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Immigrant Students' Rights to Attend Public Schools

Alert for Registering Students for School and Resources



March 20, 2017 - 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. **Recent executive orders issued by the Administration do not alter the right of undocumented students to receive a free public education.**

See IDRA's eBook on [Immigrant Students' Rights to Attend Public Schools](#) (in English-Spanish) and share it with others.



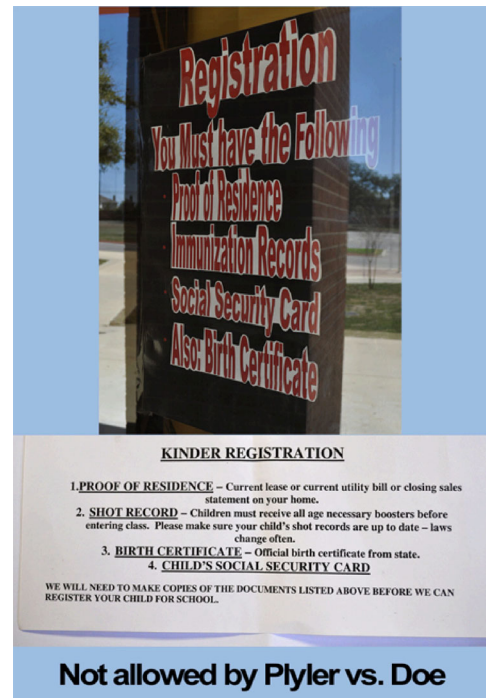
As a result of the *Plyler* ruling, public schools may not:

- make inquiries of students or parents intended to expose their undocumented status;
- 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, such as requiring driver's licenses of parents to register their child;
- require students or parents to disclose or document their immigration 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 right) 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*. Schools should not use Social Security numbers for identification or registration purposes.

For those schools that do, it should be clear from the beginning that students who do not present a Social Security number will 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 (ICE).

At IDRA, we are working to strengthen schools to work for all children, families and communities. Help us make this goal a reality for every child; we simply cannot afford the alternatives. Denying children of undocumented workers access to an education is unconstitutional and against the law.

Resources

Get our printable [School Opening Alert](#) (in English-Spanish) for details and share it with others.

See the [letter from the U.S. Department of Justice and the U.S. Department of Education](#) (May 2014) advising school officials that activities that deny or discourage students to attend school are unlawful. The letter is also available in other languages. These and other [resources for K-12 schools](#) are available online.

See [Educational Services for Immigrant Children and Those Recently Arrived to the United States](#), U.S.

Department of Education guidance, resources and frequently asked questions.

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

See IDRA's [webpage on serving immigrant students](#) for education resources for elementary and secondary school-age students and their families.

See state-level information on student enrollment in the states served by the IDRA EAC-South ...

- Alabama: [2015 Alabama Attendance Manual - Alabama State Department Education](#)
- Arkansas: [Enrollment](#)
- Florida: [Attendance and Enrollment](#)
- Georgia: [Student Enrollment and Withdrawal](#)
- Louisiana: [Title 28: CXV, Bulletin 741: Louisiana Handbook for School Administrators \(doc\)](#)
- Mississippi: [Mississippi Kindergarten Guidelines](#)
- North Carolina: [School Attendance and Student Accounting Manual 2016 - 2017](#)
- South Carolina: [SC Administrators' Guide: Students](#)
- Tennessee: [Frequently Asked Questions](#)
- Texas: [Attendance, Admission, Enrollment Records, and Tuition August 19, 2016](#)
- Virginia: [Student Enrollment Requirements - School Year 2016-2017](#)
- Washington, D.C.: [How to Enroll and Immigration Guidance](#)





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We are committed to the IDRA valuing philosophy, respecting the knowledge and skills of the individuals we work with and build on the strengths of the students and parents in their schools.