



Education Law Center

---

# **How to Enroll a Child Living with Someone Other than Their Parent**

Education Law Center  
The Philadelphia Building  
1315 Walnut Street, 4th Floor  
Philadelphia, PA 19107-4717  
Phone: 215-238-6970

Education Law Center  
702 Law & Finance Building  
429 Fourth Ave.  
Pittsburgh, PA 15219  
Phone: 412-258-2120

[www.elc-pa.org](http://www.elc-pa.org)

*IMPORTANT: ELC's publications are intended to give you a general idea of the law. However, each situation is different. If, after reading our publications, you have questions about how the law applies to your particular situation, contact us for a referral, or contact an attorney of your choice.*

Dear School District Resident:

If a child is living with you, and not with their parent, she has a right to attend school where she lives if certain conditions are met.

*NOTE: See Questions About Enrolling A Student Who Is Living With You for more information.*

---

### **Step 1: How to Enroll the Child if You Have Legal Custody**

- Go to the central registration office in the school district where you live. Bring with you the court order or other paper and give it to the school district.
  - Bring with you documents that prove how old the child is, that the child has her shots (is immunized), and that you live in the school district. If you do not have a written record of the child's shots, tell the school district to call the old school or a doctor that has the child's records.
  - Fill out the "sworn statement" about the child's discipline history. The school district will give you this form.
  - Remind the secretary to request the child's education records from her old school! The child's old school must send the records to the new school in 10 business days.
- 

### **Step 2: How to Enroll the Child if You Do Not Have Legal Custody**

- Give the school district a copy of Tool 1, often called a "1302 Form." You must complete this form and sign it in front of a notary — the school district can help you with this. Remember, this is a sworn statement, and you must fill it out truthfully.
- For the student to enroll in school where you live, the form must state that:
  - The child lives with you all year round (including weekends and summer)

- You will be make sure that the child attends school and be responsible for other school requirements AND
- That you are supporting the child as if she were your own child.

*Important! You can receive payments for the child, such as Supplemental Security Income (SSI), Transition Assistance for Needy Families (TANF), pre-adoptive or adoptive support, support from parents who are in the military, public or private health insurance, or child support payments and still be supporting the child as if she were your own.*

- A district can also ask you for proof that the statements in the form are true. The district should be flexible and consider what information you can give them.
  - Some ways that you can prove you are a resident are:
    - A utility bill, lease, driver's license, car registration, tax bill, credit card bill or a form that shows that you are enrolled in a government program, on which you are listed at an address in the school district.
  - Some ways to show that you support the child are:
    - Your receipts for food, clothes, or medical bills for the child
    - Papers that show that you took the child as a dependent on your taxes
    - Papers that show that the child is covered by your health insurance.
- Bring with you documents that prove how old the child is, that the child has her shots (is immunized), and that you live in the school district. If you do not have a written record of the child's shots, tell the school district to call the old school or a doctor that has the child's records.
- Fill out the "sworn statement" about the child's discipline history. The school district will give you this form.
- Remind the secretary to request the child's education records from her old school! The child's old school must send the records to the new school in 10 business days.

---

- **Step 3: What Happens If the Child is NOT Enrolled in 5 Business Days?**

If the child has not started attending school within five business days of completing Step 2, call the district's registration office and ask them

why the child has not been enrolled. The law says that the child must be enrolled within five business days of the school receiving all enrollment documents.

- If the school district does not allow the child to start school after five business days of receiving your enrollment papers, file a complaint with the Pennsylvania Department of Education. We have included a complaint letter for you to use—just fill out “Tool #2” and mail or fax it or you can call the Pennsylvania Department of Education at this special number: (717) 783-6610.
- If the Pennsylvania Department of Education does not help, call us at the Education Law Center at (215) 238-6970.

---

#### **Step 4: Is there Anything Else You Should Know Before the Child Starts School?**

Yes. You can ask to talk to a counselor or an administrator at the child’s new school about these issues:

- Find out what credits the school requires for graduation. Make sure that the school is giving the child credit for ALL the courses she has already taken.
- If the child has an IEP, make sure that the school has a copy of it. The school must follow the old IEP until you have a new IEP Team meeting.
- If the child needs tutoring or wants to be in a vocational class or is interested in participating in an extracurricular activity, ask about it.
- Remember: Even if the child was in an alternative education program at her last school district, the new school district cannot automatically place her in an alternative education program UNLESS she is CURRENTLY expelled for a weapons offense from her prior school.

## **Questions About Enrolling a Student Who is Living With You**

### **1) Can a school district ask you about why the child is living with you?**

No. A school cannot ask about a child's family situation or why the child is not living with her parents or someone else.

### **2) Do you have to show that you have legal custody from a court to enroll the child in school?**

If you have a custody order, the school district must admit the child to school. But if you do not have a custody order, you can still enroll the child by giving the school Tool 1, called a "1302 Form." In that case, the school CANNOT require you to show that you have a custody order.

### **3) Can the school district ask you to prove where you live?**

Yes. The school district should let you prove where you live in a way that is easiest for you. Here are some examples of things that, if sent you in at an address in the school district, you can use to prove that you live in the school district: a lease for an apartment in the school district, government papers, gas, electric, or phone bills, a car registration, a paper signed by you in front of a notary that says where you and the child live.

### **4) Can the school district ask you to prove how old the child is?**

Yes, but they can only require that you bring in ONE of the following: birth certificate, passport, baptism certificate, a paper from a parent or relative signed in front of a notary, or records from an old school.

### **5) What else can a school district not ask you to provide?**

School districts can never ask for a child's social security number or card, immigration papers, doctor's or dentist's records, or whether the child is in the country legally.

### **6) If a child has a Graduation Equivalency Diploma (GED) can the child still enroll in school and work towards her diploma?**

Yes, unless the child is currently expelled from school. Remember: a child has a legal right to go to school in Pennsylvania until the end of the school year in which she turns 21.

*The information in this packet was prepared by the Education Law Center  
www.elc-pa.org*

**Tool 1**  
**SWORN STATEMENT BY RESIDENT UNDER §13-1302**  
**TO BE COMPLETED BY RESIDENT ONLY**

Instructions: Please complete the following statement. If the potential student is living, or will be living, in a household with more than one resident adult who will assume responsibility for the student, all such adult residents must complete and sign this statement.

**This is a legal document. You may ask to see a copy of 24 P.S. §13-1302 prior to signing this document, and consult with an attorney if you have any questions or do not understand any portion of this document.**

1. Your Name \_\_\_\_\_

Home Address \_\_\_\_\_

Home Telephone Number \_\_\_\_\_ Work Number \_\_\_\_\_

2. Do you live in the school district and does the child live with you? Yes \_\_\_\_\_ No \_\_\_\_\_

3. Child's Full

Name \_\_\_\_\_

Birth Date \_\_\_\_\_ Grade \_\_\_\_\_

Name & Address of Last School Attended \_\_\_\_\_

Date child began/will begin to reside in your home \_\_\_\_\_

4. Are you supporting this child gratis (without personal compensation or gain)?

Yes \_\_\_\_\_ No \_\_\_\_\_

5. Will you assume all personal obligations related to school requirements for this child that may include providing for required immunizations, uniforms, fees/fines, citations/fines for truancy, attending parent-teacher conferences, or attending meetings/hearings concerning discipline? Yes \_\_\_\_\_ No \_\_\_\_\_

6. Do you intend to keep and support the child continuously and not merely through the school term? Yes \_\_\_\_\_ No \_\_\_\_\_

Through my notarized signature, I/We understand that the school district, pursuant to guidelines issued by the Department of Education and their own written policy, may require other reasonable information to be submitted to confirm this sworn statement.

Signed by resident(s) and notarized

---

Per 24 P.S. §13-1302, a person who knowingly provides false information in the above statement for the purpose of enrolling a child in a school district for which the child is not eligible commits a summary offense and shall, upon conviction for such violation, be sentenced to pay a fine of no more than three hundred dollars (\$300) for the benefit of the school district in which the person resides or to perform up to two hundred forty (240) hours of community service, or both. In addition, the person shall pay all court costs and shall be liable to the school district for an amount equal to the cost of tuition calculated in accordance with §2561 during the period of enrollment.



**Tool 2**

**Enrollment Complaint Letter**

**Fill this letter out and mail, fax or email it to:**

Sarah Pearce  
School Services Unit  
Office of Elementary and Secondary Education  
Pennsylvania Department of Education  
333 Market Street  
Harrisburg, PA 17126-0333  
Fax: (717) 214-4389  
Email: spearce@state.pa.us

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

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

**Re: Enrollment Complaint of \_\_\_\_\_(Child's Name)**

Dear Ms. Pearce:

I am writing to complain that \_\_\_\_\_ School District is refusing to enroll the above named child or is otherwise violating 22 PA Code §11.11 and 24 P.S. § 13-1302 . The child lives with me at \_\_\_\_\_, PA. As of today, the child has been out of school for approximately \_\_\_\_ days.

In this case, I am seeking to enroll the child who resides with me by submitting the following documentation in compliance with 24 P.S. §13-1302:

I have already submitted: (check all that apply)

- Documentation of legal guardianship or custody of the child

**OR**

- A sworn and notarized statement that the child is living with me and that I am not receiving any personal compensation for this child.

□ I have provided to the District proof of age, immunization records and proof that the child is living with me.

I understand that this student must be enrolled and able to attend school within five (5) business days of the submission of this information. I hereby request that the Department investigate and take appropriate corrective action. I understand that PDE will 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 let me know upon your receipt of this letter by phone [or email if appropriate] if you need any additional information.

Sincerely,

\_\_\_\_\_ (sign here)

**KEEP A COPY OF THIS LETTER FOR YOUR RECORDS**