Legal Services of Eastern Missouri
Action.Justice.Hope.

Education Justice Program

Advancing education equity and racial justice for all children.

KNOW YOUR RIGHTS: EQUAL ACCESS TO PUBLIC EDUCATION

Did you know? Under federal law, school districts are required to provide all children with equal access to public education at the elementary and secondary level. Students should not be kept out of school because of their citizenship/immigration status or their parents' citizenship/immigration status, whether real or assumed. In addition, schools cannot request information with the purpose or result of denying access to public schools based on race, color, or national origin.

All students, regardless of their immigration status or the immigration status of their parents, have the right to:

- **Enroll** in public school, even if they do not have a U.S. birth certificate or social security number
- Participate in **school activities**
- Receive **special education** services if they have a disability
- Receive special services, including transportation, if they are experiencing **homelessness** under the McKinney-Vento Act*
- Receive appropriate **language assistance** services to learn English
- Have school **communicate with their family** in a language their family can understand, such as through translated materials or an interpreter
- **Remain silent** if an immigration agent tries to talk to them at school

Frequently Asked Questions

Q: Can a school employee ask my family questions about whether we reside in the district?
A: Most of the time, schools require proof of residency in the district for enrollment. But there are many exceptions, including when a student does not have a fixed, regular, and adequate nighttime residence, as when they are staying doubled up due to loss of housing.*

Q: Can my school provide an immigration agent with access to my school records?
A: Generally, no, schools can only disclose basic directory information without parental consent. The exception is when the requesting agency has a valid court order or subpoena in compliance with federal law.

Q: Do school resource officers (SROs) work with immigration agents?
A: Not usually, unless the SRO is employed through the county's local law enforcement agency and there is an extraordinary circumstance involving public safety.

Resources

Legal Services of Eastern Missouri Immigration Law Program
https://lsem.org/immigration-law/
(314)534-4200

Migrant and Immigrant Community Action Project (MICA)
https://www.mica-project.org/
(314) 995-6995

Catholic Legal Assistance Ministry
https://www.mica-project.org/
(314) 977-2775

Immigrant Legal Resource Center
https://www.ilrc.org/

This flyer provides general information only. If you have questions about your specific immigration status, please consult an immigration attorney.

The rights of students experiencing homelessness, including migrant students experiencing homelessness, are protected in the federal McKinney-Vento Act. For more information about this law, ask for your school district's **homeless liaison.*