



Know Your Rights: Immigration & Schools

All students have a right to enroll in public school, **regardless of their immigration status.**

- Under the U.S. Constitution, public schools must teach all students free of charge, regardless of whether they are undocumented.
- States cannot withhold state funding for K-12 education of undocumented students and school districts cannot deny enrollment based on immigration status.
- Sometimes called a “Plyler right,” this was set forward as a constitutional right by the U.S. Supreme Court in its decision in *Plyler v. Doe* (1982).

Students have the right to attend school without having to present a green card, visa, social security number, or any other proof of citizenship.

- Schools should not inquire about students’ or their parents’ immigration status.
- Schools cannot deny enrollment to students because they provide a birth certificate from another country.

Under federal law, schools cannot turn over personally identifiable student records to police, federal agents, or immigration officials without the written consent of a parent or guardian, unless the information is requested through a subpoena or court order.

- Schools can disclose students’ “directory information” without the family’s consent unless the school district is notified they have “opted out.”
 - Make sure that your school district does not collect immigration status in any educational records.
 - Make sure that your school district does not include place of birth in directory information. If it does, advocate to end the practice of collecting place of birth information and decline to provide it for your children.
 - Make sure that parents know that **they can opt out** of the directory information.

Federal law protects students from discrimination based on race, religion, or national origin. This means that you cannot be discriminated against because of your birthplace, ancestry, culture or language.

- All students have the right to be **free from bullying and harassment** based on their race, religion, or national origin, and have the right to learn in an environment free from hateful symbols and derogatory comments.
- School officials have a legal duty to address hateful rhetoric and behavior.
- Schools may not retaliate against anyone – staff or students – who make complaints about racial, religious, or national origin harassment.

In 2011, the Department of Homeland Security (DHS) issued [guidance](#) to its officers that listed schools as “sensitive locations” where Immigration and Customs Enforcement (ICE) arrests, interviews, or searches should not take place absent unusual circumstances.

- This guidance has not been withdrawn by the Trump Administration.

Work to pass a [Safe Zones resolution](#) in your school district to ensure that your school district has a policy in place if ICE shows up at school.