

## **Enrollment Complaint Process**

Children seeking to enroll in public school in Pennsylvania must present four documents (*i.e.*, proof of age, immunizations, residency as well as an Act 26 Statement or Parent Registration form) to the school district or charter school. Students must be enrolled the next business day or within 5 business days of presentation of these documents. If you are having problems enrolling in school, take action promptly.

The Pennsylvania Department of Education (PDE) has developed **an enrollment complaint process** to investigate whether a school district has illegally determined that a student is not a resident of the school district or is not otherwise entitled to attend school in the district. This process applies to all public schools, including charter schools and cyber charter schools. Often, enrollment disputes arise with regard to:

- Students who are living with an adult outside the school district in which their parents live;
- Students in foster homes; and
- Students in residential “children’s institutions,” such as group homes, maternity homes, and mental health facilities.

For more information about students’ rights to attend school where they live, read our Fact Sheet, *The Right to Attend School in Pennsylvania*. You may also want to read the Pennsylvania Department of Education’s Basic Education Circulars entitled *Enrollment of Students* at <http://www.pde.state.pa.us/k12/cwp/view.asp?A=11&Q=84241>.

*Note: There is a separate enrollment dispute process for students experiencing homelessness.* All of these materials on enrollment and other topics can be viewed on ELC’s website at [www.elc-pa.org](http://www.elc-pa.org), or you can call ELC’s HelpLine (215) 238-6970.

**IMPORTANT:** *ELC’s publications provide a general idea of the law. However, each situation is different. If questions remain about how the law applies to a particular situation, contact us for a referral or contact an attorney of your choice.*

## **How to File a Complaint**

1. A person trying to enroll a student in school (*e.g.*, a parent, relative, foster parent, or caseworker) can file a complaint using the sample letter included in this packet. Fill out the attached sample “Enrollment Dispute Complaint Letter” and fax or email it to:

Dan Iser  
School Services Unit  
Pennsylvania Department of Education (PDE)  
**Fax: (717) 214-4389**  
(Phone: (717) 787-4860)

**A complaint may be filed by mail, email or by calling the phone number above and following up with an email.** Send or bring a copy of the letter to the Superintendent of the school district in which you are trying to enroll the child. *Keep a copy for your files as well!*

2. Upon receiving your written complaint, the School Services Unit will contact the school district, family or other involved parties to determine the proper enrollment of the student. These contacts, whenever possible, will occur within five (5) days of receipt of the complaint. The Bureau will determine whether the school district should enroll the student and inform the school district and the family or agency having legal custody of the child of its decision. If you haven’t heard from the Department, you can ask for an update (717) 787-4860).
3. If the complaint is not amicably resolved, a written determination will be made and sent to the school district and the individual who filed the complaint. You should receive a copy of this letter.
4. If the school district does not enroll the student within **five (5) school days** after receiving the written determination, the Department will issue a letter to the school district requesting its position on the situation. The school district will have five (5) school days to respond to the request. The district’s response should tell the Department whether it will admit the student, and if not, why not. The Department should send you a copy of the district’s response
5. If the school district refuses to enroll the student or does not respond, the matter will be forwarded to the Department’s Office of Chief Counsel (OCC). The OCC and the Deputy Secretary for Elementary/Secondary Education will determine if the school district’s response is valid to deny enrollment. If not, the Deputy Secretary will determine what additional measures may be necessary to assure enrollment.

6. If the school district continues to refuse to admit the student or does not respond, the Department should forward your complaint to its Office of Chief Counsel. The Office of Chief Counsel should review your complaint and advise the Deputy Secretary of Education if the district's explanation is valid. The Deputy Secretary should let you know what she decides. If she believes the district's decision is NOT valid, the Deputy Secretary will consider more severe action.

**NOTE: The Department's guidance on enrollment, known as the Basic Education Circular ("BEC") on Enrollment of Students states:**

When a dispute arises regarding enrollment of a student, the person attempting to enroll the child or the school district may bring the dispute to the attention of the Department's School Services Unit. A complaint may be filed by mail, email or by phone with written follow up. After receipt of a complaint, a Department representative will contact the school district, family or other involved parties to determine the facts, whether the child is entitled to enrollment in the district and to try to resolve the problem. These contacts, whenever possible, will occur within five (5) days of receipt of the complaint. If the complaint is not amicably resolved, a written determination will be made and sent to the school district and the individual who filed the complaint.

If the school district does not enroll the student within five (5) school days after receiving the written determination, the Department will issue a letter to the school district requesting its position on the situation. The school district will have five (5) school days to respond to the request. If the school district refuses to enroll the student or does not respond, the matter will be forwarded to the Department's Office of Chief Counsel (OCC). The OCC and the Deputy Secretary for Elementary/Secondary Education will determine if the school district's response is valid to deny enrollment. If not, the Deputy Secretary will determine what additional measures may be necessary to assure enrollment.

**A sample enrollment dispute letter is attached.**

*Prepared by: Education Law Center (Rev 9/13)  
(215) 238-6970 (Philadelphia)  
(412) 258-2120 (Pittsburgh)  
[www.elc-pa.org](http://www.elc-pa.org)*

**Enrollment Dispute Complaint Letter**

\_\_\_\_\_ (your name)  
\_\_\_\_\_ (address)  
\_\_\_\_\_ (phone number) (optional)  
\_\_\_\_\_ (email) (optional)

\_\_\_\_\_ (Parent or other relationship to student)

Date: \_\_\_\_\_

*Sent By Fax to (717) 214-4389 and/or via U.S. Mail*

Dan Iser, Office of School Services  
Office of Elementary and Secondary Education  
Pennsylvania Department of Education  
333 Market Street  
Harrisburg, PA 17126-0333

**Re: Enrollment Dispute of \_\_\_\_\_ D.O.B. \_\_\_\_\_**

Dear Mr. Iser,

I am writing to complain that \_\_\_\_\_ School District is refusing to enroll the above-named student(s) or is otherwise violating 22 PA Code §11.11. I reside at \_\_\_\_\_, PA. As of today, this child has been out of school for approximately \_\_\_\_ days.

On \_\_\_\_\_ (date) appropriate documentation was submitted to the District to establish the child's age, residency in the District and immunizations. An Act 26 Statement or Parent Registration form regarding school discipline issues was also submitted. The District, however, has refused to enroll this student because: (Check all that apply):

Proof of age, immunizations, residency and the Act 26 form was found to be insufficient. Specifically, I provided \_\_\_\_\_ but the District required \_\_\_\_\_

Improper documents were required: (Check all that apply)  
Photo identification \_\_\_\_; Social Security Number \_\_\_\_; Visa \_\_\_\_; Drivers' License \_\_\_\_;  
Court Order \_\_\_\_; Physical \_\_\_\_\_ Dental Exam \_\_\_\_\_ Other: \_\_\_\_\_

Although I supplied all required documentation the school district has not enrolled this student within 5 business days. Specifically:  
\_\_\_\_\_  
\_\_\_\_\_

Although the current school district has requested transfer of the child's prior school records from school district \_\_\_\_\_, these prior records still have not been transferred and the school is now refusing to enroll the child on this basis.

The school district inquired into my/ the child's immigration status. Specifically:  
\_\_\_\_\_.

Although I meet the requirements to attend school as an emancipated minor, the school district is refusing to enroll me.

Specifically: \_\_\_\_\_  
\_\_\_\_\_.

The District has violated 22 Pa Code 11.11 and I hereby request that the Department investigate and take appropriate corrective action. I understand that PDE will contact or fax a letter to the school district within five business days of receiving this complaint. Please send a copy of this letter to me and fax a copy of this and any further correspondence to the Education Law Center. The school district then has five business days to respond.

Thank you very much for your prompt attention to this matter. Please acknowledge receipt of this letter by phone [or email if appropriate] and let me know if you need any additional information.

Sincerely,

\_\_\_\_\_  
\_\_\_\_\_

Best Phone Number To Reach Me

cc: Dan Iser, *Pennsylvania Department of Education, School Services Unit*  
Maura McInerney, *Education Law Center Fax # (215) 772-3125*