



COMMONWEALTH OF PENNSYLVANIA
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January 22, 2010

The Honorable Auditor General Jack Wagner
Commonwealth of Pennsylvania
329 Finance Building
Harrisburg, PA 17120-0018

Re: Student Enrollment Policies for School Districts

Dear Auditor General Wagner:

I am writing to follow-up to your department's special investigation of Schuylkill Haven Area SD in August 2008, specifically calling to our attention the issue of non-resident students attending schools of that district without paying tuition and the status of the Department's Basic Education Circular on this subject. We first responded to you September 11, 2008 to indicate that the Basic Education Circular that was posted regarding Student Enrollment was still considered to be in effect. And, we also advised you that we were in process of review and revision of all of our Basic Education Circulars to ensure they reflect current law.

I am pleased to confirm that the Department of Education issued an updated Basic Education Circular (BEC) on Student Enrollment, January 2009, which is enclosed. We used the opportunity of updating the Student Enrollment BEC to work closely with the Pennsylvania School Boards Association (PSBA) and the Education Law Center (ELC), an advocacy group which brings enrollment complaints filed by parents to our attention, given the complexity of the issues and the strong concerns held by schools and parents. You can also access the BEC at: http://www.education.state.pa.us/portal/server.pt/community/purdon%27s_statutes/7503/enrollment_of_students/507350

Understanding that student enrollment is an involved issue, we complemented the revised BEC by launching an extensive public education campaign to ensure that school districts were clear about the commonwealth's rules and regulations. Over the past year, we coordinated a multitude of activities to support school districts understanding of the new policies. Among the highlights:

1. Developed a detailed Questions and Answers fact sheet and posted it on our website at: http://www.education.state.pa.us/portal/server.pt/community/purdon%27s_statutes/7503/enrollment_q_a/610931
2. Requested that all school districts, by correspondence to superintendents and a system wide Penn Link, update their enrollment policies and procedures to conform to the new BEC.

3. Requested school districts post their updated policies and procedures on their websites.
4. Conducted numerous workshops with school board secretaries, child accounting personnel and other school district personnel who are responsible for the enrollment practices of their school districts.
5. Completed a review of school district websites and their enrollment practices, with a focus on those school districts about whom we had received complaints.
6. Provided all school districts information on best practices and problems to avoid in the enrollment process.

In your letter you raised the issue of students illegally attending schools that are not within their school district of residence. Your letter implied that districts were not paying due diligence to enrollment determinations. In our discussion with numerous school districts, we find that is not the case.

For example, with regard to determinations regarding Section 1302 of the School Code, which enables a non-resident student who is living with a resident of the school district who is supporting that student "gratis" to attend the schools of the resident, we have found many cases in which the school district requires more than that required by the School Code in order to admit a student under Section 1302. For purposes of clarification for your staff, we are reiterating the language in the BEC on this topic.

"Specifically, Section 1302 requires the resident to present *either* one of the following: 1) a court order that indicates the resident has custody of the student, *or*, 2) an affidavit that indicates the resident is supporting the student gratis. (In this case, of course, the resident must also prove residency.) **It is not necessary or appropriate to require an affidavit and a court order.**"

The Department will continue to diligently monitor student enrollment practices across the Commonwealth and respond to questions from school districts and parents. I trust that you will share these new materials and multiple resources with your staff. Additionally, we would be more than happy to conduct training sessions for field auditors or other members of your staff, on student enrollment, and recent changes in law and policy, including our new Basic Education Circular on Student Enrollment. .

Thank you for contacting the Department of Education regarding this issue. Please contact me if you would like further information or to schedule training.

Sincerely,



Gerald L. Zahorchak, D.Ed.

cc: School District Superintendents