



FACT SHEET

RIGHTS OF MULTILINGUAL CAREGIVERS TO ENROLL CHILDREN IN SCHOOL

August 2024

This fact sheet addresses the rights of multilingual and culturally diverse parents and caregivers (defined by law as “limited English proficient” or LEP) who seek to enroll a child in school. Schools must provide language access support to individuals whose primary language or languages are not English, and who are learning to read, speak, write, or understand English. These individuals have the right to interpretation services and translated documents in this process. This fact sheet is also available in [Spanish](#).

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 who is attempting to enroll a child must present four types of documentation, unless the child is experiencing homelessness or in foster care, in which case the child must be **immediately enrolled** with the following documents to be provided later. Guidance issued by the Pennsylvania Department of Education (PDE) in June 2023¹ clarifies that a family needs to provide **only one document** to establish each of the following:

- **Proof of the child’s age:** You may provide **any one of the following documents** to establish your child’s age: a birth certificate, a notarized copy of a birth certificate, a baptismal certificate or notarized/certified copy; notarized statement from the parents or relative indicating date of birth (called an “affidavit”); a valid passport; or a prior school record indicating the date of birth. **Note:** A family cannot be required to provide a passport, birth certificate, or Social Security number, and a school district cannot inquire about the child’s or family’s immigration status in any way.²
- **Proof of immunizations required by law:** This can be in the form of (1) the child’s immunization record or (2) a written statement or verbal assurance (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. **Note:** Unless a child has a medical or religious/philosophical exemption, a child must have at least one dose of specific vaccinations or risk exclusion. There are certain exceptions to this requirement for students who are homeless, who are moving or transferring into a school in the commonwealth, or who are in foster care and are not able to provide immunization records at the time of enrollment but who may provide them later. For a full list of school vaccinations required for attendance, see [Department of Health School Vaccination Fact Sheet](#). See ELC’s fact sheet on [School Immunization Requirements in Pennsylvania](#), also available in [Spanish](#), for additional information.

- **Proof of residency:** This can include **any one of the following:** a deed, lease, current utility bill, current credit card bill, property tax bill, vehicle registration, driver’s license, or a Department of Transportation (DOT) identification card. **Note:** Families are not required to provide a lease to prove residency.³
- **Parent registration statement:** a sworn statement regarding the student’s disciplinary history (usually on a form provided by the district at the time of enrollment), including whether the student “has been or is suspended or expelled for offenses involving drugs, alcohol, weapons, infliction of injury or violence on school property,”⁴ and whether the student has been expelled for a conviction or adjudication of delinquency for sexual assault of another student in the same school.⁵ To learn more about this last issue, see [ELC’s fact sheet](#).

“School districts and charter schools should be flexible in verifying residency.”⁶
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	Proof of citizenship
Photo identification	Prior report cards or transcripts
Deed or lease	Proof of a physical examination
Shared housing form	Preregistration forms
Birth certificate	

WHAT SCHOOLS CANNOT REQUEST

Schools **cannot** ask about a parent, caregiver, or student’s immigration status and cannot require a passport, driver’s license, Social Security card, etc.⁷

RIGHT TO PROMPT ENROLLMENT

Once the caregiver or other person presents the four required documents, the district is required to enroll the child the next business day or within five business days of submission of the documents.⁸ If a child is experiencing homelessness or is in foster care, the child is entitled to immediate enrollment without submitting any enrollment documents.⁹

RIGHT TO INTERPRETATION AND TRANSLATION SERVICES

A parent or caregiver whose first language is not English has a right to translation and/or interpretation services throughout the enrollment process.¹⁰ It is the school's obligation to provide these services for free. The individual may request that the district provide such services or bring a translator/interpreter with them. See our [form](#) to request such services, which is also available in [Spanish](#), [Chinese](#), [Arabic](#), and [Nepali](#).

If the district refuses to enroll the child, the individual enrolling the child should document the reasons the child is being denied enrollment. They 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 the Education Law Center 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).

TRANSFER OF CREDITS FROM FOREIGN SCHOOLS

School-age students who are residing in the United States and educated in a foreign country have a right to attend school in the United States unless they have already graduated and earned a degree or certificate equivalent to a U.S. diploma (e.g., 12th grade education). Schools must evaluate a student's foreign school transcripts to determine whether prior credits should transfer to the U.S. school.¹¹ The student and parents/guardian can provide information about the prior school's curriculum, time spent in class, grading policies, etc. Credit should be transferred if the work is consistent with district and state standards and of "comparable scope and quality" as work in the U.S. school.¹² Students and parents can explain to the new school whether the prior coursework was comparable to or different from coursework at the new school. Schools should notify the student and parents of the outcome of the credit transfer evaluation.

For older students, talk with the school about credits required for graduation and review this fact sheet on [Graduation Requirements in Pennsylvania](#).

A student may have additional pathways to graduation and extra school supports if they are experiencing homelessness or involved in the foster care or juvenile justice systems. To learn more, refer to this Act 1 [fact sheet](#).

RIGHT TO BE FREE FROM DISCRIMINATION IN THE ENROLLMENT PROCESS

Public schools must be equally available to all school-age children. No child should be denied access to a quality education based on language or cultural differences, English instruction needs, or immigration status.

Sadly, many students who are multilingual learners and their parents face illegal discrimination in the enrollment process despite federal and state laws prohibiting discrimination based on race, ethnicity, national origin, and immigration status.¹³ These forms of illegal discrimination negatively impact children and communities, limit students' access to education, and undermine parent participation in schools.¹⁴ Parents with limited English proficiency are entitled to effective language assistance services. It is critical that public schools communicate important information about enrollment, classes, educational programs, student needs, and school activities in a language that all parents, guardians, and sponsors of children who may be refugees understand.¹⁵

ELC works to ensure that these rights are upheld and that public school districts are welcoming and affirming places that serve and celebrate multilingual learners.

The Enrollment Process: A Step-by-Step Guide for Multilingual Caregivers

___ **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 the 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 five 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 prior education credits will transfer to the new school? Provide any foreign transcripts to the new school.
- What special education services will your child receive (if applicable)?

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

- Show the district this Education Law Center [Rights of Multilingual Caregivers to Enroll Children in School](#) fact sheet.
- Keep written documentation of all contact with the district, including the reason enrollment was denied. If possible, get the school to provide its 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 or 717-783-6746

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.

¹ *Basic Educ. Circular: Enrollment of Students*, PA. DEP'T OF EDUC. (June 2023, revised Feb. 2024), <https://www.education.pa.gov/Policy-Funding/BECS/Purdons/Pages/EnrollmentStudents.aspx>.

² *Id.*; C.R. Div. of the U.S. Dep't of Just., Off. for C.R. of the U.S. Dep't of Educ. & U.S. Dep't of Health and Human Serv., *Info. on the Rights of Unaccompanied Child. to Enroll in Sch. and Participate Meaningfully and Equally in Educ. Programs*, <https://www2.ed.gov/about/overview/focus/rights-unaccompanied-children-enroll-school.pdf>; *Plyler v. Doe*, 457 U.S. 202, 220 (1982) (striking down as unconstitutional a state statute that prohibited children from enrolling in school based on their immigration status).

³ See *Basic Educ. Circular*, *supra* note 1; C.R. Div. of the U.S. Dep't of Just., Off. for C.R. of the U.S. Dep't of Educ., and U.S. Dep't of Health and Human Serv., *supra* note 2.

⁴ 24 P.S. EDUC. § 13-1304-A.

⁵ 24 P.S. § 13-1318.1; *Act 57 and Act 110*, PA. DEP'T OF EDUC.,

<https://www.education.pa.gov/Schools/safeschools/laws/Pages/Act57andAct110.aspx>.

⁶ *Basic Educ. Circular: Enrollment of Students*, PA. DEP'T OF EDUC. (June 2023, revised Feb. 2024), <https://www.education.pa.gov/Policy-Funding/BECS/Purdons/Pages/EnrollmentStudents.aspx>; *Fact Sheet: Info. on the Rights of All Child. to Enroll in Sch.*, C.R. Div., U.S. Dep't of Just. & Off. for C.R., U.S. Dep't of Educ., <https://www.justice.gov/sites/default/files/crt/legacy/2014/05/08/plylerfact.pdf>.

⁷ *Protecting Access to Educ. for Migratory Child.*, C.R. Div. of the U.S. Dep't of Just. and Off. for C.R. of the U.S. Dep't of Educ. (June 2023), <https://www2.ed.gov/about/offices/list/ocr/docs/ocr-factsheet-migratory-children-202306.pdf>; *Protecting Access to Educ. for Unaccompanied Child.*, C.R. Div. of the U.S. Dep't of Just. and Off. for C.R. of the U.S. Dep't of Educ. (June 2023),

<https://www2.ed.gov/about/offices/list/ocr/docs/ocr-factsheet-unaccompanied-children-202306.pdf>; *Confronting Discrimination Based on Nat'l Origin and Immigr. Status*, C.R. Div. of the U.S. Dep't of Just. & Off. for C.R. of the U.S. Dep't of Educ. (Aug. 2021),

<https://www2.ed.gov/about/offices/list/ocr/docs/confronting-discrimination-national-origin-immigration-status>;

Basic Educ. Circular: Enrollment of Students, PA. DEP'T OF EDUC. (June 2023, revised Feb. 2024), <https://www.education.pa.gov/Policy-Funding/BECS/Purdons/Pages/EnrollmentStudents.aspx>.

⁸ 22 PA. CODE § 11.11(b)-(c).

⁹ See McKinney-Vento Homeless Assistance Act, 42 U.S.C. §11432(g)(3)(C); *Basic Educ. Circular: Educ. of Homeless Youth*, PA. DEP'T OF EDUC., (Feb. 3, 2010), <https://www.education.pa.gov/Policy-Funding/BECS/uscode/Pages/EducationforHomelessYouth.aspx>.

¹⁰ *Protecting Access to Educ. for Migratory Child.*, *supra* n. 7; *Protecting Access to Educ. for Unaccompanied Child.*, *supra* n. 7.

¹¹ *Evaluating Foreign Transcripts*, PA. DEP'T OF EDUC., (Apr. 2017),

<https://www.education.pa.gov/Documents/Teachers-Administrators/Curriculum/ESL/Evaluating%20Foreign%20Transcripts.pdf>.

¹² *Id.*

¹³ *Basic Educ. Circular: Enrollment of Students*, PA. DEP'T OF EDUC. (June 2023, revised Feb. 2024), <https://www.education.pa.gov/Policy-Funding/BECS/Purdons/Pages/EnrollmentStudents.aspx>; *Fact Sheet: Info. on the Rights of All Child. to Enroll in Sch.*, C.R. Div., U.S. Dep't of Just. & Off. for C.R., U.S. Dep't of Educ., <https://www.justice.gov/sites/default/files/crt/legacy/2014/05/08/plylerfact.pdf>; *Plyler v. Doe*, 457

U.S. 202 (1982) (striking down as unconstitutional a state statute that prohibited children from enrolling in school based on their immigration status); Equal Educational Opportunities Act, 20 U.S.C.A. § 1703.

¹⁴ See e.g., Christia Spears Brown, *The Educ., Psych., and Soc. Impact of Discrimination on the Immigrant Child*, Migration Pol’y Inst. (Sept. 2015),

<https://www.migrationpolicy.org/sites/default/files/publications/FCD-Brown-FINALWEB.pdf>; Franka Metzner et al., *Experiences of Discrimination and Everyday Racism Among Child. and Adolescents with an Immigr. Background - Results of a Systematic Literature Rev. on the Impact of Discrimination on the Dev. Outcomes of Minors Worldwide*, 13 FRONT PSYCHOL. 805941 (May 9, 2022),

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC9126147/>.

¹⁵ C.R. Div. U.S. Dep’t of Just. & Off. for C.R., U.S. Dep’t of Educ., *Confronting Discrimination Based on Nat’l and Immigration Status, A Res. for Families and Educators*, (June 2023),

<https://www2.ed.gov/about/offices/list/ocr/docs/confronting-discrimination-national-origin-immigration-status>.