

## **Policy Code: 4125 Students Experiencing Homelessness (Students in Transition)**

The Wake County Board of Education is committed to providing a free public school education to all children who are legally entitled to enroll in the school system. In accordance with the McKinney-Vento Homeless Assistance Act (Federal Law [42 U.S.C. §11431-11435](#)) and the North Carolina State Plan for Educating Homeless Children, the Board will make reasonable efforts to identify homeless students and youth of school age located within the county, ensure enrollment, and eliminate barriers to their receiving an education that may exist in school system policies or practices. Based on individual need, homeless students (hereafter referred to as student(s) in transition) will be provided services available to all students, such as preschool, school meals, services for English language learners, special education, career and technical education (CTE), academically or gifted services (AIG), 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 and follow all applicable law.

### **A. DEFINITION OF STUDENT(S) IN TRANSITION**

Students in transition are children and youth who lack a fixed, regular, and adequate nighttime residence. The term "student(s) in transition" 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. In addition, students in transition include students who are as follows:

1. sharing the housing 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;
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.

For the purposes of this policy, the terms homeless students, students experiencing homelessness, and students in transition are used interchangeably.

## **B. HOMELESS PROGRAM LIAISON**

The superintendent or designee shall appoint and train a school employee to serve as the Homeless Program Liaison. In addition to the duties specifically assigned elsewhere in this policy, the liaison's duties shall include, but are not limited to, the following:

1. ensuring that school personnel identify children and youth in transition;
2. ensuring school/preschool enrollment of and opportunities for academic success for children and youth in transition;
3. ensuring that families and children in transition have access to and receive educational services for which they are eligible;
4. ensuring that families and children in transition receive referrals to healthcare, dental, mental health and substance abuse, housing, food security, and other appropriate services;
5. informing parents or guardians and any unaccompanied youth of available transportation services and helping to coordinate such services;
6. ensuring that public notice of the educational rights of students in transition is disseminated in locations frequented by parents or guardians and unaccompanied youth;
7. informing parents or guardians of educational and related opportunities available to their children and ensuring that parents or guardians have a meaningful opportunities to participate in their children's educations;
8. communicating the dispute resolution process to parents, guardians, and unaccompanied youth in transition;
9. helping to mediate enrollment disputes, including ensuring that a child or youth in transition is enrolled immediately pending resolution of the dispute;
10. developing a uniform written notice that explains to parents, guardians, and unaccompanied youth in transition their rights and the process for appealing a decision of school officials, as required by subsection E.1.b of this policy. The notice must be written in a simple and understandable format and translated to other languages as needed and practicable;

12. ensuring that when parents, students, and unaccompanied youth in transition initiate the dispute resolution process, all parties comply with the dispute resolution policy and that parents, students, and unaccompanied youth in transition are provided with the information listed in subsection E.1.b of this policy;

13. informing unaccompanied youth in transition of their status as independent students and assisting in verifying such status for the purposes of the Free Application for Federal Student Aid.

14. ensuring that school personnel providing services to students in transition receive professional development and other support;

15. 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

16. working with the superintendent or designee to identify Board policies or procedures that might serve as a barrier to enrollment of students in transition, including those related to immunization records, medical records, birth certificates, school records and other documentation, uniforms or dress codes, school fees, and school admission.

### **C. ENROLLMENT, ASSIGNMENT, MEALS, AND TRANSPORTATION OF STUDENTS IN TRANSITION**

#### 1. Enrollment

##### a. Eligibility

Notwithstanding the enrollment eligibility requirements established by the Board elsewhere in policy, school personnel shall immediately enroll students in transition even if they do not have proof of residency, school and immunization records, birth certificates, or other documents; have missed application or enrollment deadlines during a period of transition; have outstanding fees; or are not accompanied by an adult. The Homeless Program Liaison shall assist the students and parents or guardians in securing appropriate records or otherwise meeting enrollment requirements.

##### b. Records

Students in transition transferring into the school system may provide cumulative and other records directly to school system personnel. The superintendent or designee shall not require that such records be forwarded from another school system before the student may enroll.

However, school personnel shall immediately request the official records from the previous school.

Information regarding a child or youth's homeless situation must be treated as a student record and protected accordingly.

## 2. Assignment

A student in transition (or the student's parent or guardian) may request to attend: (1) his or her school of origin or (2) 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, including a preschool. When a student completes the final grade level served by the school of origin, the school of origin includes the designated receiving school at the next grade level for all feeder schools. Unless not in the student's best interest, a student in transition who continues attending the school of origin will remain enrolled in the school of origin for the entire time the student is homeless and until the end of any academic year in which the student moves into permanent housing.

The superintendent shall designate the director of student assignment or other appropriate personnel to decide, in consultation with the Homeless Program Liaison, which school a student in transition will attend. The decision must be based upon consideration of student-centered factors related to the student's best interest, including factors concerning the impact of mobility on achievement, education, health, and safety of students in transition, giving priority to the request of the student's parent or guardian or the unaccompanied youth. The superintendent's designee must presume that keeping the student in the school of origin is in the student's best interest unless contradicted by the student's parent or guardian or the unaccompanied youth.

If the superintendent's designee determines that it is not in the student's best interest to attend the school of origin or the school requested by the parent, guardian or unaccompanied youth, he or she must provide a written explanation of the reasons for the determination to the parent, guardian, or unaccompanied youth, along with the information regarding the right to appeal the placement decision as described in Section D below including the right to appeal the decision. The explanation must be in a manner and form understandable to the parent, guardian or youth. The written explanation must include information on the right to appeal and the contact information for the Homeless Program Liaison. A copy of the written explanation must also be sent to the Homeless Program Liaison.

## 3. Meals

The Richard B. Russell National School Lunch Act establishes that certain homeless, runaway, and migrant children are categorically eligible for free meal benefits under the National School Lunch and School Breakfast Programs. These students and families do not have to complete an application for free meals. Rather, USDA policies allow for automatic enrollment of these students, which is known as “direct certification,” to ensure they receive meals quickly.

#### 4. Transportation

The Board of Education will provide students in transition with transportation services comparable to those of other students. In addition, at the parent or guardian’s request (or the request of the Homeless Program Liaison for unaccompanied youth), the Board will provide transportation services to/from the school of origin. The superintendent or designee and the Homeless Program Liaison shall coordinate the student in transition’s transportation needs, based on the child’s best interest. In situations in which a student attends school in this system but his or her temporary housing is in another system (or vice versa), the superintendent or designee shall work with the other system to share the cost and/or responsibility for transportation. If an agreement cannot be reached between the systems, the cost of such transportation will be divided evenly.

If a student in transition becomes permanently housed and chooses to remain in his or her school of origin, the Board will provide transportation to the student for the remainder of the school year.

### **D. ELIGIBILITY FOR TITLE I SERVICES**

Students in transition are automatically eligible for Title I services under Title I, Part A of the ESEA, whether or not they attend a Title I school receiving Title I funding or meet the academic standards required of other children for eligibility. The Homeless Program Liaison and the Title I director shall collaborate to identify the needs of and supports for students in transition.

### **E. DISPUTE RESOLUTION PROCESS**

A parent, guardian, or unaccompanied youth in transition who disagrees with a decision of school officials with regard to eligibility, school selection, or enrollment of a student in transition (hereinafter, referred to as a “complainant”) may appeal the decision to the school system’s Homeless Program 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 student in transition 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 Homeless Program Liaison.

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

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

Upon learning of a complainant's disagreement with a decision of school officials, the Homeless Program Liaison shall take the following actions:

a. The Homeless Program Liaison shall arrange to have student 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. ~~Immediately, but not later than~~ Within ~~two~~ one school days ~~after of~~ learning of the complainant's disagreement, the Homeless Program Liaison shall provide the complainant a copy of the school system's uniform rights and procedures that is written ~~in a language, manner, and form intended to enable the complainant can to understand the document,~~ to the extent ~~the school system deems~~ practicable, ~~in a language that the complainant can understand.~~ The written statement must include all of the following:

1. contact information, including telephone number and address of the Homeless Program 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 Program 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 policy;
4. a ~~simple~~ complainant form that a complainant can ~~understand,~~ complete, and submit to the Homeless Program Liaison to initiate the dispute resolution process and to pursue any subsequent appeals to the superintendent and Board;

**Commented [JC\_SC1]:** This word had been struck through – attorney review does not have a problem with leaving it in the language.

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 Program Liaison on behalf of the youth;

8. notice that ~~immediate the right to enrollment~~ 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.

c. The Homeless Program Liaison shall attempt to informally resolve the matter. Complainants are encouraged to attempt informal resolution through discussion with the Homeless Program Liaison when possible.

d. If informal resolution is unsuccessful, the Homeless Program Liaison shall inform the complainant of the right to appeal the matter by initiating the dispute resolution process provided in subsection E.2, below.

e. If the complaint initiates the dispute resolution process, the Homeless Program 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 Program 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 Program 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 Program 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 Program 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~~ Homeless Program Liaison shall (1) inform the superintendent, other ~~appropriate~~ school officials participating in the dispute resolution process, and the State Coordinator of the dispute ~~immediately after the parent, guardian, or unaccompanied youth has initiated the dispute resolution process~~ and (2) provide a written decision, including the reasons for the decision, to the complainant and the superintendent.

~~Within two school days after receiving the formal complaint, the Homeless Program Liaison shall 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 Program Liaison, who shall commit the appeal to writing on the designated form. The Homeless Program Liaison shall ensure that the superintendent receives copies of the written complaint and the response of the liaison.

**Commented [ 2]:** The administrative code does not impose a specific deadline here, but the quick two-day turnaround here may make sense as a matter of local policy because we have to allow the entire process, including a board appeal, to be completed within 15 school business days or 30 calendar days, whichever occurs earlier. Attorney has no problem with language attached to this comment so long as this time frame is feasible for the Homeless Program Liaison.

**Commented [JC\_SC3]:** This language has been incorporated into the above section iv rather than set apart as its own numbered item. I'm re-striking this.

ii. Within two 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 a written 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 Program Liaison, who shall commit the appeal to writing on the designated form.

iii. The Board or a panel of at least two Board members appointed by the Chair and acting on behalf of the Board will ~~hear~~ render a decision on the appeal. The appeal will be decided on the basis of the written record unless the Chair decides, in his or her discretion, to schedule an in-person hearing. The Board or Board panel will provide a written decision within seven school days of receiving the appeal. In unusual circumstances the Board or Board panel may extend this time but will ~~avoid exceeding~~ not exceed the lesser of (1) 15 school days from when the complaint was received or (2) 30 calendar days from when the complaint was received. In the event the Board or Board panel is unable to render a decision within the lesser of (1) 15 school days from when the complaint was received or (2) 30 calendar days from when the complaint was received, the superintendent's decision shall serve as the school district's final decision for purposes of any appeal to the State Coordinator.

**Commented [JC\_SC4]:** Attorney noticed the word "will" was missing, and adjusted the language from "avoid exceeding" to "not exceed"

iv. The Board or Board panel's decision will constitute the final decision of the school system for the 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 in transition, 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.

**Commented [ 5]:** Attorney offers this as an optional edit to address cases in which it is not possible to bring an appeal to the Board or a Board panel within the deadline mandated by the administrative code. The rule would still be that the Board or Board panel has the final say and that all appeals should be taken to the Board before being appealed outside the school system, but the new language would avoid an argument that the school system had violated the code if for some reason it is simply not possible to take an appeal to the Board within the relatively short time allowed for final LEA decisions. Note that there is a similar rule in sub-section v below, but it does not cover the possibility of a McKinney-Vento decision (whether related to student assignment or any other issues) that can't be decided by a Board panel within the prescribed time frame.

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 to the State coordinator for homeless education within three days of the decision by the Board or Board 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, ~~physical address~~**-if available, **his or her physical address**, e-mail address, and telephone number **of the complainant**;
- ii. the relationship or connection of the person to the child in question;
- iii. the name of the school system and the **specific**-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 Program Liaison shall provide the record of complaint, a copy of the Board or Board panel's decision, and any other **supporting** documents necessary to complete the record.

e. Untimely Appeals

In extenuating circumstances, families may request an informal or formal dispute resolution outside of the deadlines set by this policy. The Board encourages families to make requests as needed. However, such untimely appeals may not be eligible for the full range of appeals described in this policy and need not be decided within the time frames that would otherwise apply.

Legal References: Richard B. Russell National School Lunch Act [42 U.S.C. 1751](#), McKinney-Vento Act, [42 U.S.C. 11431](#), *et seq.*; *Non-Regulatory Guidance on Education for Homeless Children and Youth Program*, U.S. Department of Education (July 2016); [G.S. 115C-366\(a2\)](#), [369 16 N.C.A.C. 6H .01142](#), [.0115](#), [.0116](#); State Board of Education Policies ~~SBOP-020~~, SPLN-000

Adopted: September 5, 2017

Revised: November 5, 2019

Revised: