
NATIONAL LAW CENTER ON HOMELESSNESS & POVERTY

North Carolina State Procedures – Dispute Resolution Under McKinney-Vento Act

According to the McKinney-Vento Homeless Assistance Act, a Local Education Agency (“LEA”) must continue educating the child or unaccompanied youth in the school of origin for the duration of homelessness when the homelessness occurs between or during an academic year; or for the remainder of the academic year if the child or unaccompanied youth becomes permanently housed during that academic year; or enroll the child or youth in any public school that non-homeless students who live in the attendance area in which the child or youth is living are eligible to attend (McKinney-Vento Act § 722(3)(A)(i)(ii)). If a dispute arises over school selection or enrollment, the LEA must immediately enroll the student in the school in which enrollment is sought pending resolution of the dispute (§ 722(3)(E)(i)). Similar provisions apply to the placement of unaccompanied youths.

North Carolina’s Policy on Dispute Resolution Process for Homeless Students is codified under the Administrative Procedures Act (APA) 16 NCAC 06H.0112. This policy is based upon the State Board of Education’s recognition that the interests of students are best served by resolving disputes informally at the local level where issues and parties are most familiar.

In North Carolina, the LEA comprised of district and school administrators has the responsibility to remain compliant with the McKinney-Vento Act. The McKinney-Vento Act, Section 722(g) (1) (C) requires each state education agency establish procedures for the prompt resolution of disputes regarding the educational placement of homeless children and youth. The North Carolina State Coordinator of the Education of Homeless Children and Youth Program (“Coordinator”) is available to provide technical assistance, guidance, and mediation in the enrollment and dispute processes.

Step One: School Enrollment

McKinney-Vento requires the school selected by parents or legal guardians to immediately enroll homeless children in their district of origin or a different district to the extent feasible if another is preferred. Enrollment of the child is required despite any lack of routinely required records. When these records are not available, a liaison must immediately be referred to the parent or guardian and the child must remain enrolled while the liaison helps to obtain the records. The school of origin is defined as the school last attended by the child or youth when permanently housed, or the last school in which the child or youth was enrolled.

Step Two: Enrollment Dispute

The McKinney-Vento Act requires every state to establish procedures to promptly resolve disputes regarding the placement of homeless students. When a homeless student has been denied enrollment entirely or determined to be placed in a school different from the school of origin or preferred district, documentation explaining the decision must be provided by the LEA. Additionally, the parent or guardian must be notified by the LEA of the right to appeal the

decision. In the case of a pending dispute, the LEA must enroll the student the preferred school chosen by the homeless child or parent.

The process for resolving the dispute must be executed “as expeditiously as possible” under the guidance of the local liaison. Unaccompanied youths are to receive assistance from the liaison in order to complete the resolution process.

Step Three: Appeal Process

The Superintendent of Public Instruction must designate a State Coordinator for homeless education to oversee the appeals process. Any parent, guardian, or unaccompanied youth who is not satisfied with the final LEA decision regarding enrollment may appeal the decision to the State Coordinator. Additionally, any interested person who believes that grounds for an appeal exist may present an oral or written appeal to the State Coordinator that includes particular information included in 16 NCAC 06H.0112(f). If an appeal is deemed to be incomplete, the State Coordinator must contact the person making the appeal and explain the deficiency while providing the opportunity to complete the appeal.

The State Coordinator shall issue a final written decision to the parent, guardian, or unaccompanied youth and the LEA involved within 10 days following receipt of the complete appeal.

Additional Resources

http://center.serve.org/hepnc/other_res.php

Procedural Step:	Completed by:	Given to:	Due Date:
Enrollment or Residency Dispute	Initiated by parent, guardian, or LEA	Processed by LEA Superintendent	A written explanation of the LEA’s decision shall be provided to the parent, guardian, student of lawful age, or unaccompanied youth – including a statement of the right to appeal the decision to the state Board of Education. No deadline specified.
Written or Oral request for dispute resolution	Parent, Guardian, Unaccompanied Youth, or Any Interested Person providing	North Carolina State Board of Education with a copy of the request to the State Coordinator	A written explanation of the State Coordinator’s decision shall be provided to the

	information required under 16 NCAC 06H.0112(f)		parties of record within 10 days of the request for dispute resolution. explanation shall be kept on file by the Department of Education.
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Additional Information

Instructions to Locate Your Local LEA Liaison

The following instructions provide access to a list of the Homeless Children and Youth School District Liaisons for the State of North Carolina. This is a list of school district personnel assigned to this program.

- 1.) Visit the following website: http://center.serve.org/hepnc/nc_pol.php#listserv
- 2.) Under the heading “Local School District Contracts” download the pdf file containing the list of each local liaison.