

(S. B. 1314)

(No. 205-2015)

(Approved December 8, 2015)

AN ACT

To add paragraph (d) to subsection (10) of Section 3 of Act 195-2012, known as the “Puerto Rico Student Bill of Rights,” in order to ensure that all students that live in Puerto Rico are entitled and have access to free and safe public education, regardless of their race, color, sex, age, religion, birth, origin or ethnic background or nationality, political ideology, physical or mental disability, whether present or future, socioeconomic status, sexual orientation, and immigration status.

STATEMENT OF MOTIVES

Section 1 of Article II of the Constitution of the Commonwealth of Puerto Rico declares that “all men are equal before the law.” The concept of equality of all human beings recognized by the Constitution imposes on the Government of the Commonwealth of Puerto Rico the non-delegable responsibility to protect, promote, defend, encourage, and create the particular circumstances directed to quality of life that is equal for all persons living in Puerto Rico.

The state shall prioritize students in accordance with Section 5 of Article II of our Constitution, which states that “every person has the right to an education which shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms.” Our Constitution recognizes the foregoing right for all persons without distinction of citizenship or immigration status.

The public policy of the Government of the Commonwealth of Puerto Rico has sought to enforce the premises of the Constitution honoring the fundamental principle of equality among human beings in its different modalities. Concerning the field of education, Executive Order OE-2013-008 was adopted on February 21, 2013 in order to guarantee that all persons living in Puerto Rico have access to the public education system, regardless of their immigration status. The Supreme Court of the United States of America has recognized this principle by establishing that foreigners, including those who may not be legally authorized to be or remain in the United States of America, deserve an equal protection of the laws as well as due process of law. Therefore, no discrimination shall be made on account of legal status or immigration status against any student, much less deny him access to the public education system.

Education is the most powerful tool for social, cultural, and economic development of any person. It is simply unacceptable to deny a human being access to the public education system. This Legislative Assembly seeks to include all students in this right to accessible and free public education and to expressly provide so by law.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF PUERTO RICO:

Section 1.- Paragraph (d) is hereby added to subsection (10) of Section 3 of Act 195-2012, to read as follows:

“Section 3.- General Student Rights

...

(1) ...

(9) ...

(10) Right to a Free and Safe Public Education.

(a) ...

(c) ...

(d) The right to receive equal opportunities to enroll in the public education system shall be recognized and guaranteed to any student who lives in Puerto Rico, regardless of race, color, sex, age, religion, birth, origin or ethnic background or nationality, political ideology, physical or mental disability, whether present or future, socioeconomic status, sexual orientation and gender identity, and immigration status. Public schools may not deny or reject students from enrolling in school on account of immigration status or failure to provide proof of lawful presence in Puerto Rico. No student or his family members shall be inquired about the immigration status of a student, his parents, or custodians.”

Section 2.- Effectiveness.

This Act shall take effect immediately after its approval.

CERTIFICATION

I hereby certify to the Secretary of State that the following **Act No. 205-2015 (S. B. 1314)** of the **6th Regular Session** of the **17th Legislative Assembly of Puerto Rico**:

AN ACT to add paragraph (d) to subsection (10) of Section 3 of Act 195-2012, known as the “Puerto Rico Student Bill of Rights,” in order to ensure that all students that live in Puerto Rico are entitled and have access to free and safe public education, regardless of their race, color, sex, age, religion, birth, origin or ethnic background or nationality, political ideology, physical or mental disability, whether present or future, socioeconomic status, sexual orientation, and immigration status.

has been translated from Spanish to English and that the English version is correct.

In San Juan, Puerto Rico, on this 13th day of December, 2018.

Orlando Pagán-Ramírez
Director