

HOW TO ENROLL A CHILD IN PUBLIC SCHOOL

August 2024

Every child of school age who is a resident of Pennsylvania has a right to public education.¹ 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.

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.² Please see the Education Law Center’s fact sheet [How to Enroll a Child Living With Someone Other Than Their Parent](#) (also available [in Spanish](#)) 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

Special Considerations and New Updates

Children and youth have often been abruptly disenrolled and remained out of school for weeks or months due to a residency or enrollment dispute. [Act 67](#), a state law enacted in July 2024, prohibits a child from being out of school during the time resolution of a residency dispute is pending. The new law mandates that school districts and charter schools allow a child to remain in school until there is full resolution of any dispute. The law also requires schools to notify parents of their right to a hearing, the opportunity to participate in a hearing, and their right to appeal. In addition, the law requires schools to consider whether a child is experiencing homelessness and directs districts to provide information to families about protections for students experiencing homelessness. Importantly, a child is entitled to remain in school until such a residency dispute has been fully resolved.

Act 1 of 2022 (24 P.S. § 13-1331.1), which went into effect during the 2021-2022 school year, is an important protection that should be highlighted during the enrollment process. This law applies to students who are experiencing homelessness and those in foster care or involved in the juvenile justice system who have changed schools at least once during a single school year. This law provides alternative and expanded pathways to help these students graduate on time. In addition, school entities must ensure that eligible students have equal access to school opportunities and are not subjected to fines and fees in school. Upon enrollment, Act 1 eligible students in 9th through 12th grades may also request a credit assessment, credit waiver, and development of a graduation plan to facilitate their timely graduation. To learn more, see [ELC’s fact sheet on Act 1](#).

as a group home or residential placement has the right to attend school in the school district where the residential facility is located³ and the right to attend school where they are currently staying, even without proof of residency, or where they have a substantial connection.

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.⁴ 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.⁵

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.⁶

Beginning with the pandemic, nearly all districts began offering “online enrollment,” and many districts have continued to use this option. If this case, you will be asked to upload documents to a website. If you have difficulty navigating this process, you can always call your school district’s enrollment office, which can assist you with the online process.

Schools must provide language access support to individuals whose primary language or languages is not English, and who are learning to read, speak, write, or understand English. If you are a multilingual parent or caregiver (defined by law as “limited English proficient” or LEP), you have the right to receive interpretation and translation services provided by the school or to bring your own translator.⁷ See [our form](#) to request interpretation and translation services, which is also available in [Spanish](#), [Chinese](#), [Nepali](#), and [Arabic](#).

For more information about the language-access supports schools must provide to individuals whose primary language is not English during the enrollment process, please see ELC’s fact sheet on the [Rights of Multilingual Caregivers to Enroll Children in School](#).

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.

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.⁸

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.
- **Transcript from a foreign school.** A school-age student residing in the United States is entitled to attend school unless they have already graduated and earned what is equivalent to a U.S. diploma (*i.e.*, 12th grade education). If a student enters with a transcript from a foreign school, the school must evaluate the transcript to determine whether the prior credits should transfer to the U.S. school. The student and family can provide information about the prior school's curriculum and explain whether the prior coursework was comparable to coursework at the new school.
- **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's primary language is not English and they are learning to speak, read, understand, or write English (an "English learner"), 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.

RACISM IN SCHOOL ENROLLMENT

Data show that Black and Brown students are more likely to be targeted for school residency challenges, particularly in suburban white neighborhoods, due to racial discrimination and implicit racial bias exhibited by school administrators and community members.⁹ Racial bias, systemic racism, and racist stereotypes of whether a family “belongs” in a community have caused students to be deprived of their legal right to attend school. (See e.g., *Whitacker-Reid v. Pottsgrove Sch. Dist.*, 160 A.3d 905, Pa. Commw. Ct. 2017, a case in which multiple children remained out of school for nearly a year due to residency challenges, even though Commonwealth Court ultimately ruled in the family’s favor due to lack of sufficient evidence.) It is illegal for students to be deprived of their right to attend school for reasons based on race.¹⁰

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.¹¹

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.¹²

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.¹³

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,¹⁴ 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.¹⁵ Other documents, including a birth certificate, may not be required as a condition of enrollment.¹⁶ 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.”¹⁷ For more about the rights of transgender and gender diverse students, see ELC's fact sheet [The Rights of LGBTQ+ and Nonbinary Students](#).

DOES MY CHILD HAVE THE RIGHT TO BE FREE FROM DISCRIMINATION DURING THE ENROLLMENT PROCESS?

Yes. Students have the right to be free from racism and other forms of unlawful discrimination during the school enrollment process. No child can be denied access to a quality public education based on race, ethnicity, national origin, religion, immigration status, or English instruction needs.¹⁸

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.¹⁹ This restriction on districts imposing discipline for what happened in another district is an important protection, particularly when considering the disproportionate harm caused to Black and Brown students by discriminatory disciplinary practices, including expulsions and other forms of exclusionary school discipline. Both nationally and in Pennsylvania, Black and Brown students are more likely to experience exclusionary school discipline than their white peers, despite not exhibiting higher rates of misbehavior. As documented by the [Pennsylvania Advisory Committee to the U.S. Commission on Civil Rights](#), adult decision-maker bias contributes to this disproportionate discipline of Black and Brown students, as racial disparities persist even after controlling for other variables.²⁰

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.²¹

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.²² 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.²³

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.²⁴ 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 or call 215-238-6970 (Eastern and Central PA) or 412-258-2120 (Western PA) – or contact another attorney of your choice.

¹ *Basic Education Circular: Enrollment of Students*, Pa. Dep’t of Educ. (June 1, 2023, revised Feb. 9, 2024), <https://www.education.pa.gov/Policy-Funding/BECS/Purdons/Pages/EnrollmentStudents.aspx>; C.R. Div., U.S. Dep’t of Just. & Off. of C.R., U.S. Dep’t of Ed, *Fact Sheet: Information on the Rights of All Children to Enroll in School*, <https://www.justice.gov/sites/default/files/crt/legacy/2014/05/08/plylerfact.pdf>.

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

³ 24 P.S. § 13-1306, 22 Pa. Code § 11.18.

⁴ 22 Pa. Code § 11.11(b).

⁵ See 24 P.S. § 13-1317(2); 24 P.S. § 13-1318.1(g).

⁶ 22 Pa. Code § 11.11(b).

⁷ Executive Order 13166, *Improving Access for Persons with Limited-English Proficiency* (2000); U.S. Dep’t of Just. & Off. of C.R., U.S. Dep’t of Educ., *Ensuring English Learner Students Can Participate Meaningfully and Equally in Educational Programs 1*, <https://www2.ed.gov/about/offices/list/ocr/docs/dcl-factsheet-el-students-201501.pdf>; U.S. Dep’t of Just. & Off. of C.R., U.S. Dep’t of Educ., *Information for Limited English Proficient (LEP) Parents and Guardians and for Schools and School Districts that Communicate with Them*, <https://www2.ed.gov/about/offices/list/ocr/docs/dcl-factsheet-lep-parents-201501.pdf>.

⁸ *Id.*

⁹ Avi Wolfman-Arent, *Suburban schools’ residency enforcement mostly affects kids of color*, WHYY, May 1, 2018, <https://whyy.org/segments/suburban-schools-residency-enforcement-disproportionately-affects-kids-of-color/>.

¹⁰ See Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000c-6(a). The Pennsylvania Human Relations Act (PHRA) also prohibits discrimination based on a student’s race, color, sex, religion, ancestry, or national origin. See 43 Pa. Stat. Ann. §§ 951–963; see also Pennsylvania Fair Educational Opportunities Act, 24 Pa. Stat. Ann. §§ 5001–5010; 16 Pa. Code § 47.41 (delineating unlawful discriminatory practices).

¹¹ *Basic Education Circular: Enrollment of Students*, Pa. Dep’t of Educ. (June 1, 2023, revised Feb. 9, 2024), available at <https://www.education.pa.gov/Policy-Funding/BECS/Purdons/Pages/EnrollmentStudents.aspx>.

¹² *Basic Education Circular: Student Enrollment FAQ*, Pa. Dep’t of Educ. <https://www.education.pa.gov/Policy-Funding/BECS/Purdons/Pages/EnrollmentStudentsFAQ.aspx> (“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.”); see also *Basic Education Circular: Enrollment of Students*, Pa. Dep’t of Educ. (June 1, 2023, revised Feb. 9, 2024), <https://www.education.pa.gov/Policy-Funding/BECS/Purdons/Pages/EnrollmentStudents.aspx>.

¹³ 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>.

¹⁴ *Plyler v. Doe*, 457 U.S. 202 (1982). Schools may not inquire about a child’s immigration status.

¹⁵ See 22 Pa. Code § 11.11.

¹⁶ *Basic Education Circular: Student Enrollment FAQ*, Pa. Dep’t of Educ., <https://www.education.pa.gov/Policy-Funding/BECS/Purdons/Pages/EnrollmentStudentsFAQ.aspx>; *Basic Education Circular: Enrollment of Students*, Pa. Dep’t of Educ. (June 1, 2023, revised Feb. 9, 2024), <https://www.education.pa.gov/Policy-Funding/BECS/Purdons/Pages/EnrollmentStudents.aspx>.

¹⁷ *Basic Education Circular: Student Enrollment FAQ*, Pa. Dep’t of Educ., <https://www.education.pa.gov/Policy-Funding/BECS/Purdons/Pages/EnrollmentStudentsFAQ.aspx>.

¹⁸ 42 U.S.C. § 2000d; Equal Educational Opportunities Act, 20 U.S.C. § 1703.

¹⁹ *Hoke v. Elizabethtown Area School District*, 833 A.2d 304, 310 (Pa. Commw. Ct. 2003).

²⁰ Pa. Advisory Comm’n to the U.S. Comm’n on C.R., *The Civil Rights Impacts of Disparate Exclusionary and Punitive Discipline on Students of Color, Students with Disabilities and LGBTQ Students in Pennsylvania Public Schools 20-21* (2021), <https://www.usccr.gov/files/2021/04-09-Pennsylvania-Public-Schools.pdf>.

²¹ 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).

²² 24 P.S. § 13-1318.1.

²³ 24 P.S. § 13-1318.1(g).

²⁴ 22 Pa. Code § 11.12.