

Act 67 Notice #3: Notice of Decision Regarding Right to Attend School

The purpose of this notice is to apprise families of the School District/Charter School's decision regarding your child's right to attend school after the Residency Hearing held on _____. This notice is provided in accordance with the requirements of Pennsylvania's Act 67 and the student's constitutional due process rights.

*The notice and attached decision shall be provided to the parent/caregiver or student living on their own **at least twice via email and by certified mail**. In addition, the school shall contact the family **by phone up to three times** to confirm their receipt of the notice and decision. A signed copy of this notice shall be maintained in the student's file, and disclosure is subject to the confidentiality protections of the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g; 34 CFR Part 99.*

Date Notice Provided: _____

Contact Information of Parent/Caregiver [or Student, if on your own]:

Name: _____

Address: _____

Phone Number: _____

Email Address: _____

School District/Charter School: _____

School Name: _____

Student Name(s) and DOB: _____

To Parent/Guardian/Caregiver: _____ [or Student living on your own: _____.]

You are receiving this letter because the _____ [school district/charter school] held a formal hearing on _____ to determine the residency status and legal entitlement of the student(s) identified above to attend school in the district/charter school.

_____ **Per the attached decision, the school board has determined that the student(s) ARE ELIGIBLE to attend school.** No further action is required.

_____ **Per the attached decision, the school board has determined that the student(s) are NOT RESIDENTS** and do not have any other basis for attending school in the district/charter school and therefore **are NOT ELIGIBLE to attend school here.**

You have the right to appeal this decision, if you so choose. If you seek to appeal this decision, the student(s) have a right to continue to attend school in the district/charter school until: (1) you have exhausted your appeal rights; (2) expiration of the 30-day time period to appeal the formal decision, which shall occur on _____, or (3) affirmative notice in writing has been given to the district/charter school that you are knowingly waiving your right of appeal and enrolling in another school district or charter school before the expiration of the appeal period.

Right to Appeal

If you disagree with the determination that your child is not eligible to attend school here and/or you believe that you were deprived of your right to due process (such as failing to be provided with appropriate and adequate notice of the Residency Hearing), you may exercise your right to appeal the school board's decision by filing a complaint in the Court of Common Pleas of _____ County (the county where the school is located) within 30 calendar days.

Note: You must file any appeal from this determination (referred to as an agency decision) within 30 calendar days from the date of this notice or you will waive your right to appeal.

You also have the right to request a copy of the Residency Hearing transcript. If you are unable to pay the cost to obtain the transcript, you may obtain a copy for free. In addition, if you are unable to pay the filing fee, you may submit your appeal "in forma pauperis" (IFP), when you explain that you lack the financial resources to pay the fee. [See Unified Judicial System of Pennsylvania, Representing Yourself](#). If you require assistance or accommodations for a disability, you may obtain help from an Americans with Disabilities Act (ADA) coordinator. See list of [ADA Coordinators](#).

The student(s) is entitled to remain enrolled in the District/Charter School while you are preparing your appeal and throughout the entire appeal process.

As a reminder, students generally have the right to attend school in the school district where the student's parent, guardian, foster parent, or person with whom the child lives resides. If a child is living with a non-parent, that person must care for the child without receiving payment, live with the child year-round, and be responsible for the child attending school.

Students experiencing homelessness also have the right to attend their prior school, even if they no longer reside in the district. If the student(s) is currently experiencing homelessness or if you require additional information about your rights, including your right to appeal a failure to recognize the student(s) as experiencing homelessness, please contact your McKinney-Vento liaison _____ at _____.

We have sent this notice to you through certified mail and will also email a copy of this notice to the email address identified in this notice and make three attempts by phone to confirm receipt of the notice.

I acknowledge that I have received this Notice of Decision:

[Parent/Guardian/Caregiver/Student, if on your own]

Date: _____

☐ Parent/guardian communicates in a language other than English. This form and the attached opinion have been translated into _____ and provided to the parent/guardian/caregiver or student in their native language on the date of this Notice of Decision. A copy is enclosed.