

## RIGHTS OF LIMITED ENGLISH PROFICIENT PARENTS TO ENROLL CHILDREN IN SCHOOL

August 2020

This fact sheet addresses the rights of limited English proficient (LEP) parents, guardians, or other LEP individuals who seek to enroll a child in school. A person is “limited English proficient” if the person does not speak English as their primary language and has a limited ability to read, speak, write, or understand English. LEP individuals have the right to interpretation and translated documents in this process.

### COVID-19 Considerations

During the pandemic, families continue to have the right to enroll their children in school. Schools usually enroll students the next business day and must enroll students no longer than five business days after receiving required documents.<sup>i</sup> Due to potential delays in obtaining immunizations during COVID-19, the requirement to show proof of immunizations has been suspended for the first two months of the upcoming school year.<sup>ii</sup> Many districts are only accepting online enrollment that requires internet access, taking pictures of enrollment documents, and uploading them online.

Since many offices are closed, families should ask the school to be flexible about the type of documentation they will accept for enrollment and how families can send these documents to the school. Children who are experiencing homelessness or living “doubled-up” with another family or who are in foster care are still entitled to be immediately enrolled in school even without submitting required documents. Families continue to have the right to use or receive interpretation services from the school throughout the enrollment process.<sup>iii</sup>

### WHO CAN ENROLL THE CHILD

A parent, foster parent, caseworker, caregiver with whom the child resides, or anyone with care or control of the child can enroll that child in school.

### DOCUMENTS NEEDED TO ENROLL A CHILD

Under Pennsylvania law, any individual, including a limited English proficient (LEP) parent, who is attempting to enroll a child must present four types of documentation. These are:

- **Proof of the child's age:** This can but does not have to be a birth certificate. You may also submit a baptismal certificate or notarized/certified copy; notarized statement from the parents or relative indicating date of birth (called an "affidavit"); a passport; or a prior school record indicating the date of birth.
- **Proof of immunizations required by law:** This can be in the form of the child's immunization record; a written statement or verbal assurances (with records to follow) from the former school district or from a medical office that the required immunizations have been administered or that a required series is in progress.
- **Proof of residency:** This can include a deed, lease, utility bill, credit card bill, property tax bill, vehicle registration, driver's license, or a DOT identification card. Families are not required to provide a lease in order to prove residency.
- **Parent registration statement:** a sworn statement regarding the student's disciplinary history (usually provided by the district at the time of enrollment).

"School districts and charter schools should be flexible in verifying residency." <sup>iv</sup> Districts *may not* require that the individual provide any of the following specific documents as a condition for enrolling a child in school:

- State-issued identification
- Photo identification
- Deed or lease
- Shared housing form
- Birth certificate
- Proof of citizenship
- Prior report cards or transcripts
- Proof of a physical examination
- Pre-registration forms

If a child is experiencing homelessness or in foster care, the child is entitled to immediate enrollment without submitting any enrollment documents.

### WHAT SCHOOLS CANNOT REQUEST

Schools *may not* ask about a parent or student's immigration status and cannot require a passport, Social Security card, etc.

### RIGHT TO PROMPT ENROLLMENT

Once an LEP parent presents the school with the four required documents, the district is required to enroll the child the next business day or within 5 business days of submission of the documents.

### RIGHT TO INTERPRETATION AND TRANSLATION SERVICES

An LEP individual has a right to use translation and/or interpretation services throughout the enrollment process. The LEP individual can bring a translator/interpreter with them or request that the district provide such services. It is the school's obligation to provide these services.

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If the district refuses to enroll the child, the individual enrolling the child should document the reasons the child is being denied enrollment. An LEP individual can ask that the district use translation/interpretation services to explain the reasons why the district is refusing to enroll the child. If the problem persists, call ELC at 412-258-2120 or 215-238-6970 or file an enrollment complaint with the Pennsylvania Department of Education (see ELC's fact sheet on the [Enrollment Complaint Process](#) for guidance).

The Education Law Center-PA (ELC) is a nonprofit, legal advocacy organization with offices in Philadelphia and Pittsburgh, dedicated to ensuring that all children in Pennsylvania have access to a quality public education. Through legal representation, impact litigation, community engagement, and policy advocacy, ELC advances the rights of underserved children, including children living in poverty, children of color, children in the foster care and juvenile justice systems, children with disabilities, English learners, LGBTQ students, and children experiencing homelessness.

ELC's publications provide a general statement of the law. However, each situation is different. If questions remain about how the law applies to a particular situation, contact ELC's Helpline for information and advice – visit [www.elc-pa.org/contact](http://www.elc-pa.org/contact) or call 215-238-6970 (Eastern and Central PA) or 412-258-2120 (Western PA) – or contact another attorney of your choice.

## The Enrollment Process: A Step-by-Step Guide for Limited English Proficient Parents

\_\_\_\_ **Step #1:** Collect the following documents (“4 in the door”)

- Proof of the child’s age
- Proof of immunizations
- Proof of residency
- Parent registration document (usually provided by district at time of enrollment)

\_\_\_\_ **Step #2 (optional):** Call the district to inform them that you will be enrolling a child in school and will require translation/interpretation services.

\_\_\_\_ **Step #3:** Visit the office or school where the district processes enrollment requests. Bring your “4 in the door” documents. Give yourself plenty of time, as the district will likely ask you to fill out lots of paperwork during the enrollment process.

\_\_\_\_ **Step #4:** Once you arrive at the enrollment office, request translation/interpretation services.

\_\_\_\_ **Step #5:** Provide the district with your required documents. Fill out enrollment documents provided by the district.

\_\_\_\_ **Step #6:** Ask any questions you have about enrollment or the district. For instance:

- When can your child start (must be within 5 business days)?
- Does the district provide transportation? If so, how can your child access this service?
- How can you get interpretation/translation services in the future?
- Does the district offer any services/support for limited English proficient families?
- Where can you find a description of the district’s English as a Second Language (ESL) program and the process for identifying English learners (ELs)?
- What special education services will your child receive (if applicable)?

### ***What to do if the district refuses to enroll your child:***

- Show the district ELC’s “Rights of Limited English Proficient Parents to Enroll Children in School” fact sheet
- Keep written documentation of all contact with the district, including the reason they denied enrollment. If possible, get the school to provide their reasons *in writing*.
- Contact the Education Law Center at 412-258-2120 or 215-238-6970
- File a complaint with the Schools Services Unit of the PA Department of Education:

**Monica Washington**  
Schools Services Unit, PA Department of Education  
333 Market Street, Harrisburg, PA 19126-0333  
[mwashington@pa.gov](mailto:mwashington@pa.gov) or 717-783-6746

For guidance and a sample letter, see ELC’s fact sheet on the [Enrollment Complaint Process](#)

<sup>i</sup> See 22 Pa Code 11.11

<sup>ii</sup> *Temporary Regulatory Suspension of Requirements for Children’s Immunizations*, Pennsylvania Dept’t of Education (July 21, 2020), available at <https://www.health.pa.gov/topics/disease/coronavirus/Pages/Guidance/Temporary-Regulatory-Suspension-Immunizations.aspx>.

<sup>iii</sup> Title VI of the Civil Rights Act of 1964 and 42 U.S.C. § 2000d.

<sup>iv</sup> Basic Education Circular, *Enrollment of Students - 24 P.S. §13-1301 - §13-1306*, (Jan 22, 2009).