

Plyler and Data Collection

Equal Access to Education for All is a Constitutional Right

All children living in the U.S., regardless of their immigration status, have the right to equal access to education. In *Plyler v. Doe* (1982), the U.S. Supreme Court ruled that it was a violation of the Equal Protection Clause of the Constitution for a state to discriminate against undocumented children by denying them access to that state's system of free public education.

Data Collection

The primary function of our schools is to give all children an opportunity to learn, thrive, and be fully integrated into our communities and our democracy. To fulfill these functions, it is essential that routine administrative processes, school enrollment, are not done in a way that chills access to education and potentially infringes on the rights *Plyler* provides. For example, including questions about students' and parents' immigration statuses may cause them to hesitate to continue the enrollment process, fearing that answering these questions will lead to them being reported to immigration enforcement. For this reason, the [Eleventh Circuit Court of Appeals](#) has ruled that laws requiring reporting on the immigration status of students can violate *Plyler*. Similarly, the Department of Education has issued guidance that this kind of data collection is unnecessary and may be illegal if it is done “with the **purpose or result of denying access** to public schools on the basis of race, color, or national origin.” We encourage you to review [guidance](#) related to access to education for undocumented students and best enrollment practices produced by the Department of Education.

What can schools do?

Schools can do their part to ensure that they only collect the information they need to enroll a student or administer a specific program without asking for unnecessary information that intentionally or unintentionally chills access to educational opportunities. We recommend schools evaluate **what information they are collecting, for what purpose, how long they need to keep these records, who has access to the data, and what data protections are in place to protect the data** (e.g. Family Educational Rights and Privacy Act ([FERPA](#))).