

EQUAL ACCESS TO PUBLIC EDUCATION

A. Background

Under federal and state law, districts are required to provide all children with equal access to public education at the elementary and secondary level.

Title IV of the CRA of 1964 prohibits discrimination on the basis of race, color or national origin by public schools.

Title VI prohibits discrimination by recipients of federal funds on the basis of race, color or national origin

Title VI prohibits districts from using criteria or methods that have the effect of subjecting individuals to discrimination because of their race, color or national origin, or have the effect of interfering with the objectives of a program for individuals in those categories.

In *Plyler v. Doe*, 457 U.S. 202 (1982), the Supreme Court held that a state may not deny access to a basic public education to any child residing in the state whether present in the U.S. legally or otherwise.

Denying “innocent children” access to a public education “imposes a lifetime of hardship on a discrete class of children not accountable for their disabling status By denying these children a basic education, we deny them the ability to live within the structures of our civic institutions, and foreclose any realistic possibility that they will contribute in even the smallest way to the progress of our Nation.”

The Supreme Court clearly stated that the undocumented or non-citizen status of a student (or his/her parent or guardian) is irrelevant to that student’s entitlement to an elementary and secondary public education.

B. Enrollment

School districts that either prohibit or discourage, or maintain policies that have the effect of prohibiting or discouraging, children from enrolling in schools because they or their parents/guardians are not U.S. citizens or are undocumented may be in violation of federal law. Attached to this memo, you will find a U.S. Department of Justice/Civil Rights Division Fact Sheet: Information on the Rights of All Children to Enroll in School.

The JPPSS Enrollment website lists the documents that may be requested. They include:

- Two proofs of residence (lease, utility bill, etc)
- Your student(s)’s immunization records

- Your student(s)'s birth certificate(s). A birth certificate is used only for verifying the student's legal name, date of birth, and the parent's name. A foreign birth certificate is an acceptable document for verifying the student's information.
- Your student(s)'s final report card from the previous school year (except kindergarten)
- Your student(s)'s transcript from the school previously attended (only for high school transfers)
- Your student(s)'s custody papers (if applicable)

Guidance: Please review the attached Fact Sheet and familiarize yourself with the list of acceptable enrollment documents. Contact the Compliance Department if you have questions about enrollment documents and do not require any documentation for enrollment that has not been approved by the Compliance Department.

C. U.S. Immigration and Customs Enforcement — “Sensitive Locations”

Department of Homeland Security wants to ensure that people seeking to participate in activities or utilize services provided at any sensitive location are free to do so without fear or hesitation.

Immigration and Customs Enforcement (ICE) and U.S. Customs and Border Patrol (CBP) “sensitive locations” policy provides that enforcement actions at sensitive locations should be avoided, and require prior approval from an appropriate supervisory official or exigent circumstances necessitating immediate action.

Sensitive locations include:

Schools and bus stops

Medical treatment facilities and hospitals

Places of worship

Religious or civil ceremonies such as funerals and weddings

Public demonstrations such as a march, rally or parade

Enforcement actions include an ICE or CPB attempt to apprehend, arrest, interview, search or surveil an individual for enforcement purposes.

An ICE or CPB officer may only conduct an enforcement action with prior approval from an appropriate supervisory official or in exigent circumstances.

Exigent circumstances are situations related to national security, terrorism or public safety, or where there is a risk of destruction of evidence in an ongoing criminal case.

Guidance: In the unlikely event that an ICE agent should come to your campus, contact Legal Counsel (504-365-5366 or padams.legal@jppss.k12.la.us) before you allow them to take any action. The district has an obligation to ensure that the agent has obtained the required approval to conduct an enforcement action at a sensitive location or that there are exigent circumstances.

July, 2018