

Enrollment

(How do I get my child into a public school in North Carolina?)

What is the difference between enrollment and assignment?

- **Enrollment** defines the specific school *district* that is responsible for educating eligible students.
 - State law establishes who has the legal right to enroll in a particular school district.
- **Assignment** is how a district decides which specific *school* a child will be allowed to attend.
 - Local school districts have lots of authority to make decisions in this area.

Who can enroll in a North Carolina school?

- A child can enroll in a North Carolina school district if they:
 - a) are between the ages of 5 and 21, and do not have a high school diploma;
 - b) are living in the district boundaries:
 1. with a **parent or legal guardian who is domiciled in that district**;
 - “domicile” = residence + evidence of intent to remain (lease, utilities, mail, etc.)
 2. in a **group home, foster home, or licensed facility**; or
 3. with a **caregiver** because of specific crisis situations, including abandonment, death or incarceration of a parent, abuse or neglect, military deployment, or natural disaster;
 - **NOTE:** Children who do not live in the district boundaries for a particular school or district may still enroll if:
 1. They are **homeless, including living in a transitional situation** (e.g., living in shelters, in campgrounds or motels, or living with family/friends due to financial or other related hardship), and continuing to attend the school/district they were assigned to prior to becoming homeless is determined to be in their best interest.
 - The law that ensures this right is the McKinney-Vento Homeless Assistance Act. (*See more below for more information.*)
 2. A change in **foster care** placement (or initial placement in foster care) causes them to move away, and continued placement in the original school/district is determined to be in their best interest.
 - They are entitled to immediate enrollment in the school/district that is in their best interest and transportation to that school/district (even if not in the attendance zone for their current foster care placement).
 - The law that ensures this right is the Every Student Succeeds Act.
 - c) have not been convicted of a felony in adult criminal court; and
 - Youth in *juvenile court* cannot be denied enrollment
 - Youth who have been *charged* but not *convicted* of a felony cannot be denied enrollment
 - School district *may* enroll children with felony convictions, but are not required to do so.
 - Students with IEPs cannot be denied access to education based on a felony conviction
 - d) are not currently serving a long-term suspension (LTS) or expulsion
 - School district *may* enroll children with felony convictions, but are not required to do so.
 - Students with IEPs cannot be denied access to education based on an LTS or expulsion

What special rights does McKinney-Vento provide for homeless students?

- McKinney-Vento (M-V) provides protections to ensure that students who are forced to leave their homes and are living in temporary living situations do not experience disruptions to their education. MV covers a broad range of transitional students, from those who are living in shelters to students who are living with friends/family because they’ve been kicked out or because their family can’t afford rent.
- Children who are eligible under M-V must be allowed to **immediately enroll** in school, even without typically required records and documentation. A school may take steps to get records from a former school or to complete necessary immunization, but cannot delay enrollment to do so.

What special rights does McKinney-Vento provide for homeless students? (cont'd)

- If remaining in their base school is in the best interest of a homeless student, **transportation** must be provided for them even if they are currently residing outside of the school's normal attendance zone. The district does not have to provide special transportation for extracurricular activities.
- If needed, the student's school must arrange for the student to receive any **supplies or uniforms** that are required for participation.
- Students who are homeless have a right to **participate in school just like any other student**. They cannot be placed into separate programs just because they are homeless. They also must receive the same services to which they were entitled in their previous school (e.g. special education services, free and reduced lunch, etc).
- Guardians/unaccompanied students can **appeal** M-V related decisions, including eligibility and school placement, to the local district M-V Coordinator and, as needed, to the State Coordinator. Students have the right to remain enrolled through *all* levels of the appeal process.

Red flags during the enrollment process

A district can require documentation to prove **age, residence, and immunization**, but cannot do so in a way that discriminates against non-citizen students.

A school district cannot:

- Only accept a birth certificate as proof of age
- Request documentation of immigration status
- Refuse to immediately enroll a homeless student because of lack of documentation
- Require documentation of anything other than what is required for enrollment under State law
- Unreasonably delay enrollment after being provided all of the required documentation
- Refuse to enroll a student who doesn't have appropriate immunization documentation, without giving the student/parent 30 days to obtain the necessary immunizations and/or documentation

GOLD STAR TIPS

If a child is denied enrollment because their parent/guardian/caregiver doesn't have the specific form of documentation of age or residency requested by the district (e.g. a birth certificate to establish age or a lease to establish residency), then you can provide other forms of proof of age (e.g. previous school records, an affidavit from the parent, medical records, etc.) or of residency (e.g. a current or recent bill in their name, a notarized statement from a landlord, etc.)

If a child is denied enrollment due to a felony conviction or LTS, **determine if the child has or needs an IEP**. Students with IEPs are entitled to appropriate education even if LTSed or convicted of a felony.

Children denied enrollment due to a felony conviction or LTS/expulsion can **request readmission**

If a child might qualify as "homeless," tell the school about the transitional nature of the youth's living situation and **request help from the district's McKinney-Vento Liaison**

A student cannot be denied enrollment for *any* reason other than those listed above

If a student is denied enrollment, request (1) a written reason for the denial; and (2) information about the parent/guardian/caregiver's appeal rights

Advocates for Children's Services of Legal Aid of North Carolina

For additional resources: www.legalaidnc.org/acs

To apply for legal services: **1-866-219-5262**



You may want to contact a lawyer if your child's enrollment is denied or unreasonably delayed.

The information included here is not legal advice and does not cover all rights and remedies, or apply in every situation