

# The Civil Rights Project



*Proyecto Derechos Civiles*

May 9, 2011

## Federal Policy Guidance Issued on the Rights of Undocumented School Children

The Department of Justice and the Department of Education just last week issued guidance to school officials across the U.S. outlining their responsibilities, under the guarantee against discrimination in the 1964 Civil Rights Act and the Supreme Court's 1982 decision, *Plyler v. Doe*, to admit and give public education to all resident children in the U.S. **regardless of their immigration status.**

**The guidance specifically prohibits districts from using any proof of residence beyond that required of all other children.** It forbids policies that mandate Social Security numbers for children or that requires proof of their own or their parents' immigration status. In districts where birth certificates are required, certificates from other countries must be accepted and homeless children must be immediately enrolled without traditional proof of residence, since they do not have one. Districts are responsible for keeping confidential student information private.

The specific guidance can be found on websites of both departments:

<http://www.justice.gov/crt/about/edu/documents/plyler.php>

OR

<http://www2.ed.gov/about/offices/list/ocr/whatsnew.html>

Co-directors of the Civil Rights Project/ Proyecto Derechos Civiles, Gary Orfield and Patricia Gándara, praised the departments for clarifying the requirements of federal law and urge civil rights and education organizations to distribute these documents.