

# K-12 Public Education: Protecting Access for All

At Asian Americans Advancing Justice | AAJC, we work to promote educational equity for the nation's diverse Asian American communities and to protect the civil and human rights of all students and families.

**Recently, there have been renewed threats to strip undocumented children's right to access K-12 public education. This would directly impact an estimated 136,400 Asian American, Native Hawaiian, and Pacific Islander (AANHPI) K-12 students.<sup>1</sup>**

Here's what you need to know, and how to protect the right of *all* children to receive a public education.

## Anti-immigrant lawmakers are attacking access to public education for undocumented children

Undocumented children (including AANHPI children) make up less than 1% of the total number of public school children in the U.S.

Despite this, federal and state lawmakers are attacking students' right to access education in a variety of ways.

<sup>1</sup> "At least 600,000 K-12 undocumented students need a pathway to citizenship," FWD.us. August 19, 2021. <https://www.fwd.us/news/k-12-undocumented-students/#methodology>

## Direct impact to access: Texas House Bill 371<sup>2</sup>

**A bill introduced in the Texas legislature would require families to provide proof of the student's U.S. citizenship or legal immigration status.** This would go against current federal guidance related to public school enrollment practices and infringe on students' Constitutional rights as established in *Plyler v. Doe*.

**The state would not fund the cost of educating an undocumented child.** If an undocumented child is enrolled, the school would have to enter the student's information in a database to request reimbursement of educational costs from the Federal government. The storage and distribution of this information is at risk of violating the Family Education Rights and Privacy Act (FERPA).<sup>3</sup>

**Requiring proof of immigration status would create a chilling effect,** as immigrant families might avoid enrolling their child out of fear. In addition, this requirement could lead to discriminatory treatment in order to determine the child's residency.

## Indirect impact to access: House Resolution 10034<sup>5</sup> (Federal-level legislation)

**HR 10034, introduced last Congress, included language requiring the reporting of expenses related to educating undocumented children.** While this does not directly impact access, bills that emphasize the financial cost of educating undocumented children sends a message to the public that immigrants are a burden to our economy and should not have access to the same resources and opportunities as others. This creates fodder for general anti-immigrant sentiment, regardless of a child's actual immigration status.

2 *House Bill 371*, Texas Legislature. <https://capitol.texas.gov/BillLookup/History.aspx?LegSess=89R&Bill=HB371>

3 "Dear Colleague Letter: School Enrollment Procedures," U.S. Department of Education and Department of Justice. May 8, 2014. <https://www.justice.gov/sites/default/files/crt/legacy/2014/05/08/plylerletter.pdf>

4 "Public Education for Immigrant Students: Understanding Plyler v. Doe," American Immigration Council, October 24 2016. <https://www.americanimmigrationcouncil.org/research/plyler-v-doe-public-education-immigrant-students>

5 *HR 10034 - 118th Congress (2023-2024): Border Security and Immigration Reform Act* | Congress.gov | Library of Congress. <https://www.congress.gov/bills/118th-congress/house-bill/10034>

# Why this matters

## **For over 100 years, all children—regardless of immigration status—have been attending public schools**

Well-settled law protects all children's access to public education regardless of immigration status.

## **Public education benefits everyone**

It not only benefits children, but also their families, communities, and the U.S. as a whole. Public education equips children to contribute intellectually, economically, and civically as full members of society.<sup>6</sup>

## **Barring access to public education impacts AANHPI children and their families' ability to thrive**

In addition to Spanish, AANHPI languages are the most frequently spoken amongst English learners (ELs). Public education is the primary way ELs receive English learning support. Moreover, AANHPIs make up 20% of the total population of public school children receiving services for disabilities and learning differences, most of which are not accessible outside of the public school system.<sup>7</sup>

## **Threats to accessing public education harm *all* immigrants regardless of ethnicity or immigration status**

Although rhetoric during the COVID-19 pandemic targeted the Chinese community, the entire AANHPI community, regardless of ethnicity, was harmed. What has been introduced in Texas is likely to be proposed across the country. Even if legislation of this type does not pass, the mere proposal of any anti-immigrant legislation sends the message to the public that immigrants should not have access to the same opportunities to succeed. This has the potential to increase anti-immigrant, including anti-AANHPI, sentiment.

<sup>6</sup> *A Dozen Economic Facts About K-12 Education*, Brookings Institute. September 27, 2012. <https://www.brookings.edu/articles/a-dozen-economic-facts-about-k-12-education/>

<sup>7</sup> *Public School Enrollment*, National Center for Education Statistics. <https://nces.ed.gov/programs/coe/indicator/cga/public-school-enrollment>

## What you can do about it

**AANHPI advocates and community members must work in solidarity with other communities to preserve the right for every child to have access to public education**

Threats to accessing public education impact us all. To make schools safe, supportive, and accessible, partner with other marginalized communities to protect access. Advocates and community members can take action in these ways:

- **MONITOR** policy movement in your state and at the federal level by viewing our [legislation tracker](#), which includes bills that impact access to K-12 education.
- **INVITE** your community to get involved in public education advocacy campaigns.
- **ENGAGE** with educators about protecting access for undocumented students.
- **URGE** school board members to [pass a resolution](#) to protect access.
- **CONTACT** [elected officials](#), to share information on the value of protecting all children's access to public education. To determine which legislators to contact, refer to the legislation tracker to view bills in your state and see whether they have been introduced in the state House or Senate (or both).

# Resources for Learning More

<b>Policy Advocacy</b>	<b>Asian Americans Advancing Justice   AAJC</b>	<a href="#">Legislation tracker of bills on access to K-12 and higher education</a>
<b>Background</b>	<b>MALDEF</b> (Mexican American Legal Defense and Education Fund)	<a href="#">Historical context</a>
<b>Federal Guidance</b>	<b>US Department of Education</b> , <i>updated 1/8/2025</i>	<a href="#">Dear Colleague Letter: Resources for Ensuring Equal Access to Education for Immigrant Students</a>
<b>For School Districts</b>	<b>National Association for Secondary School Principals</b>	<a href="#">Position Statement: Undocumented Students</a>
<b>For Teachers</b>	<b>IDRA</b> (Intercultural Development Research Association): infographic & poster	<a href="#">Welcoming Immigrant Students in School</a>
	<b>EdWeek</b> : article on undocumented students' right to education	<a href="#">Explainer: Undocumented Students Have the Right to a Free Education. This Is Why.</a>
<b>For Undocumented Students</b>	<b>EdTrust-Tennessee</b> : for undocumented high school students	<a href="#">Undocumented Student Resource Hub</a>
<b>For Advocates &amp; Community Members</b>	<b>NILC</b> (National Immigration Law Center): general information & resources	<a href="#">NILC's Education page</a>
	<b>Public School Strong</b> by HEAL Together: nationwide public school advocacy campaign for parents, educators, and students	<a href="#">Campaign website</a>