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Secretary Duncan and Attorney General Holder Issue Guidance for School Districts to Ensure Equal Access for All Children to Public Schools, Regardless of Immigration Status

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Secretary Arne Duncan and Attorney General Eric Holder today announced updated guidance to assist public elementary and secondary schools to ensure enrollment processes are consistent with the law and fulfill their obligation to provide all children—no matter their background—equal access to an education.

In 2011, the Departments of Justice and Education issued guidance to help schools understand their responsibilities under the Supreme Court's decision in *Plyler v. Doe* and federal civil rights laws to provide all children with equal access to an education regardless of their or their parents' immigration status. Today, the departments are issuing important updates to that guidance, including examples of permissible enrollment practices, as well as examples of the types of information that may not be used as a basis for denying a student entrance to school.

The updated guidance documents—including a guidance letter to states and school districts and a fact sheet and Q and A document—emphasize the need for flexibility in accepting documents from parents to prove a child's age and to show that a child resides within a school's attendance area. They also provide specific examples of the types of documents that many schools have accepted. And the guidance documents remind schools that they may not require certain documents—such as a parent's state-issued driver's license—where such a requirement would prevent a student from enrolling because of his or her parent's immigration status.

"Public school districts have an obligation to enroll students regardless of immigration status and without discrimination on the basis of race, color, or national origin," said Attorney General Eric Holder. "The Justice Department will do everything it can to make sure schools meet this obligation. We will vigilantly enforce the law to ensure the schoolhouse door remains open to all."

"We want to be sure every school leader understands the legal requirements under the Constitution and federal laws, and it is our hope that this update will address some of the misperceptions out there," said Secretary Arne Duncan. "The message here is clear: let all children who live in your district enroll in your public schools."

In the three years since the guidance was initially issued in 2011, the departments have worked collaboratively with states and school districts across the country to meet their obligations under *Plyler* and federal civil rights laws that prohibit discrimination on the basis of race, color and national origin.

The important changes announced today will provide districts with the additional tools and practical guidance needed to make sure the schoolhouse door is open to all students and that undocumented children and children from immigrant families no longer face barriers to enrollment in school and starting down the path to a better future.

The English guidance documents:

<http://www.ed.gov/about/offices/list/ocr/letters/colleague-201405.pdf>

(<http://www.ed.gov/about/offices/list/ocr/letters/colleague-201405.pdf>)

<http://www.ed.gov/about/offices/list/ocr/docs/qa-201405.pdf> (<http://www.ed.gov/about/offices/list/ocr/docs/qa-201405.pdf>)

<http://www.ed.gov/about/offices/list/ocr/docs/dcl-factsheet-201405.pdf> (<http://www.ed.gov/about/offices/list/ocr/docs/dcl-factsheet-201405.pdf>)

The Spanish-language guidance documents:

<http://www.ed.gov/about/offices/list/ocr/letters/colleague-201405-sp.pdf>

(<http://www.ed.gov/about/offices/list/ocr/letters/colleague-201405-sp.pdf>)

<http://www.ed.gov/about/offices/list/ocr/docs/qa-201405-sp.pdf> (<http://www.ed.gov/about/offices/list/ocr/docs/qa-201405-sp.pdf>)

[sp.pdf](http://www.ed.gov/about/offices/list/ocr/docs/dcl-factsheet-201405-sp.pdf)

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