16 NCAC 06H .0116 is proposed for adoption as follows:

**16 NCAC 06H .0116 DISPUTE RESOLUTION PROCESS FOR HOMELESS STUDENTS - STATE APPEAL 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, to the State Coordinator through an oral or written appeal to the State Coordinator, including:

1. the name, physical address if available, e-mail address, and telephone number of the person filing the appeal;
2. the relationship or connection of the person to the child in question;
3. the name of the school system and the specific 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 not complete, the Coordinator shall contact the person making the appeal and the local liaison, explain the deficiency, and offer the person the opportunity to complete the appeal.

(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 supporting documents. If the matter involves more than one LEA, then the local liaisons shall cooperate to provide the State Coordinator with a complete record. In either event, 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 they deem 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 ten school business days following receipt of the complete appeal.

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 an understandable and uniform format, and, to the extent practicable, 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.

(f) 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 their 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 law.