



The Leadership
Conference
Education Fund

Know your rights: The educational rights of immigrant children

The Constitution and the Supreme Court guarantee all children in the United States the right to attend school regardless of their immigration status. This means that **undocumented children and children of undocumented parents must be allowed to:**

- Enroll in and attend a public K12 school
- Keep private from the school their immigration status
- Feel safe and welcome in the classroom, including free from bullying and harassment, in a way that allows them to exercise their right to an education

These rights cannot be changed by the President of the United States, a governor, a state law, or a superintendent of schools. If schools violate a child's constitutional rights in any of these ways, children and families can sue the school or the school district for violating the law.

The Constitution and the Supreme Court guarantee all children in the United States the right to attend school regardless of their immigration status. This means that states, districts, and **K12 public schools must:**

- Allow an undocumented child or child of undocumented parents to enroll in and attend school
- Make a child and their parents feel welcome and safe, including acting to prevent bullying or harassment that would interfere with their right to an education
- NOT ask about a child's or their parents' immigration status (including requiring a social security number, birth certificate or parent's driver's license to enroll)
- NOT discourage a child from enrolling in or attending school because of their immigration status

These rights cannot be changed by the President of the United States, a governor, a state law, or a superintendent of schools. If schools violate a child's constitutional rights in any of these ways, children and families can sue the school or the school district for violating the law.