FAQ on Student Enrollment
Published online in TASB School Law eSource

1. **Who can enroll in the district?**

   Texas Education Code section 25.001 outlines the basis for enrollment for public school students. A student who is at least five years old and under 21 years old on September 1st is entitled to be enrolled if in the district if the student:

   - resides in the district with either parent;
   - does not reside in the district but has a parent who does and that parent is a joint managing conservator, sole managing conservator, or possessory conservator of the student;
   - resides within the district with the student’s guardian or other person having lawful control of the student under a court order;
   - has established a separate residence as a minor living separate and apart from his or her legal guardian, if the admission is not for extracurricular purposes and the student has not committed certain disciplinary infractions described below;
   - is homeless, regardless of the residence of the student, of either parent, or of the student’s guardian or other person having lawful control of the student;
   - is a foreign exchange student placed by a nationally recognized program with a family that resides in the district, unless the district is under a waiver under Texas Education Code section 25.001(e);
   - resides in a residential facility that is in the district;
   - resides in the district and is either 18 years old or older or has the disabilities of minority removed;
   - does not reside in the district but has a grandparent who resides in the district and provides a substantial amount of after-school care for the student, as determined by the board;
   - resides, or either parent resides, in a residence homestead, as defined by the Texas Tax Code, that is located on a parcel of property, any part of which is located in the district;
• has a parent or guardian who is an active-duty member of the armed forces of the United States, including the state military forces or a reserve component of the armed forces, if the district is provided with a copy of a military order requiring the parent’s or guardian’s transfer to a military installation in or adjacent to the district’s attendance zone. A student establishing residency this way must provide proof of residency to the district not later than the 10th day after the arrival date specified in the order;

• is placed in foster care by an agency of the state or by a political subdivision; or

• is placed under the conservatorship of the Department of Family and Protective Services (“DFPS”).

Tex. Educ. Code § 25.001(a)-(g-1).

2. What documents are required for enrollment?

The Texas Education Code requires that documents establishing a child’s identity be provided within 30 days of enrollment. According to the Texas Education Agency (TEA), any of the following documents are acceptable for establishing identification for enrollment:

• a birth certificate
• a birth statement issued by the Texas Department of State Health Services
• a driver’s license
• passport
• school ID card
• military ID
• hospital birth record
• adoption record
• church baptismal record
• or any other legal document that establishes identity

For additional information about identifying documentation, see TEA’s Student Attendance Accounting Handbook.

The person enrolling a new student must also provide the records from the school the student most recently attended, if applicable.
The Texas Code of Criminal Procedure has more specific documentation requirements for enrollment of a child under age eleven. The person enrolling a student of this age must provide a certified copy of the child’s birth certificate, or other reliable proof of the child’s identity and age and a signed statement explaining the person’s inability to produce a copy of the birth certificate. This documentation must be provided not later than the 30th day after enrollment or within 90 days if the child was not born in the United States. If the person enrolling a child under age eleven fails to provide this information as required, the school must notify appropriate law enforcement before the 31st day after the person fails to comply. Tex. Code Crim. Proc. art. 63.019.

3. **What if a parent or legal guardian can’t provide proof of the child’s identity?**

   While the law is very specific about required proof of identity for enrollment purposes, a district should not deny a child enrollment solely for failure to provide documentation proving identity or previous school records. 19 Tex. Admin. Code § 129.1(a)-(b). However, if a parent or legal guardian does not provide this required information within 30 days after enrollment the district must notify local law enforcement and request a determination as to whether the child has been reported as missing. Tex. Educ. Code § 25.002(c).

4. **Are immunization records required to enroll a student?**

   Yes, a district can deny admission to a student who is not fully immunized and has not begun the required immunizations unless the student meets certain exceptions in law. See Tex. Educ. Code § 38.001(c) (providing exceptions to immunization law based on documentation of medical risk, affidavit declaring reasons of conscience, or member of armed forces). A district must provisionally enroll a student who has begun the required immunization series. A homeless student or a student who is in foster care shall be admitted temporarily for 30 days if acceptable evidence of vaccination is not available, and the district must promptly refer the student to an appropriate health care provider. 25 Tex. Admin. Code § 97.66(b). Districts may also enroll students coming from any other school in Texas and students who are military dependents for 30 days pending transfer of immunization records. 25 Tex. Admin. Code § 97.69.

   For more information regarding immunization requirements, see TASB Legal Services’ [Immunization Requirements and Exceptions](https://www.tasb.org/services/Resources/ImmunizationRequirementsAndExceptions).

5. **Are parents required to provide the district with their contact information upon enrollment?**

   Yes, parents are required to provide in writing their address, phone number, and email address upon enrollment of a student and within the first two weeks of each school year. If the parent’s contact information changes during the school year, the parent must update their contact information within two weeks of the change. Tex. Educ. Code § 26.0125.
6. Can the district ask for proof of residency?

Yes. According to Texas Education Code section 25.001(c), the school board or its designee may require evidence that a person is eligible to attend school within the district at the time of application for admission. The statute also authorizes the board or its designee to establish the minimum proof of residency acceptable to the district and allows reasonable inquiries to verify a student’s eligibility for admission. Tex. Educ. Code § 25.001(c).

TEA’s Student Attendance Accounting Handbook provides examples of methods districts may use to verify residence, including requesting utility bill receipts or lease information, checking tax records, or verifying with responsible district personnel that the applicable residence is within the boundaries of a district. Many districts provide a list of acceptable documentation in their enrollment information. For example, most districts accept at least one of the following items as proof of residency: a recently paid rent receipt; a current lease agreement; the most recent tax receipt indicating home ownership; or a current utility bill indicating the address and the adult’s name. Local provisions also include methods to verify residence information and may reference visually inspecting the residence to ensure that the student lives there. See policies and regulations at TASB Policy FD. Longstanding case law authorizes a district to withdraw any student who ceases to be a resident. Daniels v. Morris, 746 F.2d 271 (5th Cir. 1984).

While districts can ask for proof of residency, TEA cautions districts against denying admission based solely on a lack of proof of residency. According to TEA:

The ability to adopt guidelines should not be misinterpreted as the ability to redefine the legal concept of residency established by our state law. The traditional, basic residence criteria are living in the district and having the present intention to remain there. See, Martinez v. Bynum, 461 U.S. 321, 330-333 (1983), Arredondo v. Brockett, 648 F.2d 425 (5th Cir. 1981). The board of trustees’ authority is to provide guidelines that will enable a student to substantiate his or her residency and enable the board to determine if the student is a resident of the district. Residency is not defined by an address on a driver’s license, a signature on a lease, or the address on a utility bill. These are indicators that may expedite verifying residency, but the absence of such indicators is not conclusive that the student is not a resident. Furthermore, the fact that a student is living in a household that is leased or owned by someone outside the student’s immediate family may be an indicator that the student is homeless and entitled to admission under § 25.001(b)(5). Tex. Educ. Agency, To the Administrator Addressed Letter Re: Attendance, Admission, Enrollment Records, and Tuition - August 2017 (Aug. 18, 2017).
7. **What should the district do if a non-parent tries to enroll a child?**

The district must record the name, address, and date of birth of the person enrolling the child. Tex. Educ. Code § 25.002(f). If the child’s parents can be located, the district should first attempt to have them enroll the student who is living alone or with another adult. However, if the parents refuse to enroll the student, the board, by policy, may allow a person showing evidence of legal responsibility for a child other than an order of a court to substitute for a guardian or other person having lawful control of the child under a court order. Tex. Educ. Code § 25.001(j). In other words, a court order establishing legal control of a child is not necessarily required for a non-parent. As explained below, the absence of a person with legal control of a child under a court order is not grounds for refusing admission to entitled child who is otherwise entitled to enroll.

If a student is not enrolled by a parent or legal guardian, campus staff will likely have questions about whom to contact to address discipline issues, obtain permission for school trips, and other practical concerns. Ideally, the non-parent enrolling the student will present a power of attorney executed by the student’s parents authorizing the district to communicate with the person about school related matters. A *power of attorney* is a document, notarized by a notary public, by which a parent can designate another person to exercise his or her parental rights. This document does not limit a parent’s rights, and it may be revoked by the parent at any time. TASB provides a sample power of attorney form in the TASB Regulations Resource Manual at FD(EXHIBIT), Exhibit F.

In some cases, the parent of a child may have entered into a Chapter 34 Authorization Agreement for Voluntary Adult Caregiver with a nonparent relative to allow them to enroll the child in school, consent to medical treatment, and participate in extracurricular activities, among other things. The document is available on the Department of Family and Protective Services website.

TASB’s Regulations Resource Manual also includes a sample letter requesting an authorization or a power of attorney at FD(EXHIBIT), Exhibit E.

8. **Where should the child of divorced parents enroll?**

When parents are divorced, the child may have the option to enroll in multiple districts. This is because state law requires districts to enroll a student if the student and *either* parent resides in the district. Furthermore, a student is entitled to admission even if the student does not reside in the district, but a parent who is a joint managing conservator, sole managing conservator, or possessory conservator of the student resides in the district. Tex. Educ. Code § 25.001(b)(2).
Keep in mind that the right to admission might be altered by provisions in the divorce decree, which may specifically state which parent has the right to enroll the child or make educational decisions. District administrators should insist that the parent provide the district with copies of all relevant orders issued by the court related to custody of the child. These orders can provide information regarding eligibility for enrollment and definitively answer questions regarding a student’s education that may arise in the future. See TASB Legal Services’ Family Law Basics for School Personnel for more information.

9. **What should we do when a minor who lives separate and apart from their parent enrolls?**

   Texas Education Code section 25.001 requires school districts to admit a student who has established a residence separate and apart from his or her parents or legal guardian. Tex. Educ. Code § 25.001(b)(4), (d). This law is intended to ensure that even minor students on an untraditional path to adulthood have the option to complete their K-12 education with a high school diploma. However, there are exceptions.

   When a minor is residing in the district with another family or alone, the district must admit the minor into the district unless the person’s presence in the district is primarily for the purpose of extracurricular activities. However, a minor living separate and apart is not entitled to admission if, within the preceding year, he or she was removed to a Disciplinary Alternative Education Program (DAEP), expelled, or is on probation or conditional release for engaging in delinquent conduct or conduct indicating a need for supervision or commission of any other criminal offense. Tex. Educ. Code § 25.001(d). Remember, these exceptions cannot be used to prevent a student eligible for admission under a different provision of Texas Education Code section 25.001 from being served.

   TASB Policy Service provides form documents in the TASB Regulations Resource Manual to assist districts enrolling minors living separate and apart from their parents. TASB Regulations Resource Manual at FD(EXHIBIT) contains an Affidavit of Student Admission Information (For Student Living Separate and Apart from Parent or Guardian) requiring the person enrolling the minor to attest to the child’s age, current residence, names and addresses of the child’s legal guardians, and information allowing the district to determine whether the disciplinary history disqualifies the minor from admission. In addition, by signing this form the adult certifies that the minor’s presence in the school district is not for the primary purpose of participation in extracurricular activities. This document is to be signed by the enrolling adult in the presence of a notary public.

10. **Can the district enroll a student whose grandparent lives in the district and provides after-school care?**

    State law provides for the admission of a student who does not reside in the district if the student’s grandparent lives in the district and provides a substantial amount of after-school care, as determined by the board. Tex. Educ. Code § 25.001(b)(9). The
amount of care required for admission purposes varies from district to district and should be defined in writing. TASB Policy Service offers a sample resolution districts can use when determining what constitutes substantial care by a grandparent in the TASB Regulations Resource Manual at FD(EXHIBIT).

A district may phase out eligibility based on grandparent care as a student enters high school, provided that the student does not have any disabilities or special needs that would require after-school adult supervision. Note that a student who does not reside in Texas is not entitled to enroll in a Texas public school on the basis of another person’s residency, including the residency of the student’s parents or grandparents. Tex. Educ. Agency, To the Administrator Addressed Letter Re: Attendance, Admission, Enrollment Records, and Tuition - August 2017 (Aug. 18, 2017).

11. Where should homeless students be enrolled?

Regardless of the location of a student’s permanent residence, or the residence of a student’s parents, guardian, or other person having lawful control of the student, a student residing in the district even on a temporary basis is entitled to admission in the district as a homeless student. Tex. Educ. Code § 25.001(b)(5). Under the federal McKinney-Vento Act, the term *homeless children or youth* means individuals who lack a fixed, regular, and adequate nighttime residence and includes children or youth who:

- are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason;
- are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations;
- are living in emergency or transitional shelters;
- are abandoned in hospitals;
- have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;
- are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; or
- are *migratory children*, as defined in Section 1309 of the Elementary and Secondary Education Act of 1965, who qualify as homeless because the children are living in circumstances described above. 42 U.S.C. § 11434a(2).

Each district must designate a liaison for students who are homeless. 42 U.S.C. § 11432(g)(1)(J)(ii), (g)(6)(A). The contact information for each district’s liaison is located at TASB Policy FFC(EXHIBIT).
A student who is homeless is entitled to admission in any Texas school district. Under federal law, there is a strong presumption that the student be placed in the school of origin, meaning the school in which the student was last enrolled or last attended when permanently housed. Assignment to any other campus in the district should be determined by local district policy in accordance with the student’s best interests, as required by federal law.

A child whose family has temporarily relocated to the district because of a natural disaster will generally meet the definition of homeless under the federal McKinney-Vento Act. A homeless student may enroll in the school district in which the student is physically present without having to document residency in the district. For example, students staying in shelters or with friends or relatives as a result of a hurricane should be presumed to qualify for enrollment as students who are homeless.

In a hurricane or other natural disaster, many students may become temporarily homeless and unable to access medical records. If homeless students lack required immunizations, the district’s homeless liaison should assist in obtaining immunizations or medical records, if possible.

In accordance with the requirements of the McKinney-Vento Act, students who are homeless are entitled to immediate enrollment even if they do not have required documents such as school records or records of immunization. See 25 Tex. Admin. Code § 97.66(b) (providing 30-day provisional enrollment).

Students who are homeless are also eligible under state law for enrollment in pre-kindergarten programs. Tex. Educ. Code § 29.153(b)(3). There is no specific time limit on homelessness. Whether a student meets the definition of homelessness is a case-specific inquiry depending upon the individual’s living situation and circumstances. For more information on the educational rights of students who are homeless, see TEA’s Education for Homeless Children and Youth (TEHCY) Program website.

12. Where should students in foster care or DFPS conservatorship be enrolled?

The Texas Education Code provides that a child in foster care shall be permitted to attend schools in the district in which the foster parents reside free of charge and may fully participate in any district-sponsored activity regardless of the amount of time the child has lived in the district. Tex. Educ. Code § 25.001(f).

Texas law also allows children who are at least three years old to enroll in free prekindergarten if they currently live in Texas and are under DFPS conservatorship or ever have been in foster care in another state. Tex. Educ. Code § 29.153(b)(6).
Federal law requires the district to presume that it is in the best interest of the student to remain in the student’s school of origin, which here means the school in which the student was enrolled at the time the student was placed in foster care. 20 U.S.C. § 6311(g)(1)(E). Regardless of whether the student remains in foster care or DFPS conservatorship, the student is entitled to continue to attend the school of origin or the school in which the student enrolled after placement for the duration of the student’s enrollment in the school. Tex. Educ. Code § 25.001(g)-(g-1).

As part of TEA’s obligation to help students in foster care and DFPS conservatorship, TEA must provide for the transfer of educational records within 10 business days when a child changes campuses. TEA is also charged with assisting the transition of substitute care students from one school to another by establishing practices and procedures to lessen the impact of transferring between schools. To accomplish this, TEA requires a district to award credit proportionately to a student who is homeless or in foster care who successfully completes one semester of a two-semester course. Districts are also required to develop procedures to ensure that a student is placed in comparable courses or education programs at the new school, if available. Tex. Educ. Code § 25.007(b); 19 Tex. Admin. Code § 74.26(e).

13. **Where should foreign students be enrolled?**

As a general rule, districts must provide a free education to all students residing in the district, regardless of their immigration status. *Plyler v. Doe*, 457 U.S. 202 (1982). Stated another way, a district may not exclude a student based solely on the student’s undocumented status. Tex. Educ. Code § 25.001(b). In a letter issued by the U.S. Department of Justice and the U.S. Department of Education, public schools are advised to refrain from inquiring into students’ citizenship or immigration status or that of their parents or guardians. U.S. Dep’t of Educ., Office for Civil Rights, Dear Colleague Letter: School Enrollment Procedures (May 8, 2014). All students, including foreign nationals, must meet state eligibility requirements and a district may require a foreign student to demonstrate age and residency on the same basis as other students.

A district may exclude a foreign student who has already obtained a high school diploma. On the other hand, a student who has received a high school equivalency certificate is entitled to enroll on the same basis as a student who has not graduated from high school. Tex. Educ. Code § 29.087(h). Unfortunately, it is not always clear whether a degree obtained by a foreign student in his or her home country equates to a high school diploma. This is a matter of local interpretation. Districts should apply their local interpretations consistently to avoid claims of unfairness or discrimination.
Another frequent question is whether the district must or should report a student who maintains undocumented or illegal status. No law exists that requires a district to report undocumented students to the U.S. Bureau of Citizenship and Immigration Services (formerly the Immigration and Naturalization Service) or to any other federal authority. A district should, however, notify local law enforcement if any student, including a foreign national, fails to provide the paperwork required by Texas law within 30 days of enrollment and request a determination of whether the child has been reported missing. Tex. Educ. Code § 25.002(c).

14. **Where should foreign exchange students be enrolled?**

The Texas Education Code requires a district to admit an exchange student living with a family that resides in the school district by a nationally recognized foreign exchange program, unless the school district has applied for and been granted a waiver by the commissioner. Tex. Educ. Code § 25.001(b)(6). A district may only limit the number of exchange students if the commissioner determines that the admission of an exchange student creates a financial or staffing hardship for the district, diminishes the district’s ability to provide high quality educational services for its domestic students, or requires domestic students to compete with foreign exchange students for educational resources. Tex. Educ. Code § 25.001(e). To obtain a waiver, a district must complete the Application for Expedited and General State Waivers which can be found on the TEA website. More information regarding admission of foreign exchange students is available on the TEA’s Foreign Exchange Student Frequently Asked Questions webpage.