Immigration Issues in Public Schools

Presented by:
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Success Story: Cesar Montelongo

- Partially due to fear of cartel violence in their hometown of Juarez, Mexico, Cesar's parents made the decision to overstay their visa and remain in the United States when Cesar was ten years old.
- Despite his undocumented status, his family's poverty, and growing up in a trailer shared with ten other people, Montelongo managed to graduate third in his high school class, earning a full scholarship to New Mexico State University.



Success Story: Cesar Montelongo

- After graduating from New Mexico State, Cesar applied to Loyola's Stritch School of Medicine, and became the first student with DACA status to be accepted to Loyola's MD-PHD program.
- He was also awarded a full scholarship to attend and is currently in his second year of the program.



- While Cesar is now facing uncertainty because of the uncertain future of DACA, he serves as an excellent example of what a student can accomplish, given the resources of a free public education.

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Topics to Explore

1) Duty to Provide Undocumented Students a Free Public Education
2) School Districts' Right to Request Student Documentation
3) Immigration Enforcement & Schools
4) The Current Political Climate Regarding Immigration Enforcement

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(1) Duty to Provide Undocumented Students a Free Public Education

- In the 1982 landmark case of *Plyler v. Doe*, the Supreme Court held that school districts must offer the same tuition-free education to undocumented students that it does to all other students.
- This is the only Supreme Court decision directly bearing on the right of undocumented students to receive a public education, and, therefore, remains an important source of guidance for schools in the enrollment process.

Plyler v. Doe, 457 U.S. 202 (1982).

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Plyler v. Doe

- The Texas statute at issue withheld state funds for the education of students "not legally admitted" into the U.S. and permitted school districts to deny enrollment to such students.
- Held: The statute violated the Equal Protection clause of the Fourteenth Amendment
  - » 'EP' Clause applies to *all* individuals within the U.S.
  - » State offered free education to all other students – therefore cannot deny it to a certain group without advancing some substantial state interest
  - » No rational basis to deny undocumented students a public education, especially in light of the importance of education, both to the individual and to society as a whole

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Immigration Issues Affecting Public School Districts

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