

## **KNOW YOUR RIGHTS: IMMIGRANT STUDENTS**

### **ALL CHILDREN IN NEW JERSEY HAVE THE RIGHT TO A FREE PUBLIC EDUCATION**

- Since 1982, the United States Supreme Court has required all public schools in the nation to educate every age-eligible child residing here, whether or not their immigration status is legally documented.
- The New Jersey Constitution similarly requires that all children in the state receive a free public education.
- New Jersey public schools are prohibited from inquiring about a student's immigration status or requiring parents to submit social security numbers or other documents or information related to citizenship or immigration status (with a limited exception for students on or applying for F-1 visas).

### **DISCRIMINATION AND HARASSMENT BASED ON IMMIGRATION STATUS IS ILLEGAL**

- Discrimination and harassment in schools based on immigration status – and perceived immigration status – are illegal under New Jersey law, and complaints may be filed with the New Jersey Office of the Attorney General, Division on Civil Rights. For further information, see [File a Civil Rights Complaint with DCR](#).
- New Jersey's Anti-Bullying Bill of Rights law addresses bullying in schools based on actual or perceived immigration status. Report incidents of bullying using a [HIB 338 Form](#) (translated into ten languages).

### **NEW JERSEY SCHOOLS HAVE RECEIVED GUIDANCE ON HOW TO PROTECT IMMIGRANT STUDENTS**

- Although immigration agents may attempt to enter schools under new federal policy, the New Jersey Department of Education (NJDOE) has advised schools that agents are generally not allowed to enter the nonpublic areas of schools without a warrant signed by a judge. Access to students and student records is also limited. You can read the NJDOE guidance for schools [here](#).
- Speak to your school principal or superintendent for information on the procedures in place if immigration officials arrive at school.
- Neither school resource officers nor local New Jersey law enforcement officers are authorized to assist federal immigration agents.
- For general information on your rights in encounters with immigration officials, see the New Jersey Office of New Americans (ONA)'s "Know Your Rights" flyers, available in [English](#) and [Spanish](#).

## **PARENTS HAVE THE RIGHT TO MEANINGFUL COMMUNICATION THROUGH ACCURATE TRANSLATION OR INTERPRETATION**

- Under Title VI of the Civil Rights Act of 1964 and the Equal Educational Opportunities Act of 1974, public schools must provide effective language assistance to parents with limited English proficiency and adequately notify them of information called to the attention of English-speaking parents.
- This may be accomplished through accurate oral interpretation or written translation.

## **CHECK ON THE PRIVACY OF YOUR CHILDREN'S PERSONAL INFORMATION**

- Federal and state privacy laws generally prevent third parties such as immigration agents from obtaining student information without parental consent, except for some basic information classified by the school as “directory information.”
- Check which information your school district classifies as “directory information” since that information is public and can be obtained by immigration agents. If “directory information” includes potentially harmful information, such as your children’s place of birth, tell your school district that you request to “opt out” of having that information treated as “directory information.”

## **MAKE A PLAN FOR POTENTIAL SEPARATION OF PARENTS FROM CHILDREN**

- If you face possible detention or deportation, make arrangements in advance for another adult you trust to take responsibility for your children during a period of separation. Consider using a [power of attorney form](#) to give that person legal authority to make decisions for your children during your absence.
- Collect and organize important documents and information that the person responsible for your children will need, and update contact and emergency contact information with their schools.

## **FOR FURTHER INFORMATION**

- Look for this flyer in additional languages and more detailed information and resources on this ELC [webpage](#).
- For immigration law issues, please see [ONA's referrals to free legal services](#).
- **If you have questions about this flyer or about your children’s or family’s rights in New Jersey public schools, please call ELC at 973-624-1815. Enter extension “300” or press “3” to reach our intake system. Your call will be entirely confidential, and our services are free of charge to income-eligible families.**