

SCHOOL OPENING ALERT

In 1982, the U.S. Supreme Court ruled in *Plyler v. Doe* [457 U.S. 202 (1982)] that undocumented children and young adults have the same right as U.S. citizens and permanent residents to attend public primary and secondary schools. Like other children, undocumented students are required under state laws to attend school until they reach a legally mandated age. As a result of the *Plyler* ruling, 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 verify residency;
- ◆ engage in any practices that “chill” or hinder the right of access to school;
- ◆ require students or parents to disclose or document their immigration status;
- ◆ make inquiries of students or parents that may expose their undocumented status;
- ◆ require social security numbers as a requirement for admission to school, as this may expose undocumented status.

Students without social security numbers should be assigned a number generated by the school. Adults without social security numbers who are applying for a free lunch and/or breakfast program for a student need only state on the application that they do not have a social security number.

Recent changes in the F-1 (Student) Visa Program **do not** change the *Plyler* rights of undocumented children. These changes apply only to students who apply for a student visa from outside the U.S. and are currently in the U.S. on an F-1 visa.

Also, the Family Educational Rights and Privacy Act (FERPA) prohibits schools from providing any outside agency—**including the Immigration and Naturalization Service (INS)**—with any information from a child’s school file that would expose the student’s undocumented status without first getting permission from the student’s parents. The only exception is if an agency gets a court order—known as a subpoena—that parents can then challenge. Schools should note that even requesting such permission from parents could act to “chill” a student’s *Plyler* rights.

Finally, school personnel—especially building principals and those involved with student intake activities—should be aware that they are under no legal obligation to enforce U.S. immigration laws.

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

NCAS	Nationwide	1-866-603-8507	English / French / German / Spanish
META	Nationwide	1-617-628-2226	English / Spanish
META	West Coast	1-415-546-6382	English
NY Immigration Hotline	Nationwide	1-212-419-3737	English / Chinese / French / Haitian Creole / Hindi / Japanese / Korean / Polish / Russian / Spanish / Urdu
MALDEF - Los Angeles	Southwest / Southeast	1-213-629-2512	English / Spanish
MALDEF - Chicago	Illinois	1-312-782-1422	English / Spanish
MALDEF - San Antonio	Southwest	1-210-224-5476	English / Spanish
MALDEF – Washington DC	Nationwide	1-202-293-2828	English / Spanish

Please copy and distribute this flyer.

This flyer is available in English, [Haitian Creole](#), [Hmong](#), [Portuguese](#), [Spanish](#), and [Vietnamese](#) at 1-866-603-8507 or <http://www.ncasboston.org/alert.htm>.