

ENROLLMENT COMPLAINT PROCESS

August 2022

Every child of school age who is a resident of Pennsylvania has a right to public education. The Pennsylvania Department of Education (PDE) has developed a complaint process to investigate whether a school district has illegally prevented a student from enrolling in the district. This fact sheet will help you navigate PDE's enrollment complaint process.

Special Considerations

During the pandemic, nearly all districts began offering "online enrollment," and some districts will continue to use this option during this school year. Several districts may continue to offer virtual learning for some students, particularly students with disabilities, for the 2022-2023 school year. In addition, under a newly enacted law, Act 66, some students with disabilities who aged out of school last school year are permitted to remain in school and repeat a grade this school year. While the timeline for selecting this option has passed on August 1, some local educational agencies are extending the deadline for students with disabilities selecting to remain in school, repeat a year, or permitting students with disabilities who aged out at 21 to remain in school during the 2022-2023 school year. Contact your school district or charter school to learn more.

In addition, a new law called Act 1 of 2022 (*24 P.S. § 13-1331.1*) went into effect during the 2021-2022 school year and applies to students who are experiencing homelessness, in foster care, or involved in the juvenile justice system who changed schools at least once during a single school year. The law provides alternative and expanded pathways to help students graduate on-time. A recently adopted amendment to Act 1 allows eligible students who attended school during the 2021-2022 school year to request a credit assessment, credit waiver, and development of a Graduation Plan to determine eligibility to receive a diploma that would be retroactive to last school year. To learn more, see [ELC's fact sheet on Act 1](#).

WHAT IS THE ENROLLMENT COMPLAINT PROCESS?

School districts and charter schools in Pennsylvania must enroll a child after they have been given four required documents: proof of age, immunizations, residency, and statements regarding prior school discipline issues (or parent registration form). The Pennsylvania Department of Education has developed an enrollment complaint process to investigate whether

a school district has illegally excluded a student from school and to ensure that children are enrolled promptly.

WHEN SHOULD I USE THE ENROLLMENT COMPLAINT PROCESS?

If a school district is refusing to allow the student to start school within five days of presenting these documents, file an enrollment complaint immediately. The following pages of this fact sheet will walk through how to file an enrollment complaint with PDE.

DOES THE ENROLLMENT COMPLAINT PROCESS APPLY TO ALL PUBLIC SCHOOLS?

Yes. This process applies to all public schools, including charter schools as well as cyber charter schools.

WHEN ARE PROBLEMS WITH ENROLLMENT MOST LIKELY TO OCCUR?

There are many situations where a school may unlawfully refuse to enroll a student, but often enrollment disputes arise when:

- Students are living with an adult other than their parent
- Students are in foster care, involved in the juvenile justice system, or experiencing homelessness*
- Immigrant and refugee students are new to the United States
- Schools try to deny enrollment based on a student's discipline history
- Students are in residential "children's institutions," such as group homes, maternity homes, and mental health facilities.

**NOTE: There is a separate enrollment dispute process for students experiencing homelessness. To learn more, see our [fact sheet](#), available at www.elc-pa.org.*

WHERE CAN I FIND MORE INFORMATION ABOUT ENROLLING IN SCHOOL?

For more information about enrolling in school in Pennsylvania, see ELC's publication [How to Enroll a Child in Public School](#). You may also want to read the Pennsylvania Department of Education's Basic Education Circulars, entitled [Enrollment of Students](#) and [Enrollment FAQ](#).

HOW TO FILE A COMPLAINT

1. A person trying to enroll a student in school (e.g., a parent, relative, foster parent, caseworker, or anyone advocating for the child) can file a complaint using the sample letter included in this packet, or you may call the "School Services Unit" listed below. You may fill out the attached sample letter included in this fact sheet and fax or email it to:

Monica Washington
School Services Unit, Pennsylvania Department of Education (PDE)
Office of Elementary and Secondary Education
333 Market Street
Harrisburg, PA 17126
Email: mwashington@pa.gov and RA-PDE-SchoolService@pa.gov
Phone: 717-787-4860 or 717-783-6746 / Fax: 717-214-4389

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!

2. Upon receiving your written complaint, the School Services Unit will contact the school district, family, or other involved parties to determine where the child should go to school. This process, whenever possible, will occur within five days of receiving the complaint. PDE will determine whether the school district should enroll the student and inform the school district and the family or agency with legal custody of the child of its decision. If you haven't heard from PDE, call 717-787-4860 to ask for an update.
3. If the complaint is not resolved, PDE will issue a written determination 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 school days after receiving the written determination, PDE will issue a letter to the school district requesting its position on the situation. The school district will have five school days to respond to the request. The district's response should tell PDE whether it will admit the student, and if not, why not. PDE 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 go to the PDE's Office of Chief Counsel (OCC), who will determine if the school district's response is valid. If not, the Deputy Secretary of Education will decide what additional steps to take.
6. If the school district still refuses to admit the student or does not respond, the Office of Chief Counsel should review your complaint and advise the Deputy Secretary of Education on whether the district's explanation is valid. The Deputy Secretary should let you know what they decide.

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, multilingual 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 or call 215-238-6970 (Eastern and Central PA) or 412-258-2120 (Western PA) – or contact another attorney of your choice.



PHILADELPHIA
1800 JFK Blvd., Suite 1900A
Philadelphia, PA 19103
T 215-238-6970
F 215-772-3125

PITTSBURGH
429 Fourth Ave., Suite 702
Pittsburgh, PA 15219
T 412-258-2120
F 412-535-8225

WWW. ELC-PA.ORG

ENROLLMENT COMPLAINT LETTER

Parent's/Guardian's Name

Address

Contact Information

Principal's Name

School Name

School Address

Date: _____

Send by fax to 717-214-4389, and/or email to mashington@pa.gov and RA-PDE-SchoolService@pa.gov, and/or send via U.S. mail to:

Monica Washington
School Services Unit
Pennsylvania Department of Education
333 Market Street
Harrisburg, PA 17126 - 0333

Re: Enrollment Dispute of _____ (child's name)
D.O.B. _____ (child's date of birth)

Dear Ms. Washington,

I am writing to complain that _____ School District is refusing to enroll the abovenamed student(s) or is otherwise violating 22 PA Code §11.11. The child's parent/guardian resides 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 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 _____.

The District claimed I was not authorized to enroll the child. I am child's (check category):
Parent ____; Guardian ____; Foster Parent ____; Case Worker____;
Caregiver with whom child resides ____; Other person with "charge or control" of the child ____.

Improper documents were required: (Check all that apply)
Photo identification ____; Social Security Number____; Visa____; Driver's License____ ;
Court Order ____; Physical Exam ____; Dental Exam ____; Immigration Status ____;
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 the child's prior school records from _____ school district, these prior records have not been transferred, and the school is refusing to enroll the child on this basis.

I was unable to complete the enrollment process because I am not proficient in English, and the school did not provide appropriate interpretation and/or translation services.

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: _____

Other Reason: _____

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. 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,

_____ (SIGNATURE)

(TYPE/PRINT NAME)

Phone Number: _____ Email: _____

KEEP A COPY OF THIS LETTER FOR YOUR RECORDS

Education Law Center | www.elc-pa.org | [Facebook.com/EducationLawCenter](https://www.facebook.com/EducationLawCenter) | [@EdLawCenterPa](https://twitter.com/EdLawCenterPa)

Education Law Center | www.elc-pa.org | [facebook.com/educationlawcenter](https://www.facebook.com/educationlawcenter) | [@edlawcenterpa](https://twitter.com/edlawcenterpa)