

Children Have the Right to Go to School

All children, regardless of immigration status, have the right to attend public school.



“It is doubtful that any child may reasonably be expected to succeed in life if he [or she] is denied the opportunity of an education.”

- Chief Justice Earl Warren, *Brown v. Board of Education* (1954)

“Public education has a pivotal role in maintaining the fabric of our society.”

- Justice Brennan, *Plyler v. Doe* (1982)

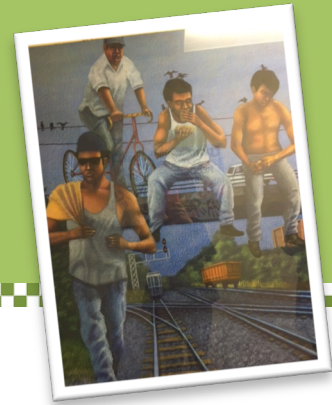
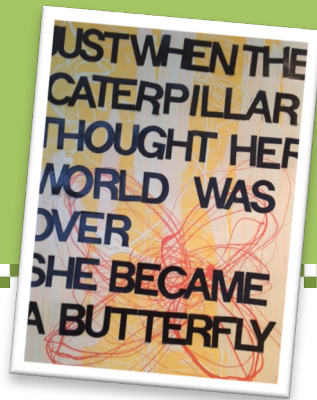
Access to School

- **Schools may not discriminate based on national origin, immigration status, or English Language Proficiency when enrolling students.**
 - Schools cannot deny education to children because of a child’s or his/her parents’ citizenship or immigration status.
 - Schools may not bar a student from enrolling because the student lacks a birth certificate or has records that indicate a foreign place of birth, such as a foreign birth certificate.
 - Families may submit utility bills or leases to show residency in a school district.
- **School districts must take action to eliminate language barriers to English Language Learner (ELL) students’ education.**
 - Schools must provide English Learning services like ESL to ELL students where appropriate.
 - Schools cannot segregate ELL students more than necessary – and only until they realize proficiency in English.



All children are entitled to a public education, regardless of immigration status

To report a suspected violation, see accompanying fact sheet on filing a complaint with the Department of Education, Office of Civil Rights or <http://www2.ed.gov/about/offices/list/ocr/docs/howto.html>.



Legal Obligations

- Federal law entitles all children to public education.
- The Equal Protection Clause of the Fourteenth Amendment requires states to provide access to public education to every child (*Brown v. Board of Education*).
- A state cannot deny basic public education to children based on their immigration status (*Plyler v. Doe*).
- No entity receiving federal financial assistance – including public schools – may discriminate on the basis of race, color, or national origin (Title VI of the Civil Rights Act of 1964).
 - Title VI also prohibits practices that have a disparate *effect* on individuals of a certain race, color, or national origin, even if the actions or practices are not *intentionally* discriminatory.
 - Federal regulations explicitly prohibit certain types of discrimination, specifically:
 - Denying an individual any service or benefit provided under the program;
 - Providing any service or benefit to an individual which is different, or is provided in a different manner, from that provided to others under the program;
 - Subjecting an individual to segregation or separate treatment in any matter related to his receipt of any service or benefit under the program; or
 - Restricting an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service or benefit under the program.
 - Recipients of federal financial assistance are expected to take affirmative steps to counter past discrimination on the basis of race, color, and national origin and to counteract the effects of conditions that limited participation by persons of a particular race, color, or national origin.

