

## HOW TO ENROLL A CHILD IN PUBLIC SCHOOL

August 2023

Every child of school age who is a resident of Pennsylvania has a right to public education.<sup>1</sup> Making sure that your child enrolls and attends school is important for your child's education and their future. Moving through these four steps will help you enroll your child in school as soon as possible.

### Special Considerations and Updates

During the pandemic, nearly all districts began offering “online enrollment,” and many districts have continued to use this option.

In addition, in 2022, the Pennsylvania legislature enacted Act 55, which permitted a student with a disability who reached the age of 21 during the 2021-2022 school year and up to the beginning of the 2022-2023 school year to attend school for the 2022-2023 school year, as long as the student's parent or guardian elected to enroll the student by Aug. 1, 2022. The timeline for selecting this extension ended in 2022 and the Pennsylvania legislature has not adopted new legislation to extend this opportunity to students with disabilities to the 2023-2024 school year.

Act 1 of 2022 (24 P.S. § 13-1331.1) went into effect during the 2021-2022 school year. This law 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. School entities are required to fulfill the mandates of Act 1 to ensure that eligible students are able to access a diploma through their current school entity, or, if this is not an option, secure a diploma from their prior school entity, or as a last resort, obtain a statewide Keystone Diploma. Act 1 eligible students may also 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](#).

### 1. DETERMINE WHERE THE CHILD CAN ATTEND SCHOOL

A child can attend school in the school district where they live with their parent or guardian, or a foster parent, or a district resident who is not a parent but is caring for the child.<sup>2</sup> Please see the Education Law Center's fact sheet [How to Enroll a Child Living With Someone Other Than Their Parent](#) for information about how to enroll a child who lives with someone who is NOT their parent.

In addition, a child who is living in a “children’s institution” such as a group home or residential placement has the right to attend school in the school district where the residential facility is located.<sup>3</sup> A child who is experiencing homelessness has the right to attend school where they are currently staying, even without proof of residency, or where they have a substantial connection.<sup>4</sup>

## 2. BRING ENROLLMENT DOCUMENTS TO THE SCHOOL THE CHILD IS TO ATTEND

A child can be enrolled by a parent, foster parent, guardian, caseworker, or anyone having “care or charge” of the child.<sup>5</sup> Go to the school or central registration office in the school district where you live. Bring with you:

- Documents that show that you live in the school district (see options below);
- Documents that show the child’s age (does not need to be a birth certificate); and
- Documents that show the child has been immunized. If you do not have a record of the child’s shots, tell the school district to call the former school or a doctor who has child’s records.

You will also be asked to fill out a “sworn statement” about the child’s discipline history, which the school district will give to you. Even though the school may ask for the child’s entire discipline history, it is okay if you do not know it. Ultimately, you need to say whether the child is currently expelled for possessing a weapon and whether the child has ever been expelled based on a conviction or adjudication of delinquency, occurring on or after Jan. 3, 2022, for a sexual assault offense committed upon another student in the same school.<sup>6</sup>

Ask the school secretary to request the child’s education records from their former school. The child’s former school must send the records to the new school within 10 business days.<sup>7</sup>

If you do not speak English as your primary language and you have a limited ability to read, speak, write, or understand English, you have the right to receive interpretation and translation services provided by the school or to bring your own translator.<sup>8</sup>

**NOTE:** Students experiencing homelessness and children in foster care have the right to enroll in school immediately without any required enrollment documents. See ELC’s fact sheets on [School Stability and Immediate Enrollment for Children in Foster Care](#) and [The Rights of Students Experiencing Homelessness](#), both available at [www.elc-pa.org](http://www.elc-pa.org).

## 3. ENSURE THAT THE CHILD STARTS SCHOOL IMMEDIATELY OR AT LEAST WITHIN FIVE DAYS

The law says that the child must be enrolled within five business days of the school receiving all enrollment documents. If the child has not been notified that they can start attending school within five business days, call the district’s registration office and ask why the child has not been enrolled.<sup>9</sup>

**If the school district does not allow the child to start after five business days, file a complaint with the Pennsylvania Department of Education.** See ELC’s fact sheet on the [Enrollment Complaint Process](#). You can also call the department at 717-787-4860 or 717-783-6746.

#### 4. DISCUSS THE CHILD’S NEEDS WITH THE SCHOOL

We recommend talking to an administrator or counselor at the new school about:

- **The child’s special education needs.** This is particularly important for students with disabilities who plan to graduate this year and those who turn 21 this school year. If a child has a disability, make sure the school has a copy of the IEP. The school must follow the old IEP until you agree on a new IEP with the new school. Request an IEP team meeting with the new school as soon as possible. The school cannot delay the child’s start of school because they are waiting to receive the IEP.
- **The child’s need for accommodations in school.** Share any “Section 504 Accommodations Plan” your child may have for a chronic illness or other disability.
- **The credits required for graduation and credits transferred from the child’s previous school.** Make sure the school gives the child credit for all partial and full credits earned and courses the student has already taken.
- **Point of Contact.** Many schools have mentorship programs. In addition, students in grades K-12 who are experiencing homelessness, in foster care, or involved in the juvenile justice system *and* have changed schools *at least once during a single school year* are entitled to receive a Point of Contact under a law known as [Act 1 of 2022 \(24 P.S. § 13-1331.1\)](#). Talk to your school if you think a child may be eligible. This law ensures that students can fully participate in school – including engaging in school-sponsored extracurricular activities; having fines and fees waived, and, for high school students, having expanded pathways to graduate on time.
- **Language instruction program.** If the child is an English learner and is not proficient in speaking, reading, understanding, and writing English, talk to the school about the child’s needs, prior language instruction, and the language instruction program at the new school.
- **Options for tutoring, vocational classes, and extracurricular activities,** even if the child is starting school midway through the school year. This can be very important for the child to connect to a new school.

**FREQUENTLY ASKED QUESTIONS ABOUT ENROLLING IN SCHOOL**

**CAN THE SCHOOL DISTRICT ASK YOU TO PROVE WHERE YOU LIVE?**

Yes, but the school district should let you prove where you live in a way that is easiest for you. You could bring any of the following that show you live at an address within the school district: gas, electric, or phone bill; lease for an apartment in the school district; government papers; car registration; or a paper signed by you in front of a notary that says where you and the child live.<sup>10</sup>

**CAN THE SCHOOL DISTRICT ASK YOU TO PROVE YOUR CHILD’S AGE?**

Yes, but it can only require that you bring in one of the following: birth certificate, passport, baptism certificate, paper from a parent or relative signed in front of a notary (“affidavit”), or records from an old school. Any of these will work – the school cannot require a copy of the birth certificate.<sup>11</sup>

**CAN A SCHOOL DISTRICT ASK FOR PROOF OF THE CHILD’S PHYSICAL OR DENTAL EXAMINATIONS, OR A PHYSICAL HEALTH OR MENTAL HEALTH HISTORY TO ENROLL?**

No. Public schools can never require this information as a condition of enrollment.<sup>12</sup>

**ARE THERE OTHER DOCUMENTS SCHOOLS ARE NOT ALLOWED TO ASK FOR?**

Public schools, including charter schools, can never ask for your or your child’s Social Security number or card, immigration documents or status,<sup>13</sup> or information about why a child is living with you.

**CAN A SCHOOL REQUIRE PROOF OF MY CHILD’S SEX OR GENDER, FOR EXAMPLE BY PROVIDING THEIR BIRTH CERTIFICATE?**

There is no legal basis for requiring a student to “prove” their sex in order to participate in public school, and a district cannot require provision of a birth certificate. Students’ right to enroll and participate in school may not be conditioned on the provision of documents other than those showing proof of the child’s age, residence, and immunizations as required by law.<sup>14</sup> Other documents, including a birth certificate, may not be required as a condition of enrollment.<sup>15</sup> Even for the required items and lawful purposes, the Pennsylvania Department of Education is clear that “a school district can never demand only one kind of document.”<sup>16</sup> For more about the rights of transgender students, see ELC’s fact sheet [The Rights of LGBTQ+ and Nonbinary Students](#).

**CAN A SCHOOL DISTRICT DENY ENROLLMENT BECAUSE THE CHILD WAS DISCIPLINED BY THE FORMER SCHOOL DISTRICT?**

No. The new school district cannot “honor” a previous school district’s discipline and deny or delay a child’s enrollment based on information in the discipline records.<sup>17</sup> One exception is if the child is *currently* expelled for possessing a weapon – in which case, the new school district must still enroll the student but *may* place the child in an alternative program, provided that the assignment may not exceed the period of expulsion.<sup>18</sup>

Another exception is if a student enrolled in a public school entity is convicted or adjudicated delinquent of committing a sexual assault upon another student enrolled in the same public school entity. In that case, the public school entity must take one of the following actions: (1) reassign the convicted or adjudicated student to another school or educational program within the public school entity; (2) transfer the convicted or adjudicated student to another school district by agreement or transfer the student to an alternative education program; or (3) expel the convicted or adjudicated student.<sup>19</sup> Prior to admission to a public school entity, the parent, guardian, or other person having control or charge of the student must, upon registration, provide a sworn statement or affirmation stating whether the student was previously or is presently expelled under the provisions of this section.<sup>20</sup>

### **IF THE CHILD WAS IN A JUVENILE JUSTICE PLACEMENT AND NOW WANTS TO REENROLL IN THEIR PREVIOUS SCHOOL DISTRICT OR A NEW SCHOOL, CAN THE SCHOOL AUTOMATICALLY PLACE THE CHILD IN AN ALTERNATIVE EDUCATION PROGRAM?**

No, the child has a right to an informal hearing to determine if the student is *currently* disruptive. They cannot automatically be placed in an alternative education program. For more information about legal rights and new requirements that help keep students out of alternative education programs, see ELC's fact sheet, [Alternative Education for Disruptive Youth \(AEDY\)](#).

### **CAN THE SCHOOL DISTRICT DELAY ENROLLMENT BECAUSE IT NEEDS MORE TIME TO DECIDE THE CHILD'S CLASSROOM PLACEMENT, HOLD AN IEP TEAM MEETING, OR RECEIVE EDUCATION RECORDS?**

No. A child is entitled to start school within five business days of providing the required enrollment documents. A school district cannot delay the child's start of school because it is waiting to receive the student's IEP or education records.

### **CAN A STUDENT BE IN SCHOOL IF THEY ARE 19 OR 20 YEARS OLD?**

Yes, a child has the right to go to school in Pennsylvania until the end of the school term when they turn 21 or until they graduate with a regular high school diploma (whichever comes first), even if they already have a GED.<sup>21</sup> This is true for all students, not only students with disabilities.

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

- Show the district this fact sheet
- Keep written documentation of all contact with the school district
- Contact the Schools Services Unit of the Pennsylvania Department of Education:  
Monica Washington  
Schools Services Unit, PA Department of Education  
333 Market Street, Harrisburg, PA 19126-0333  
mwashington@pa.gov  
717-783-6746
- Contact the Education Law Center at 412-258-2120 (Pittsburgh and western PA) or 215-238-6970 (Philadelphia and eastern and central PA)
- File an enrollment complaint with the Pennsylvania Department of Education. For guidance, see ELC's fact sheet on the [Enrollment Complaint Process](#).

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](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.

<sup>1</sup> [Basic Education Circular, Enrollment of Students - 24 P.S. §13-1301 - §13-1306](#), (July 1, 2022); *Fact Sheet: Information on the Rights of All Children to Enroll in School*, Civil Rights Division of the U.S. Dep’t of Justice and Office of Civil Rights of the U.S. Dep’t of Ed, <https://www.justice.gov/sites/default/files/crt/legacy/2014/05/08/plylerfact.pdf>.

<sup>2</sup> See 24 P.S. §§13-1302 and 13-1305 (children living in foster care); 22 Pa. Code § 11.11.

<sup>3</sup> 24 P.S. § 13-1306, 22 Pa. Code § 11.18.

<sup>4</sup> See McKinney-Vento Homeless Assistance Act, 42 U.S.C. §11432(g)(3)(C); Basic Education Circular on *Education of Homeless Youth*, <https://www.education.pa.gov/Policy-Funding/BECS/uscode/Pages/EducationforHomelessYouth.aspx>.

<sup>5</sup> 22 Pa. Code 11.11(b)

<sup>6</sup> See 24 P.S. § 13-1317(2); 24 P.S. § 13-1318.1(g).

<sup>7</sup> 22 Pa. Code § 11.11(b).

<sup>8</sup> Executive Order 13166, *Improving Access for Persons with Limited-English Proficiency* (2000); *Ensuring English Learner Students Can Participate Meaningfully and Equally in Educational Programs*, U.S. Department of Justice & U.S. Department of Education, Office of Civil Rights, 1, <https://www2.ed.gov/about/offices/list/ocr/docs/dcl-factsheet-el-students-201501.pdf>; *Information for Limited English Proficient (LEP) Parents and Guardians and for Schools and School Districts that Communicate with Them*, U.S. Department of Justice & U.S. Department of Education, Office of Civil Rights, <https://www2.ed.gov/about/offices/list/ocr/docs/dcl-factsheet-lep-parents-201501.pdf>.

<sup>9</sup> *Id.*

<sup>10</sup> [Basic Education Circular, Enrollment of Students - 24 P.S. §13-1301 - §13-1306](#), (July 1, 2022).

<sup>11</sup> “School districts and charter schools should be flexible in the documents required and should consider what information is reasonable in light of the family’s situation. A school can never demand only one kind of document, for example a birth certificate, to prove age.” Basic Education Circular: Student Enrollment FAQ, <https://www.education.pa.gov/Policy-Funding/BECS/Purdons/Pages/EnrollmentStudentsFAQ.aspx>; See also Pa. Dep’t of Educ., Basic Education Circular: Enrollment of Students, <https://www.education.pa.gov/Policy-Funding/BECS/Purdons/Pages/EnrollmentStudents.aspx>.

<sup>12</sup> Although school districts may ask for this information, they may not require it as a condition of enrolling or admitting a child and they may not delay a child’s enrollment or attendance until these documents are provided. Basic Education Circular: Student Enrollment FAQ. <https://www.education.pa.gov/Policy-Funding/BECS/Purdons/Pages/EnrollmentStudents.aspx>.

<sup>13</sup> *Plyler v. Doe*, 457 U.S. 202(1982). Schools may not inquire about a child’s immigration status.

<sup>14</sup> See 22 Pa. Code. 11.11.

<sup>15</sup> See Pa. Dep’t of Educ., Basic Education Circular: Enrollment of Students, <https://www.education.pa.gov/Policy-Funding/BECS/Purdons/Pages/EnrollmentStudents.aspx>; Basic Education Circular: Student Enrollment FAQ, <https://www.education.pa.gov/Policy-Funding/BECS/Purdons/Pages/EnrollmentStudentsFAQ.aspx>

<sup>16</sup> PDE, Basic Education Circular: Student Enrollment FAQ, <https://www.education.pa.gov/Policy-Funding/BECS/Purdons/Pages/EnrollmentStudentsFAQ.aspx>

<sup>17</sup> *Hoke v. Elizabethtown Area School District*, 833 A.2d 304, 310 (Pa. Commw. Ct. 2003).

<sup>18</sup> 24 P.S. § 13-1317.2(e.1) The term “weapon” includes, but is not limited to, “any knife, cutting instrument, cutting tool, nunchaku, firearm, shotgun, rifle, and any other tool, instrument or implement capable of inflicting serious bodily injury.” 24 P.S. § 13-1317.2(g).

<sup>19</sup> 24 P.S. § 13-1318.1

<sup>20</sup> 24 P.S. § 13-1318.1(g)

<sup>21</sup> 22 Pa. Code § 11.12.