



Immigrant Students' Rights to Attend Public Schools

The Cardinal McCloskey Community Charter School ("CMCCS") is committed to protecting the right of every student to attend public school, regardless of immigration status, national origin, or religion. The rights of immigrant students was directly addressed by the Supreme Court in *Plyler vs. Doe* (457 U.S. 202 (1982)).

The U.S. Supreme Court ruled in *Plyler vs. Doe* that undocumented children and young adults have the same right to attend public primary and secondary schools as do U.S. citizens and permanent residents. Like other children, undocumented students are obliged under state law to attend school until they reach a mandated age. As a result of the *Plyler* ruling, public schools may not:

- Deny admission to a student during initial enrollment or at any other time on the basis of undocumented status.
- Treat a student differently to determine residency.
- Engage in any practices to "chill" the right of access to school.
- Require students or parents/guardians to disclose or document their immigration status.
- Make inquiries of students or parents/guardians that may expose their undocumented status.
- Require social security numbers from all students, as this may expose undocumented status. (Adults without social security numbers who are applying for a free lunch and/or breakfast program on behalf of a student need only indicate on the application that they do not have a social security number).

A school district may not request a student's or parent's social security number unless it (1) informs the individual that disclosure is voluntary, (2) provides the statutory or other legal basis for why the district is requesting the number, and (3) explains how the district will use the number.

Districts are strongly discouraged from requesting social security numbers to avoid any chilling effect that this request may have on the enrollment of students because of their race, color, national origin, citizenship, or immigration status.

Changes in the F-1 (Student) Visa Program do not alter the *Plyler* obligations to undocumented children. These changes apply only to students who apply for a student visa from outside the U.S.

Finally, school personnel -- especially building principals and those involved with student intake activities -- should be aware that they have no legal obligation to enforce U.S. immigration laws. (U.S. Supreme Court, 1982)

CMCCS is immigrant friendly and will not allow ICE in our build or release information on our families.

Like CMCCS, the Department of Education (DOE) and the Mayor's Office are committed to protecting the right of every student to attend public school, regardless of immigration status, national origin, or religion.

We want you to know that the DOE:

- Does not permit federal agents, including Immigration and Customs Enforcement (ICE), to enter schools, except when absolutely required by law;
- Does not track immigration status of students or family members, and will not release student information unless absolutely required to by law; and
- Will continue to ensure that all students get a quality education.
- Public schools are at the center of our democracy, and New York City schools remain safe places for all students, families, and educators.

Protect Your Family & Update Your Information at your Child's School

Parents/guardians can help protect their children by providing emergency contact information to the school that includes names and telephone numbers of adults (for example: family members, friends, babysitters, neighbors, or other school parents/guardians) who can pick up their child in their absence. That includes any pre-K, childcare, or after-school program that the child attends.

Parents/guardians can apply to have a court appoint a standby guardian in case a child's caregiver is detained or deported by ICE. To learn more, you can call 311 and say "Action NYC" to connect with free and safe immigration legal help.

ADOPTED: 8.1.23