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*Rescinds Policy Number:**Issued:*

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The Orange County Board of Education is committed to providing a free appropriate education for all students enrolled in the school system. In accordance with the McKinney-Vento Homeless Assistance Act and the North Carolina State Plan for Educating Homeless Children, the board will make reasonable efforts to identify homeless children and youth of school age within the district, encourage their enrollment, and eliminate barriers to their receiving an education which may exist in district policies or practices. Based on individual need, homeless students will be provided services available to all students, such as preschool, free or reduced school meals, services for English language learners, special education, vocational/technical education, gifted and talented services, and before- and after-school care.

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

**A. DEFINITION OF HOMELESS STUDENTS**

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

1. sharing the house of other persons due to loss of housing, economic hardship, or a similar reason;
2. living in motels, hotels, transient trailer parks, or camping grounds due to the lack of alternative adequate accommodations;
3. living in emergency or transitional shelters;
4. abandoned in hospitals, or awaiting foster care placement;
5. living in a primary nighttime residence that is a public or private place not designed for or ordinarily used as regular sleeping accommodations for human beings;
6. living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations or similar settings; or
7. living in a migratory situation that qualifies as homeless because the child lacks a fixed, regular, and adequate nighttime residence.

**B. HOMELESS LIAISON**

The superintendent or the superintendent's designee will appoint and train a school employee to serve as the homeless liaison. The homeless liaison's duties include, but are not limited to, the following:

1. ensuring that school personnel identify homeless children and youth;
2. ensuring school/pre-school enrollment and opportunities for academic success for homeless children and youth;
3. informing parents/guardians of available transportation services and helping to coordinate such services;
4. ensuring that public notice of the educational rights of homeless students is disseminated in locations where these students and families receive other support services;
5. informing parents/guardians of educational and related opportunities available to their children and ensuring that parents/guardians have a meaningful opportunity to participate in their child's education;
6. helping to mediate enrollment disputes including ensuring that a homeless child or youth is enrolled immediately pending resolution of the dispute;
7. working with school personnel, the student, parents or guardians and/or other agencies to obtain critical enrollment records, including immunization and medical records, in a timely manner; and
8. working with the superintendent or his/her designee to identify board policies or procedures that might serve as a barrier to enrollment of homeless students, including those related to immunization records, medical records, uniforms or dress codes, school fees, and school admission.

**C. ACCESS TO STUDENT'S RECORDS**

Homeless students transferring into the school district may provide cumulative and other records directly to the school district. The school district will not require that such records be forwarded from another school district before the student may enroll. However, school personnel will immediately request the official records from the previous school. School personnel will immediately enroll homeless students, even if they do not have proof of residency, school and immunization records, birth certificates, or other documents, and even if they are not accompanied by an adult. The homeless liaison will assist the students/parent in securing appropriate records or otherwise meeting enrollment requirements.

**D. ENROLLMENT**

A homeless student (or his/her parent or guardian) may request to attend his/her school of origin or any public school that other students living in the same attendance area are eligible to attend. The school of origin is defined as the school the student attended before losing permanent housing or the school in which the student was last enrolled. To the extent feasible, the student will remain enrolled in the school of origin for the entire time the student is homeless or until the end of any academic year in which the student moves into permanent housing.

The superintendent shall direct the Director of Student Services or other appropriate personnel to decide, in consultation with the homeless liaison, which school a homeless student will attend. The decision will be based upon the student's best interests. In making the enrollment decision, the superintendent's designee may consider the following factors:

- the age of the student;
- the distance of the commute and its impact on the student's education;
- personal safety issues;
- the student's need for special instruction (such as special education and related services);
- the length of any anticipated stay in a temporary shelter or other temporary location; and
- the time remaining in the school year.

If the superintendent's designee assigns a student to a school other than the one requested by the parent/guardian, he/she must provide a written explanation of the decision to the parent/guardian, along with a statement regarding the right to appeal the placement decision and referral to the homeless liaison.

#### **E. ENROLLMENT DISPUTE RESOLUTION**

The school district will implement an enrollment dispute resolution process that is consistent with the process required by the State Board of Education in the North Carolina Administrative Code section 6H.0112.

##### **1. Initiation of the Dispute and Stay Put**

If a dispute arises over school selection or enrollment in a school for a homeless student, the following will occur:

- a. The homeless student shall be immediately admitted to the school in which enrollment is sought, shall receive all services for which he/she is eligible and shall be allowed to participate fully in school activities, pending resolution of the dispute.
- b. The unaccompanied youth or parent/guardian of the student shall be provided a written explanation of the school's decision regarding the enrollment, including the right to appeal the decision. Such information must be provided in a language that the parent/guardian or unaccompanied youth can understand. The information shall inform them of:
  1. contact information including telephone number and address of the homeless liaison and of the State coordinator for homeless education, with a brief description of their roles;
  2. the right to initiate the dispute resolution process either orally or in writing;
  3. a simple form that parents, guardians, or unaccompanied youth can complete and submit to the homeless liaison to initiate the dispute resolution process;
  4. a step-by-step description of how to dispute the school's decision;
  5. notice of the right to enroll immediately in the school of choice or remain in the school of origin with transportation provided pending resolution of the dispute;
  6. notice that immediate enrollment includes full participation in all school activities; and
  7. notice of the right to obtain assistance of advocates or attorneys.

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- c. The student or parent/guardian shall be referred to the district's homeless liaison who will carry out the appeal process as expeditiously as possible after receiving notice of the dispute.
  2. Homeless Liaison Review
    - a. Any parent/guardian or student initiating an enrollment dispute (hereinafter "complainant") is encouraged to attempt to resolve the dispute informally through discussion with the homeless liaison. If the dispute cannot be resolved informally, the complainant may present a formal complaint orally or in writing to the homeless liaison either directly or through the principal of the school at which enrollment is sought.
    - b. The complaint should include the date of the filing, a description of the disputed enrollment action, 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.
    - c. Within five school days after receiving the complaint, the homeless liaison will provide a written decision, including the reasons for the decision, to the complainant and the superintendent.
  3. Appeal to the Superintendent of the Liaison's Decision
    - a. Within five school days of receiving the liaison's decision, the complainant may appeal the decision to the superintendent in writing. The homeless liaison shall ensure that the superintendent receives copies of the written **or oral** complaint and the response.
    - b. The superintendent or his/her designee shall schedule a conference with the complainant to discuss the complaint.
    - c. Within five 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.
  4. Appeal to the Board of the Superintendent's Decision

If the complainant is dissatisfied with the superintendent's decision, he/she may file a written appeal with the board of education. The board will provide the complainant with a written decision within 30 days of receiving the appeal. The board's decision will constitute the final decision of school district. The written statement of the board's opinion will include the name and contact of the State coordinator for homeless education and will describe the appeal rights to the State coordinator.
  5. Appeal to the State Coordinator of the Board's Decision

If the complainant is dissatisfied with the action taken by the board of education, he/she may file an appeal with the State coordinator for homeless education, who will issue a final decision on the complaint. Within 5 school days following a request from the State coordinator, the homeless liaison shall provide the record of complaint and a copy of the board's decision along with any other information requested regarding issues in the appeal.

**F. TRANSPORTATION**

The board of education will provide homeless students with transportation services comparable to those of other students. In addition, at the parent/guardian's request (or the request of the homeless liaison for unaccompanied youth), the board will provide transportation services to/from the school of origin. The superintendent or designee and the homeless liaison will coordinate homeless students' transportation needs, based on the child's best interest and feasibility. In situations where a student attends school in this district but his/her temporary housing is in another district (or vice versa), the superintendent or designee will work with the other district to share the cost and/or responsibility for transportation. If an agreement cannot be reached between the districts, the cost of such transportation will be divided evenly.

If a homeless student becomes permanently housed and chooses to remain in his/her school of origin, the board will provide transportation to the student for the remainder of the school year, except in extraordinary circumstances as recommended by the superintendent.

**G. TITLE I**

Homeless students are automatically eligible for Title I services. The homeless liaison and the Title I director will collaborate to identify the needs of homeless students.

Legal References: McKinney-Vento Homeless Assistance Act, 42 U.S.C. 11431, *et seq.*; U.S. Department of Education Non-Regulatory Guidance on Education for Homeless Children and Youth Program (2004); G.S. 115C-366(a2); 16 N.C.A.C. 6H.0112; State Board of Education Policy EEO-I-000

Cross References: Immunization Requirements for School Admission (policy 4110), Domicile or Residence Requirements (policy 4120), Discretionary Admission (policy 4130), School Assignment (policy 4150)

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