



# Confronting Discrimination Based on National Origin and Immigration Status

## *A Resource for Families and Educators*

Public schools must be open to all students, but sometimes students face discrimination because of their national origin or immigration status. These forms of discrimination limit students' access to education and are against the law.

All children in the United States have an equal right to enroll and participate in public elementary and secondary schools without regard to their or their parents' or guardians' immigration status.

### Here's what you need to know:

1

**Public school districts may not deny access to an education to any child based on immigration status.** It is a violation of federal law for districts to prohibit or discourage children from enrolling in public schools because the children or their parents or guardians are not U.S. citizens or do not have immigration documentation.

2

**Public schools must offer language assistance services to all students with limited English proficiency** and identify these students as English learners so that all students can meaningfully participate in all educational programs.

3

**Public schools must communicate information** about enrollment, classes, and other educational programs and activities **in a language that all parents, guardians, and sponsors can understand.** Schools can accomplish this by translating information or providing qualified interpreters.

When public schools deny equal access to education because of national origin or immigration status, the Educational Opportunities Section of the Civil Rights Division (CRT) at the U.S. Department of Justice and the Office for Civil Rights (OCR) at the U.S. Department of Education can help by enforcing federal laws that protect students from discrimination. CRT and OCR will not ask parents, guardians, or children about their immigration status.





## Examples of the kinds of incidents CRT and OCR may investigate:

### **SCHOOL ENROLLMENT:**

A school district requires parents to say whether they or their children are U.S. citizens to enroll their child in school. The district refuses to accept any documents, such as copies of utility bills or lease agreements, as proof that the child lives within the district's boundaries.

A new kindergartener was born in another country and does not have a birth certificate. The school will not enroll the child and will not accept other documents, such as a religious or hospital certificate with the child's date of birth, to show that the child meets the district's age requirements.

A school district's enrollment form lists "Social Security card" as a required document. When a new student's parents visit the school office, they are told they will need to provide the child's social security number before the child can register.

A guardian does not include their child's race or ethnicity in public school enrollment forms. A school official tells the guardian that the form is incomplete and the child cannot enroll.

### **ENGLISH LEARNERS AND EDUCATIONAL PROGRAMS:**

During school enrollment, a school district does not survey families who are new to the district about the languages they speak at home and provides enrollment information only in English.

A school official tells the parent of an English learner with a disability that the school cannot provide both language assistance and disability services to the student because of scheduling conflicts.

A school district provides information about its gifted education program to parents in English but does not translate or interpret the information for parents with limited English proficiency.

## What if a Child Experiences Discrimination Based on Immigration Status or Their English Learner Status in Public School Enrollment or Participation?

You may contact CRT or OCR if:

- You believe that a school district is trying to prevent you or someone you know from enrolling a child in school because of national origin or immigration status. Federal law requires equal access to public elementary and secondary schools for all students, including students who are not U.S. citizens.
- You believe that a school district is not providing your child or someone you know with the language services they need. Federal law requires school districts to identify English learners and offer them language services so that they can meaningfully participate in educational programs.



If you have contacted the school and it has not taken steps to address your concerns or you do not feel comfortable raising your concerns with the school, you can file a complaint with the Civil Rights Division of the U.S. Department of Justice at [civilrights.justice.gov](http://civilrights.justice.gov), or the Office for Civil Rights at the U.S. Department of Education at [www.ed.gov/ocr/complaintintro.html](http://www.ed.gov/ocr/complaintintro.html) (to file a complaint in English) or [www.ed.gov/ocr/docs/howto.html](http://www.ed.gov/ocr/docs/howto.html) (to file a complaint in a non-English language).

For more information, please see these additional resources:

- [Fact Sheet: Information on the Rights of All Children to Enroll in School](#)
- [Fact Sheet: Ensuring English Learners Can Participate Meaningfully and Equally in Educational Programs](#)