



New York State  
EDUCATION DEPARTMENT  
Knowledge > Skill > Opportunity

STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL

**DR. BETTY A. ROSA**

LETITIA JAMES  
ATTORNEY GENERAL

Commissioner of Education  
President of the University of the State of New York

### **Every New York student has the right to a free public education**

New York Attorney General Letitia James reminds you that students between the ages of 5 and 21 have the right to a free public-school education in our state, regardless of the student's nationality or immigration status. Policies that prevent students from enrolling in their local public school violate this important right.

You must live in a school district to attend its schools for free. Schools may ask you to submit documents proving where you live, but they must accept many different kinds of proof, such as:

- letter or affidavit from your landlord
- letter or affidavit from a social worker, teacher, lawyer, religious leader, or other person with personal knowledge of your address
- pay stub that shows your address
- Income-tax form
- bill for a utility or other service, such as cell phone, that shows your address
- membership documents based on residency, such as library cards (these do not have to show your address)
- voter registration card
- driver's license, learner's permit, or non-driver ID
- identification, issued by New York state or another government body, that shows your address
- documents issued by a federal, state, or local government agency, such as a local social services agency or the federal Office of Refugee Resettlement
- custody or guardianship papers
- other proofs of residency you present

When a student requests enrollment:

- The school must allow the student to begin attending classes as soon as possible — ideally the next school day.
- The student then has three business days to prove residency.
- If the school decides that the student is not a resident, it must provide a written explanation of its decision and tell you how to appeal it.

Schools should **not** impose residency requirements that make it difficult or impossible for noncitizens, undocumented students, and people who rent their homes without a lease to register for school. These policies include:

- requiring that all residency proofs be less than 30 days old
- requiring you to register or present proof of residency more than once if your address has not changed
- reporting, or threatening to report, information about your living situation to local code-enforcement authorities
- making home visits to investigate every student who does not have a lease or deed
- denying enrollment if you do not have a voter registration card or driver's license

In addition, schools may **not** require your Social Security number or any information about your immigration status as a condition of enrollment.

Under federal and state law:

- Public schools must accept school-age migrants and other students experiencing homelessness, living in shelters, or living in other temporary housing.
- Schools must immediately enroll such students, even if the student cannot provide proof of residency, immunization records, school records, or other documents usually required for enrollment.

If you or someone you know has been denied enrollment at your local public school, report the issue to the Office of the New York State Attorney General. [File a complaint at our website.](#)