



THE SECRETARY OF EDUCATION

WASHINGTON, DC 20202

January 1, 2025

Dear Educators, School Leaders, and Families:

I write to thank you for your commitment to ensuring that all students have equal access to educational opportunities. In January 2023, I shared the U.S. Department of Education's (Department's) "[Raise the Bar](#): Lead the World" call to action to transform education and unite around what works—based on decades of experience and research—to advance educational equity and excellence. High-quality public education—from prekindergarten through postsecondary learning and beyond—lifts up communities, unites people around student success, strengthens our democracy, grows our economy, and empowers people everywhere to realize their dreams. That is why we are committed to ensuring that all students receive an education that enables them to thrive in school and in life.

Recently, the Department has received many questions from members of school communities about how we can assist schools in ensuring that immigrant students are able to access equal educational opportunities. I write to share a number of resources from the Department that affirm school districts' responsibilities to serve immigrant students and provide information about how to support immigrant students. As you know, schools have ongoing legal obligations to ensure that school enrollment practices do not discourage or exclude students based on their or their parents' or guardians' actual or perceived citizenship or immigration status.

More than 40 years ago, the U.S. Supreme Court held in *Plyler v. Doe* that all children in the United States have an equal right to enroll and participate in public elementary and secondary schools without regard to their or their parents' or guardians' immigration status.¹ Public school districts may not deny access to an education to any child based on immigration status. Schools must provide all students with equal access to a public elementary and secondary education, regardless of their or their parent's actual or perceived national origin, citizenship, or immigration status, and determine whether the student is eligible, on the same basis as any other student, to participate in programs supported with local, state, and federal funds.

The Department's Office for Civil Rights (OCR), jointly with the U.S. Department of Justice's Civil Rights Division (CRT), have released several resources to assist school communities.

These resources include information on; [Protecting Access to Education for Migratory Children](#); [Protecting Access to Education for Unaccompanied Children](#); [Confronting Discrimination Based on National Origin and Immigration Status](#); and school enrollment procedures - [Information on the Rights of All Children to Enroll in School: Questions and Answers for States, School Districts, and Parents](#). These resources explain that (1) public school districts may not deny access to an education to any child based on immigration status; (2) public schools must offer language assistance services to all students with limited English proficiency and identify these students as students who are English Learners so that all students can meaningfully participate in all educational programs; and (3) public schools must communicate information about

¹ 457 U.S. 202 (1982).

enrollment, classes, and other educational programs and activities in a language that all parents, guardians, and sponsors can understand. The resources also provide examples of barriers students may face to enrollment or meaningful participation in education programs, and examples of the kinds of incidents that, depending on the circumstances, may be appropriate for OCR or CRT to investigate.

The Department's Office of English Language Acquisition (OELA) develops and disseminates information about educational research, practices, and policies that support students who are English Learners. Last year, OELA released an updated [Newcomer Toolkit](#). The Newcomer Toolkit is designed to help educators, elementary and secondary teachers, principals, and other school staff who work directly with immigrant students to create an inclusive school environment and support immigrant students' social, emotional, and mental health needs. OELA released the [English Learner Family Toolkit](#) in Spanish, English, Arabic, and Chinese. The English Learner Family Toolkit is a resource for English Learners and their families with answers to questions families may have about U.S. public schools. OELA additionally administers the English Language Acquisition, Language Enhancement, and Academic Achievement Act, also known as Title III, Part A of the Elementary and Secondary Education Act of 1965 (ESEA), as amended (20 U.S.C. §§ 6801-6861). Under Title III, the Department awards grants to state educational agencies, which, in turn, award subgrants to local educational agencies to improve the education of students who are English Learners. These subgrants are intended to help local educational agencies ensure that students who are English Learners become English proficient and meet the challenging state academic standards. The program also provides enhanced instructional opportunities for immigrant children and youth.² For more information on ESEA Title III Guidance – English Learners, Resources for Parents and Families, and Title III program websites, please see the links located in the Directory of Resources below.

The Department's Office of Elementary and Secondary Education (OESE) is responsible for directing, coordinating, and recommending policy for programs designed to: help state and local educational agencies improve the achievement of preschool, elementary, and secondary school students; support equal access to services to help every child achieve; advance educational improvement at the state and local levels; and provide financial assistance to local educational agencies whose local revenues are affected by federal activities. OESE maintains helpful resources for schools on the OESE [Reports and Resources](#) webpage. The Department, through OESE, also funds regional [Equity Assistance Centers](#), which provide technical assistance and training at the request of school boards and other related governmental agencies that are preparing or carrying out plans for the desegregation of public schools. Typical activities of these centers include disseminating information on successful education practices and legal requirements related to nondiscrimination and providing technical assistance.

Below is a directory of resources related to ensuring that immigrant students are able to access equal educational opportunities. To request technical assistance concerning school districts' legal obligations under federal civil rights laws, you may contact OCR at 800-421-3481 (TDD: 800-

² Section 3201(5) of the ESEA defines "immigrant children and youth" as individuals who: (A) are aged 3 through 21; (B) were not born in any State; and (C) have not been attending one or more schools in any one or more States for more than 3 full academic years. Note that "State" is defined in section 3201(13) of the ESEA to include the 50 States, the District of Columbia, and Puerto Rico.

877-8339), at OCR@ed.gov, or through the contact information for OCR's regional enforcement offices available on the [OCR Addresses Webpage](#). School boards and other related governmental agencies may also contact the regional Equity Assistance Centers using the contact information available on the [Equity Assistance Centers'](#) website. Contact information for OELA is provided on OELA's [Office Contacts](#) webpage.

Thank you for all that you do to support all students, including immigrant students, in receiving a high-quality education and achieving their full academic potential in your school community.

Sincerely,

A handwritten signature in blue ink that reads "Miguel A. Cardona".

Miguel A. Cardona, Ed.D.
U.S. Secretary of Education

Directory of Resources

Many of the below resources from the U.S. Department of Education can also be found at the [National Clearinghouse for English Language Acquisition](#) (NCELA) website, which can be accessed using the QR code shown here:



Toolkit and Resource Guide:

- [Newcomer Toolkit](#) (Office of English Language Acquisition) (June 2023)
- [Resource Guide: Supporting Undocumented Youth](#) (Office of Career and Technical Adult Education) (October 2015)
- [EL Family Toolkit](#) (Office of English Language Acquisition) (September 2023)

Letters to School Communities:

- [Immigrant Students](#) (Office of Elementary and Secondary Education) (September 2023)
- [Resources for Afghan Newcomers](#) (Office of Elementary and Secondary Education) (January 2022)
- [School Enrollment Procedures](#) (Office for Civil Rights and U.S. Department of Justice Civil Rights Division) (May 2014)

Fact Sheets and Q&A:

- [Protecting Access to Education for Migratory Children](#) (Office for Civil Rights and U.S. Department of Justice Civil Rights Division) (June 2023)
- [Protecting Access to Education for Unaccompanied Immigrant Children](#) (Office for Civil Rights and U.S. Department of Justice Civil Rights Division) (June 2023)
- [Confronting Discrimination Based on National Origin and Immigration Status](#) (Office for Civil Rights and U.S. Department of Justice Civil Rights Division) (August 2021)
- [Information on the Rights of All Children to Enroll in School Fact Sheet](#) (Office for Civil Rights and U.S. Department of Justice Civil Rights Division) (May 2014)
- [Information on the Rights of All Children to Enroll in School: Questions and Answers for States, School Districts and Parents](#) (Office for Civil Rights and U.S. Department of Justice Civil Rights Division) (May 2014)
- [Information on the Rights of Unaccompanied Children to Enroll in School and Participate Meaningfully and Equally in Educational Programs](#) (Office for Civil Rights, U.S. Department of Justice Civil Rights Division, and U.S. Department of Health & Human Services Office of Refugee Resettlement) (November 2015)

Other U.S. Department of Education Resources:

- [Video: Addressing National Origin and Immigration Discrimination in Schools](#) (Office for Civil Rights and U.S. Department of Justice Civil Rights Division) (June 2023)
- [Office of English Language Acquisition Home Page](#)
- [Office of Elementary & Secondary Education, Resources for Parents and Families](#)
- [English Language Acquisition State Grants – Title III, Part A](#) (Office of Elementary and Secondary

Education)

- [Office for Civil Rights, Equal Educational Opportunities for English Learners](#)
- [Office for Civil Rights, Equal Rights to Public Education](#)
- [Raise the Bar: Lead the World Booklet](#)
- [Resources for highly mobile children \(November 2022\)](#) and [English learners with disabilities](#) (Office of Special Education Programs) (November 2021)
- [Regional Educational Lab](#) Program: [Welcoming, Registering, and Supporting Newcomer Students: A Toolkit for Educators of Immigrant and Refugee Students](#) and [Toolkit of Resources for Engaging Families and the Community as Partners](#)

Resources from Other Federal Agencies:

- [Guidelines for Enforcement Actions in or Near Protected Areas](#) (U.S. Department of Homeland Security)
- [Types of National Origin Discrimination in Schools](#) (U.S. Department of Justice Civil Rights Division)
- [Office of Refugee Resettlement National Call Center | The Administration for Children and Families](#) (U.S. Department of Health and Human Services)
- [About Refugee Program](#) provides an overview of the Office of Refugee Resettlement.
- [Factsheet on Eligibility and Benefits](#) is a regularly updated resource that provides information on Refugee Program eligibility and benefits. (U.S. Department of Health and Human Services)
- [Unaccompanied Children Bureau Fact Sheet](#) (U.S. Department of Health and Human Services)
- Office of Refugee Resettlement's [State Program Directory](#) includes state-specific contacts for refugee program grantees.
- [Refugee School Impact Program](#) provides formula funding to state and state-alternative programs to support school districts impacted by school-aged refugees and Office of Refugee Resettlement - eligible populations.