

Information on the Rights of All Children to Enroll in School

All Oregon students are entitled to equal access to a public elementary and secondary education regardless of their actual or perceived race, color, national origin, citizenship, immigrant status, or the status of their parents or guardians. School districts that either prohibit or discourage, or maintain policies that have the effect of prohibiting or discouraging children from enrolling in schools because they or their parents or guardians are not U.S. Citizens or are undocumented may be in violation of Oregon law. Below are some examples of acceptable practices while enrolling students in the school/district.

Proof of Residency in the School District

School officials may request proof that a student lives within the boundaries of the school district. School districts may accept a variety of documents for this purpose, such as copies of phone or water bills, lease agreements, affidavits, or other documents. A school district's requirements to establish residency must be applied in the same way for all children.

A school district may not ask about a child's citizenship or immigration status to establish residency, nor may a district deny a homeless child enrollment because he or she cannot provide the required documents to establish residency.

While a school district may choose to include a parent's state-issued identification or driver's license among the documents that can be used to establish residency, a school district may not require these documents to prove residency or for any purpose where this requirement would unlawfully bar a student whose parents are undocumented from enrolling in school.

Proof of Age

School officials may request documentation to show that a student falls within the school district's minimum and maximum age requirements. School districts typically accept a variety of documents for this purpose, such as a religious, hospital, or physician's certificate showing date of birth; an entry in a family bible; an adoption record; an affidavit from a parent; a birth certificate; or previously verified school records.

Although a school district might request documents such as those listed above to verify a child's age, a school district may not prevent or discourage a child from enrolling in or attending school because he or she lacks a birth certificate or has records that indicate a foreign place of birth, such as a foreign birth certificate.

Social Security Numbers

Some school districts request a student's social security number during enrollment to use as a student identification number. If a school district requests a student's social security number, it must: (1) inform the guardian or child that providing it is voluntary and refusing to provide it will not bar the child from enrolling in or attending school, and (2) explain for what purpose the school district will use the number.

A school district may not prevent a child from enrolling in or attending school if the parent or guardian chooses not to provide their child's social security number. A school district also may not require a parent or guardian's own social security number in order for the child to enroll in or attend school.

Race or Ethnicity Data

School districts have some Oregon and Federal obligations to report race and ethnicity data about their students. A school district may request a child's race or ethnicity. However, a school district may not bar a child from enrolling if the parent or guardian chooses not to provide their child's race or ethnicity.

US Department of Education, Office of Civil Rights, Plyler Dear Colleague Letter, May 8, 2014