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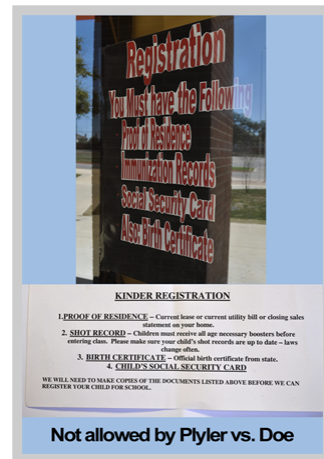
Immigrant Students' Rights to Attend Public Schools

Alert for Registering Students for School

As schools are registering students for the next school year, this alert is a reminder that public schools, by law, must serve all children. The education of undocumented students is guaranteed by the *Plyler vs. Doe* decision, and certain procedures must be followed when registering immigrant children in school to avoid violation of their civil rights.

As a result of the U.S. Supreme Court ruling in *Plyler vs. Doe*, public schools may not:

- deny admission to a student during initial enrollment or at any other time on the basis of undocumented status;
- treat a student differently to determine residency;
- engage in any practices to “chill” the right of access to school;
- require students or parents to disclose or document their immigration status;
- make inquiries of students or parents intended to expose their undocumented status; or
- require Social Security numbers from all students, as this may expose undocumented status.



Yet a number of schools are posting notices like these pictured here and on school websites that indicate Social Security cards and birth certificates are required before a family can register their child for school. Such practices are in direct violation of *Plyler vs. Doe*.

Rather, it should be clear from the beginning that students without a Social Security number should be assigned a number generated by the school.

For example, some school districts are including language in their enrollment notices, like:

- The XYZ Independent School District does not prevent students from enrolling if a Social Security card is not presented. The Social Security Number is used for identification purposes when reporting student information to the Texas Education Agency. The campus will assign a computer generated number when a card is not presented.
- Providing a Social Security card or number is optional. The XYZ Independent School District will not refuse enrollment of any student opting not to provide a Social Security card/number. In lieu, a state identification number will be provided for educational purposes only.
- If the student does not have a Social Security number, XYZ ISD will assign a Public Education Information Management System (PEIMS) number. No student may be denied enrollment solely because of failure to meet the documentation requirements. Enrollment is provisional, however, pending receipt of the required documentation and verification of eligibility.

Not only should undocumented students not be discouraged from attending, they are required to attend school under the state's compulsory education laws. And parents should be assured that

the Family Educational Rights and Privacy Act restricts schools from sharing information with the U.S. Immigration and Customs Enforcement agency.

At IDRA, we are working to assure educational opportunity for every child. Help us make this goal a reality for every child; we simply cannot afford the alternatives. Denying or discouraging children of undocumented workers access to an education is unconstitutional and against the law.

Share this Alert on [Facebook](#) and [Twitter](#).

Resources

See our [School Opening Alert](#) (in English and Spanish).

See a [letter](#) from the U.S. Department of Justice and the U.S. Department of Education (May 2011) and the Department of Homeland Security Memorandum (June 2012) advising school officials that activities that deny or discourage students to attend school are unlawful

The Texas Education Agency issued official guidance in a [2010 letter](#)

Listen to IDRA's Classnotes [Podcast episode](#) on "Immigrant Children's Rights to Attend Public Schools."

For help in ensuring that your programs comply with federal law, contact the Department of Justice, Civil Rights Division, Educational Opportunities Section at 877-292-3804 or education@usdoj.gov, or the Department of Education Office for Civil Rights at 800-421-3481 or ocr@ed.gov. You also can contact the OCR enforcement office that serves your area.

For more information or to report incidents of school exclusion or delay, call:

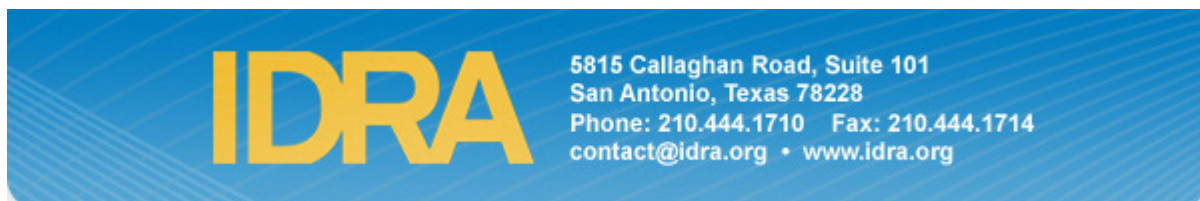
- META (Nationwide) 617- 628-2226
- MALDEF (Los Angeles) 213-629-2512
- MALDEF (San Antonio) 210-224-5476
- NY Immigration Hotline (Nationwide) 212-419-3737
- MALDEF (Chicago) 312-427-0701
- MALDEF (Washington, D.C.) 202-293-2828

Share these Resources on [Facebook](#) and [Twitter](#).

The **Intercultural Development Research Association** is an independent private non-profit organization dedicated to realizing the right of every child to a quality education. IDRA strengthens and transforms public education by providing dynamic training; useful research, evaluation, and frameworks for action; timely policy analyses; and innovative materials and programs.

IDRA works hand-in-hand with hundreds of thousands of educators and families each year in communities and classrooms around the country. All our work rests on an unwavering commitment to creating self-renewing schools that value and promote the success of students of all backgrounds.

We are a small organization with a powerful mission: to create schools that work for *all* children.



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