



**EXECUTIVE OFFICE OF EDUCATION, DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
AND OFFICE OF THE ATTORNEY GENERAL**

**Guidance for School Committees and Districts
Upholding the Rights of Immigrant Students to Enroll in School**

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In recent months, our offices have received questions about immigrant families and school district enrollment policies. The Office of the Attorney General, the Executive Office of Education, and the Department of Elementary and Secondary Education are jointly issuing this guidance to clarify for school committees, superintendents, and administrators the rights of immigrant families and the information that school districts may and may not require in their enrollment policies.

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State and federal law require that school districts enroll all school-aged children who are residents without regard to immigration status. Districts should ensure that their enrollment policies do not prevent immigrant families from enrolling their children in school. This includes avoiding requirements that *explicitly bar* the enrollment of immigrant children, as well as avoiding requirements that have the *effect* of discouraging immigrant children from enrolling.

Generally, school districts may ask families to confirm a student's age and residence. But school district enrollment policies may not:

1. Limit the ways that families can show their child's age or residence in the district to a narrow list of documents such as government-issued photo ID. While a school district may choose to provide a broad list of documents that would be sufficient to show age or residency, school officials also must work with families to find alternatives if they are unable to provide one of the documents on the list.
2. Require information or records about the family's or student's immigration status.
3. Require compliance with other city or town requirements, such as completion of a census, survey, or other forms that are not necessary for showing age and residence.
4. Impose other requirements that would prevent, discourage, or delay immigrant families from enrolling their children in school.

School districts should modify or eliminate requirements that prevent, discourage, or delay immigrant families from enrolling their children, and should work proactively with families to ensure that they promptly enroll their children in school. For example, if a family does not have a birth certificate showing a child's age, the district may accept an affidavit from the parent indicating the child's date of birth.

Moreover, in some instances, students who are immigrants may qualify as homeless. Children experiencing homelessness, including those whose families are sharing housing with others due to economic hardship or similar reasons, must be enrolled in school immediately, even if they lack documents showing their residence.¹ In these cases, after the school district promptly enrolls the student, the district should support families to find alternative means to demonstrate that the child lives within the district.

School districts must communicate information about enrollment policies to families in their preferred language, including by providing translated documents and oral interpretation services.

Districts should maintain open lines of communication with immigrant communities, simplify enrollment processes, and support families in navigating those processes.

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For more information, see these additional resources:

- Attorney General Advisory: Equal Access to Public Education for All Students Irrespective of Immigration Status (April 2022), <https://www.mass.gov/doc/ags-education-guidance-2022/download>
- Department of Elementary and Secondary Education, Welcoming Newcomer and Refugee Students & Families (March 2022), <https://www.doe.mass.edu/news/news.aspx?id=26713>
- Department of Elementary and Secondary Education, Enrolling and Supporting Newcomer Students in Massachusetts Schools & Districts: Frequently Asked Questions (July 2024), <https://www.doe.mass.edu/ele/guidance/newcomer-faq.docx>
- U.S. Department of Justice & U.S. Department of Education, Confronting Discrimination Based on National Origin and Immigration Status (August 2022), <https://www.justice.gov/crt/page/file/1425321/dl>