

## Immigration Status

The Office of Superintendent of Public Instruction has recently received questions from schools and districts about their responsibility regarding collecting and releasing the immigration status of their students. Below are some general guidelines we hope answers some of those questions.

The most relevant U.S. Supreme Court case is [Plyler v. Doe](#), from 1982. In *Plyler*, the Court ruled that undocumented students have the same right to attend public schools as U.S. citizens and permanent residents. As a result of the ruling, public schools:

- *May not* deny admission to a student during initial enrollment or at any other time on the basis of immigration status.
- *May not* treat a student differently to determine residency.
- *May not* engage in any practices that might have a “chilling effect” on school enrollment.
- *May not* require students or parents to disclose or document their immigration status, including Social Security numbers.
- *May not* make inquiries of students or parents that may expose their undocumented status. Examples include asking for a student’s status when enrolling the student as an English learner or when enrolling for free or reduced-price meals.

Some information – such as a student’s race, ethnicity and address (if the student is not homeless) – is collected. But the student’s personal information cannot be disclosed to the public, nor can it be used to deny enrollment.

In addition to federal law, Washington state law contains a chapter ([Revised Code of Washington 28A.642](#)), which prohibits discrimination, including discrimination based on national origin.

Our state’s public education system exists to help our students learn. **It does not function, nor will it function, as an arm of federal immigration services.** OSPI is committed to our state’s constitutional requirement that students are to be educated “without distinction or preference on account of race, color, caste, or sex.”

OSPI will soon be updating our web site – [www.k12.wa.us](http://www.k12.wa.us) – with more information, which will be translated into different languages. Please feel free to share this with parents.

Additional resources:

- Guidelines on prohibiting discrimination:  
<http://www.k12.wa.us/Equity/pubdocs/ProhibitingDiscriminationInPublicSchools.pdf>
- Protecting student data: <http://www.k12.wa.us/DataAdmin/DataSharing/default.aspx>
- Federal Education Rights and Privacy Act (FERPA):  
<https://ed.gov/policy/gen/guid/fpco/ferpa/index.html>

Thanks for all the work you do to support our students,

Chris Reykdal

Superintendent of Public Instruction