



AUGUST 2019

Immigrant Students: Your Rights to Free Public Education



Immigrant Students Are Entitled to Equal Access to Free Public Education

The legal immigration status of a parent or child has no bearing on the rights of the student to enroll in a public school. The laws of Illinois and the United States guarantee all students equal access to a free public education through grade twelve until the age of 21, regardless of legal immigrant status. Every school is required to guarantee all students equal access to the full range of programs, services, and resources available.

School Policies Cannot Require Families to Reveal Immigration Status

The law prohibits any action that might have a "chilling" effect on the right of access to schools. Districts must not inquire directly or indirectly about the legal immigration status of a student, parent, or adult caretaker. Please notify the Illinois State Board of Education's legal office at (217) 782-8535, if you are concerned that an Illinois school or district's policy may violate this law.

Schools Cannot Require a Social Security Number, Visa, Green Card, or Driver's License for Enrollment or Participation in Any Program

School districts must not condition services, benefits, or participation in any programs or activities on a child or a parent having a Visa, Green Card, driver's license, or Social Security number. Social Security numbers are not required for access to educational benefits, such as pre-K services or free and reduced-price lunch and breakfast. Parents or adult caretakers applying for benefits may decline to provide a Social Security number.

Schools Have No Right or Obligation to Enforce Immigration Laws

Schools have no legal right or obligation to enforce immigration laws. Reporting students' immigration status to immigration authorities can be a violation of the Family Educational Rights and Privacy Act and the Illinois School Student Records Act. The

AUGUST 2019

Immigrant Students: Your Rights to Free Public Education

U.S. Department of Homeland Security also has no legal authority to determine or infringe on district residency policies.

School Districts May Ask a Student If They Are a Newly Arrived Immigrant in Order to Secure Additional Funding

Funding is available for school districts experiencing a significant increase in immigrant students. School districts may ask whether a student is a newly arrived immigrant, i.e., that the student was not born in the United States or Puerto Rico and is enrolling in a U.S. school for the first time, for the purpose of seeking this additional funding. Eligibility for the funding requires data on students' *immigrant status*; school districts must not inquire about *legal immigration* status. A parent or person enrolling a student may decline to provide this information. School districts must not require this information as a condition of enrollment and must allow the student to proceed with enrollment and full access to programs and services without providing this information.

Supports and Services are Available for English Learners

School districts are required to provide all newly enrolled students a home language survey, which asks if any languages other than English are spoken in the student's home. Students whose parents respond "yes" take an English language proficiency screener to help the school determine what additional services the student may need in order to gain full access to the school's educational programs and reach English proficiency. School districts receive state funding under Evidence-Based Funding and may apply for federal funding to support English Learners. Find resources for parents and caretakers of English Learners at isbe.net/Pages/Resources-for-Families-of-English-Learners.aspx.

Residency Policies and Proof-of-Residence Must Accommodate All Residents

Once a student of proper age and residency seeks admission to school in the district, the student has an immediate legal right to attend school on a tuition-free basis. Districts cannot impose requirements for enrollment that are more restrictive than those established under relevant Illinois and federal law. The documents required by a district as proof of residency must be sufficiently variable to allow any resident to meet the stated requirements, for example:

- lease
- addressed mail
- utility bill (gas, electric, water, home telephone, cable television, etc.)
- residential property tax statement
- mortgage account or proof of home ownership
- major credit card bill
- canceled checks with imprinted name and address
- vehicle title or registration card
- installment loan contract from bank or other financial institution
- residential service contract (appliance repair, exterminator, window installation, etc.)
- paycheck or pay stub
- insurance policy (life, home, auto or health)
- checking or savings account statement
- third-person affidavit of residency (landlord or homeowner)



Illinois
State Board of
Education

Visit

isbe.net/ELEnrollment