

16 NCAC 06H .0116 DISPUTE RESOLUTION PROCESS FOR HOMELESS STUDENTS – STATE APPEALS PROCESS

(a) Any parent, guardian, or unaccompanied youth who is not satisfied with the final LEA decision regarding enrollment may appeal the decision, within three school business days after the final LEA decision or within the period of any extension granted, to the State Coordinator through an oral or written appeal to the State Coordinator, including:

- (1) the name of the person making the appeal and, if available, his or her physical address, e-mail address, and telephone number;
- (2) the relationship or connection of the person to the child in question;
- (3) the name of the school system and the school in question;
- (4) the federal requirement alleged to have been violated;
- (5) how the requirement has been violated; and
- (6) the relief the person is seeking.

(b) If the State Coordinator receives an appeal that is missing information listed in Paragraph (a) of this Rule, the State Coordinator shall contact the person making the appeal and the local liaison, explain the deficiency, and offer the person an opportunity to provide the missing information.

(c) Upon request of the State Coordinator, the local liaison shall provide the State Coordinator with the record of the complaint, the LEA's actions, and other documents. If the matter involves more than one LEA, then the local liaisons shall cooperate to provide the State Coordinator with a complete record. The local liaison or liaisons shall provide the complete record within three school business days following the State Coordinator's request.

(d) The State Coordinator shall provide the LEA and the parent, guardian, or unaccompanied youth with the opportunity to respond to the LEA decision and to provide any additional evidence he or she deems relevant within three school business days.

(e) The State Coordinator shall issue a final written decision to the parent, guardian, or unaccompanied youth and the LEA involved within 10 school business days following receipt of the documents and information described with Paragraphs (a), (b), (c) and (d) of this Rule.

(f) The State Coordinator's decision shall include:

- (1) a summary of the issue appealed;
- (2) the federal requirement at issue; and
- (3) a description of the State Coordinator's decision in a manner and form the parent, guardian, or unaccompanied youth understand, and, to the extent practicable as determined by the State Coordinator, provided in a language that the parent, guardian, or unaccompanied youth can understand, including further steps that the LEA or parent, guardian, or unaccompanied youth are required to take.

(g) Nothing contained in this Rule shall prohibit the State Coordinator from investigating whether the parent, guardian, or unaccompanied youth knowingly and voluntarily entered into any agreement affecting his or her rights under McKinney-Vento Act as amended by the Every Student Succeeds Act of 2015. If the State Coordinator determines that the parent, guardian, or unaccompanied youth did not knowingly and voluntarily enter into the agreement, then the State Coordinator may void the agreement and enter a decision consistent with the applicable facts and State or federal law, 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; Emergency Adoption Eff. August 20, 2019; Eff. December 1, 2020.