

# Immigrant Students and Families Have Important Rights in School



1

All students have the right to attend school where they live – whether or not they are U.S. citizens.<sup>1</sup> School staff cannot ask about the immigration status of a student or family member, nor can schools require a Social Security number as part of the [enrollment process](#).



2

Schools cannot discriminate against students or their families based on their country of origin or the language they speak. This is illegal under federal and Pennsylvania law.<sup>2</sup> Schools must [support immigrant students](#) to participate in all school activities, and schools are required to stop [bullying and harassment](#) by students or staff.



3

While ICE is [no longer prevented](#) from entering schools, they must provide a judicial order. Schools are not required to and cannot be forced to share information with ICE, and schools may have [additional procedures to protect students](#). Student records are confidential and cannot be disclosed without a court order or consent of a parent.<sup>3</sup>



4

Schools can support immigrant families by adopting [a board resolution or policy](#) stating that the school will protect students against ICE and will not share family information with ICE. Examples include [Haverford School District](#), [Reading School District](#), and [Allentown School District](#). National examples can be found [here](#).



5

If a parent is detained, another caregiver living with the child can [enroll that child in school](#)<sup>4</sup> and serve as the child's educational decision maker – the adult who has legal authority to make decisions about a child's education.

<sup>1</sup> Plyler v. Doe, 457 U.S. 202 (1982); 22 Pa. Code § 11.11(d).

<sup>2</sup> Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (forbids schools that receive federal financial assistance from discriminating against students based on race, color, or national origin); Pa. Human Relations Act (PHRA), 43 P.S. §§ 951–963 (prohibits discrimination because of a current student's race, color, sex, religion, ancestry, national origin).

<sup>3</sup> See e.g., Family Educational Rights and Privacy Act (“FERPA”) 20 U.S.C. § 1232g; 34 CFR Part 99.

<sup>4</sup> 24 P.S. § 13-1302(a)(2).

The Education Law Center-PA (ELC) is a nonprofit, legal advocacy organization with offices in Philadelphia and Pittsburgh, dedicated to ensuring that all children in Pennsylvania have access to a quality public education. For a comprehensive set of resources on student rights, see ELC's annual Back to School Guide.

ELC's publications provide a general statement of the law. However, each situation is different. If questions remain about how the law applies to a particular situation, contact ELC's Helpline for information and advice — visit <https://www.elc-pa.org/contact> or call 267-436-6095 (Eastern and Central PA) or 412-258-2120 (Western PA) — or contact another attorney of your choice.