

Regulation 4125-R Homeless Students

A. Dispute Resolution Process

A parent, guardian, or unaccompanied youth who disagrees with a decision of school officials with regard to eligibility, school selection, or enrollment of a student who is homeless (hereinafter, referred to as a “complainant”) may appeal the decision to the school system’s homeless liaison in accordance with this section upon registering or attempting to register the child or youth at the school in which enrollment is sought.

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

As used in this section, “school days” means days when students are scheduled to be in attendance.

1. Notice, Stay Put, and Informal Resolution

Upon learning of a complainant’s disagreement with a decision of school officials, the homeless liaison shall take the following actions.

a. The homeless liaison shall arrange to have the student immediately admitted to the school in which enrollment is sought (either the school of origin or the school located in the attendance zone of the student’s temporary residence) if enrollment is at issue. Once enrolled, the student must receive all services for which he or she is eligible and must be allowed to participate fully in school activities, pending resolution of the dispute.

b. Within one school day of learning of the complainant’s disagreement, the homeless liaison shall provide the complainant a copy of the school system’s uniform statement of rights and procedures that is written in a language, manner, and form the complainant can understand, to the extent the school system deems practicable. The written statement must include all of the following:

- 1) contact information, including telephone number, e-mail address, and physical address of the homeless liaison and of the State Coordinator for homeless education, with a brief description of their roles;
- 2) notice that, within two school days of the school’s decision, the complainant has the right to notify the homeless liaison that the complainant intends to appeal the decision;
- 3) an explanation of the appeal procedure, including the timeline and process for making the initial appeal and for pursuing a subsequent appeal to the superintendent and board, as provided by this regulation;
- 4) a 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;
- 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 the right to enroll includes the right to fully participate 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.

a. 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.

b. 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 A.2, below.

c. 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.

2. Steps in the Dispute Resolution Process and Related Timelines

a. Homeless Liaison Review

i. If informal resolution of a complaint is unsuccessful, the complainant may initiate the dispute resolution process by making a formal appeal to the homeless liaison, either directly or through the principal of the school in which enrollment is sought. The appeal must be presented within five school days of the decision giving rise to the complaint unless the homeless liaison agrees to an extension of up to five additional school days for good cause.

ii. The appeal may be made orally or in writing on the designated complaint form. If the complainant makes an oral appeal, the homeless liaison shall complete the written complaint form on the complainant's behalf without delay.

iii. The complaint should include the date of the filing, a description of the disputed action pertaining to eligibility, school selection, or enrollment, the name of the person(s) involved, and a description of the relief requested. The complainant must be informed of the right to provide supporting written or oral documentation and to seek the assistance of an advocate or attorney.

iv. No more than two school days after the complainant initiates the dispute resolution process, the local liaison shall (1) inform the superintendent, other school officials participating in the dispute resolution process, and the State Coordinator of the dispute and (2) provide a written decision, including the reasons for the decision, to the complainant and the superintendent.

b. Appeal to the Superintendent of the Liaison's Decision

i. Within two school days of receiving the liaison's decision, the complainant may appeal the decision to the superintendent orally or in writing using the form designated for this purpose. Oral appeals must be made to the homeless liaison, who shall commit the appeal to writing on the designated form. The homeless liaison shall ensure that the superintendent receives copies of the written complaint and the response of the liaison.

ii. The superintendent or designee shall schedule a conference with the complainant to discuss the complaint.

iii. Within four school days of receiving the appeal, the superintendent or designee shall provide a written decision to the complainant including a statement of the reasons for the decision.

c. Appeal to the Board of the Superintendent's Decision

i. If the complainant is dissatisfied with the superintendent's decision, he or she may file an appeal with the board of education within two days.

ii. The appeal may be filed orally or in writing using the form designated for this purpose. Oral appeals must be made to the homeless liaison, who shall commit the appeal to writing on the designated form.

iii. The board or a panel of at least two board members acting on behalf of the board will render a decision on the appeal. The board or board panel will provide the complainant with a written decision within five school days of receiving the appeal. In unusual circumstances the board or board panel may extend this time but will avoid exceeding the lesser of (1) 15 school days from when the complaint was received or (2) 30 calendar days from when the complaint was received.

iv. The board or board panel's decision will constitute the final decision of the school system for purposes of the complainant's right to appeal to the State Coordinator.

v. If the matter under appeal is a school assignment, a board panel decision will be a recommendation that must be submitted to the full board for a final determination as required by state law and policy [4150](#), School Assignment. However, in order to ensure an expedited appeals process for students who are homeless, the

recommendation of the board panel shall be considered the final decision of the board for purposes of appeal to the State Coordinator if a final determination by the full board reasonably cannot be accomplished by the deadline described in the previous paragraph.

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

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

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

- i. the name of the complainant and, if available, his or her physical address, e-mail address, and telephone number;
- ii. the relationship or connection of the person to the child in question;
- iii. the name of the school system and the school in question;
- iv. the federal requirement alleged to have been violated;
- v. how the requirement is alleged to have been violated; and
- vi. the relief the person is seeking.

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

Adopted: September 13, 2023

Revised:

Craven County Schools