate enrollment disputes, including ensuring that a homeless child
379 or youth is enrolled immediately pending final resolution of the dispute;
380
 - 381 10. developing a uniform written notice that explains to parents, guardians, and
382 unaccompanied youth their rights and the process for appealing a decision of
383 school officials, as required by subsection D.1.b of this policy. The notice must
384 be written in a simple and understandable format and translated to other languages
385 as needed and practicable;
386
 - 387 11. ensuring that when parents, students, and unaccompanied youth initiate the
388 dispute resolution process, all parties comply with the dispute resolution policy
389 and that parents, students, and unaccompanied youth are provided with the
390 information listed in subsection D.1.b of this policy;
391
 - 392 12. informing unaccompanied youth of their status as independent students and
393 assisting in verifying such status for the purposes of the Free Application for
394 Federal Student Aid;
395

- 396 13. ensuring that school personnel providing services to homeless students receive
397 professional development and other support;
398
- 399 14. working with school personnel, the student, parents or guardians, and/or other
400 agencies to obtain critical enrollment records, including immunization and
401 medical records, in a timely manner; and
402
- 403 15. working with the superintendent or designee to identify board policies or
404 procedures that might serve as a barrier to enrollment of homeless students,
405 including those related to immunization records, medical records, uniforms or
406 dress codes, school fees, and school admission.
407

408 The employee serving as the homeless liaison is Beth Branagan and may be contacted at
409 bbranaga@tcsnc.org or 828-884-9567.
410

411 Legal References: McKinney-Vento Homeless Assistance Act, 42 U.S.C. 11431, *et seq.*; *Non-*
412 *Regulatory Guidance on Education for Homeless Children and Youths Program*, U.S.
413 Department of Education (July 2016); G.S. 115C-366(a2), -369; 16 N.C.A.C. 6H .01124, .0115,
414 .0116; State Board of Education Policies SBOP-020, SPLN-000
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416 Cross References: Immunization and Health Requirements for School Admission (policy 4110),
417 Domicile or Residence Requirements (policy 4120), Discretionary Admission (policy 4130),
418 School Assignment (policy 4150), Student Records (policy 4700)
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420 Adopted: July 17, 2017
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422 Revised: December 17, 2018; [DATE]