

STUDENT ENROLLMENT - QUESTIONS & ANSWERS

October 14, 2009

The following Questions and Answers are provided to assist parents, school districts and charter schools in the student enrollment process. This information is based on applicable school law and regulation and reflects procedures outlined in the recently revised Basic Education Circular (BEC) on Student Enrollment.

The Pennsylvania Department of Education (PDE) revised its Student Enrollment policy and procedure in accordance with recent changes in federal and state law. School districts and charter schools were requested to publish enrollment policies and procedures which conform to the new BEC on their websites.

School law and regulation provide basic protections to ensure that students receive the education to which they are entitled, and that school districts and charter schools enroll those students who meet residency requirements and applicable requirements which apply to non-resident students. These Q and A's provide basic answers to frequently asked questions in simple terms and are not intended to replace the Student Enrollment BEC or create any additional requirements. When in doubt as to the law or regulation, please consult the BEC, Chapter 11 Student Attendance Regulation and the PA Public School Code.

1. Q. Who can enroll a child in school?

A. A child may be enrolled by a parent, foster parent, caseworker, caregiver with whom the child resides, or any other person with "charge or control" of the child.

2. Q. What can a school district ask the person enrolling a child to prove in order to enroll a resident student?

A "resident student" is a student who lives with his or her parent(s) in the school district.

A. To enroll a student, the school district must request **proof of the child's age; proof that the child is immunized; and proof that the child is a resident.** No other information can be required, as a condition of enrollment, (other than the information in #3 below) before a resident child is enrolled in school. The school district may ask for other information for administrative purposes or to assist with the education of the child, but the school district cannot delay or deny the student's enrollment until that information is provided.

3. Q. Are there any other enrollment requirements for a resident student?

A. Yes. Prior to enrollment, the person enrolling the child must provide **a sworn statement about serious discipline problems at prior schools.** The school district **must also administer the Home Language Survey at the time of enrollment.** *A school district may not delay or deny a child's school enrollment due to a child's disciplinary record, but may provide alternative education for the length of the expulsion for a child who is currently expelled for a weapons offense. The Home Language Survey is a brief and important survey required by law. Access the required survey at: <http://www.pde.state.pa.us/esl/cwp/view.asp?A=3&Q=56927>*

4. Q. What kind of proof of age, residency and immunization status may a family be asked to provide?

A. School districts should be flexible in the documents required and should consider what information is reasonable in light of the family's situation. *For example, a school district can never demand only one kind of document, for example a birth certificate, to prove age.*

Documents that can prove these factors include:

Proof of Age: Examples are a child's birth certificate or passport, baptismal certificate, a legal statement by a parent or prior school records.

Proof of Immunization Status: Typically, a physician's statement/record of immunizations is provided. A prior school district or physician can confirm by telephone that the child is immunized with records to follow. *A district may not require a physical or dental examination or a health or mental health history as a condition of enrollment.*

Proof of Residency: Acceptable documents to establish residency include a deed, a lease, utility bills, vehicle registration, driver's license or Dept. of Transportation identification card. *A district may require that more than one form of residency confirmation be provided. The district should be flexible and reasonable as to what is required.*

5. Q. Must a school district enroll a child within a certain time period?

A. Yes. A school district must normally enroll a child the next business day, but **no later than five business days after application.** The school district has no obligation to enroll a child until the parent, guardian or other person having control or charge of the student making the application has supplied proof of the child's **age, residence, immunizations, the discipline statement, and completed the Home Language Survey** as required by law. *Enrollment cannot be delayed for any other reason, including a failure to provide prior school records or special education documents, or a school's difficulty in determining a child's placement.*

6. Q. Are there any documents a school district may never require as a condition of enrollment?

A. Yes. As a condition of enrollment, the school district may never ask the family for the child or parent's immigration documents, social security card or number; records from a child welfare agency (other than to establish residency); or information relating to why a child is residing in the district or living with a particular person.

7. Q. May a school district inquire into the immigration status of a child?

A. No. *School districts may never ask the family for the child's or parent's immigration documents (during enrollment or at any other time). There may be an administrative rationale for requesting other documents. For example, the social security number may be requested when it is needed to access a federal benefit, however the Social Security number may never be requested or required as a condition for enrollment.*

8. Q. Must a school district provide extra help when the person enrolling the child has limited English skills?

A. The school district must provide translation and interpretation services to the extent needed to help the family understand the enrollment process and enroll the student in school promptly.

9. Q. Are there different enrollment rules for students in foster care or a child living in a residential setting located in the school district?

A. No. A child who is in foster care or who is living in a children's institution, like a halfway house or a group home, is entitled to enroll in the school district. The school district may not require these children to meet additional or different enrollment standards. *The basic requirements of proof of age, immunization, residence, discipline statement and the Home Language Survey apply. A child in foster care or a child who lives in a children's institution or group home which is not located in the school district where the parent lives is considered a "non-resident student" as this term is used in the PA Public School Code.*

10. Q. What are the enrollment requirements for a child who is living with a district resident when the child's parents do not live in the school district?

A. For a "non-resident" child living with a resident, one of the following must occur: 1) the resident must show that he or she has custody, or 2) the resident must be given the opportunity to file a sworn statement (and sometimes provide additional proof) of the following: a) the resident of the school district is supporting the child without "compensation or gain"; and b) the child is living there for the entire year and not only the school term; and c) that the resident will take responsibility for the child's schooling. *(Basic requirements of proof of age, immunization, residence, discipline statement and Home Language Survey apply.) This is based on Section 1302 of the School Code. The individual situation of the resident determines whether they will show that they have custody of the child or file a sworn statement as to the 3 items listed above; this is not a matter of choice for the school district. A resident's receipt of payments, such as Supplemental Security Income (SSI), Transitional Assistance for Needy Families (TANF), pre-adoptive or adoptive support, maintenance on public or private health insurance, support from the military or military personnel or payments for or on account of the child such as child support is not considered to be personal "compensation or gain".*

11. Q. May the school district require the person enrolling the child to prove that she has custody of the child?

A. **Generally, "no"**. Here are some exceptions: When a resident (who is not the child's parent) is trying to enroll a child and show that the resident is the legal guardian, the resident would provide information on custody. The other exception is when parents are separated or divorced and the parent is relying on a court order or custody agreement as the basis for enrolling the child.

12. Q. May a youth ever enroll himself in school?

A. A youth may enroll himself or herself if he/she is an "emancipated minor", which includes a youth who is married or is living without the support of a parent or guardian.

13. Q. Are there other circumstances when a student may enroll herself in school?

A. Children who are homeless have the right to immediately enroll in a new school without providing enrollment documents. A child who is not in the physical custody of a parent or guardian, and who qualifies as an "unaccompanied homeless youth" under the *McKinney Vento Act* may enroll herself without the documents usually required for enrollment. This includes youth who have run away from home, been thrown out of their home, been abandoned or separated from their parents or guardians for any other reason. *The "unaccompanied homeless youth" has the right to immediately enroll in a school or school district even if she does not have the documents typically required for enrollment. She has the right to stay in the same school even if she now lives in another school district or attendance area and may enroll without the help of an adult.*

14. Q. If a student is under age 21 and has a Graduation Equivalency Diploma (GED), may he enroll in school and work towards her high school diploma?

A. Yes.

15. Q. If a student is re-enrolling in a district following a delinquency placement, may the school district place the child in an alternative education program for disruptive youth?

A. The district may not automatically place a child in an alternative education program for disruptive youth simply because the child had been in an adjudicated delinquent placement. *Like any other student being transferred to an alternative education program, students returning from a delinquency placement are entitled to an informal hearing prior to being placed in an alternative education program. The purpose of the hearing is to determine whether the student is currently fit to return to the regular classroom, or meets the definition of a disruptive student. Factors a school should consider include: 1) whether the incident causing the adjudication occurred at school or at a school-sponsored event, 2) the youth's behavior in placement, and 3) the recommendations of teachers and other adults, such as juvenile probation officers who have worked with the youth.*

16. Q. May a child who is placed in the foster care system remain in the same school or school district even if her foster parent placement changes and she moves to a new school attendance area or new school district?

A. School districts are encouraged to develop policies or agreements to enable a student who is in foster care to remain in the educational program in the same school or school district even if that child moves to another school district or to another attendance area within the same district.

17. Q. What about children who are awaiting placement in foster care?

A. Children who are awaiting foster care placement are considered homeless students. That includes students who are placed in emergency, interim or respite foster care, kinship care, evaluation or diagnostic centers, or placements for the sole purpose of evaluation. *When necessary, local school officials should consult with their county children and youth services agencies to determine if a child meets the definition of "awaiting foster care placement". This includes consideration on a case-by-case basis, whether a child who does not clearly fall into one of these categories is nevertheless a child "awaiting foster care placement".*

18. Q. What happens when a dispute arises regarding the enrollment of a student?

A. A family may file a complaint with the Pennsylvania Dept of Education's School Services Unit. After receiving the complaint, a Dept. staff member will contact the school district and the involved parties, whenever possible within five days, to determine whether the child is entitled to enroll in the school district. If the school district does not comply with an order by the Department to enroll the student, the Department requests its legal office for assistance in obtaining compliance. Based on the individual situation, the Deputy Secretary may order the school district to enroll the child.