

# Immigrant Students' Right to Attend School: A Guide for Families



Office of the Attorney General  
Children's Justice Unit

## 01 All children have the right to a free public education.

- **All** school-aged children have the right to attend the public schools of the town where they live, regardless of the child's immigration status.
- When you enroll your child in school, the school district may **not** ask for your or your child's immigration status or ask that you provide immigration documents.
  - The school district may ask you to provide documents to show your child's age and residence. Residence means the place where your child lives.
  - Schools should accept a variety of documents to show your child's age and residence. School districts may not require you to provide government issued documents. For example, if you do not have a birth certificate showing your child's age, the district may accept an affidavit from the parent indicating the child's date of birth.
  - There are many ways you can show your residence, such as a telephone or utility bill, rental lease, rent payment receipt showing your address, a letter from your child's doctor on letterhead listing your address, and more.
- Under federal law (the McKinney-Vento Homeless Assistance Act), schools **must** immediately enroll children who are experiencing homelessness or sharing housing with others due to economic hardship, with or without documents showing place of residency. After enrollment, schools can help you to verify your child's age and address.

## 02 Schools must protect student information.

- Under federal law, the Family Educational Rights and Privacy Act (FERPA), school districts **cannot** disclose to U.S. Immigration and Customs Enforcement (ICE) agents personally identifiable information about students and their families without a parent or guardian's specific, informed consent or a judicial order.
- Schools **cannot** provide ICE access to your child while in school without a judicial warrant. A judicial warrant is different from an administrative warrant from ICE or the Department of Homeland Security. A judicial warrant **must** be signed by a judge or court magistrate.
- Parents and families may opt out of including some or all of their child's information in the school directory at any time during the school year.
  - Find out the categories of information that are included in your school's directory.
  - Ask about your school's policies on sharing directory information with third parties.

## 03 It is important to continue to send your child to school.

- **All** children between the ages of 6 and 16 (beginning in September of the calendar year in which they turn 6) are required to attend public school, private school, or an approved home-schooling program.
- Schools may file a Child Requiring Assistance application with a Juvenile Court if a child has more than 8 days of unexcused absences in a quarter.
- It is important to communicate with the school if there is a reason your child cannot attend school.
- If your child is anxious about attending school, you may ask for support from the school counselor or social worker.

## 04 Plan ahead and know your rights.

- Regularly update emergency contact information, alternative caretaker contact information, and authorized pick-up contacts for your child at the school.
- Make a plan and prepare documents should your child need to be in the care of another person.
- **Each** school district employs a homeless liaison to assist children and their families with the enrollment process. If you are homeless or sharing housing, ask to speak with the homeless liaison for assistance enrolling.
- Families have a right to translation and interpretation services to communicate with the school. Ask for an interpreter and translated documents.
- If your child is feeling fearful or anxious, **seek support** for your child from a school counselor, social worker, or another adult at the school whom you trust.

## Find More Support from the Office of the Attorney General.

Learn more about other resources available to immigrant communities at: <https://www.mass.gov/info-details/resources-for-immigrants-in-massachusetts>. Contact the Civil Rights Division at (617) 963-2917.