

ALESSANDRA SOLER MEETZE
EXECUTIVE DIRECTOR

ROBERTO REVELES
PRESIDENT



June 30, 2011

Superintendent John Huppenthal
Arizona Department of Education
1535 West Jefferson Avenue
Phoenix, AZ 85007

Re: DOE/DOJ Guidance on School Enrollment

AMERICAN CIVIL
LIBERTIES UNION
FOUNDATION
OF ARIZONA
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Dear Superintendent Huppenthal,

As you know, on May 6, 2011, the U.S. Department of Education Office for Civil Rights and the U.S. Department of Justice Civil Rights Division issued guidance to schools across the country regarding school enrollment practices. We are writing to encourage the Arizona Department of Education (ADE) to review its own policies and those of Arizona schools to ensure that administrators and staff are properly trained and in compliance with both federal and state law. We also wish to offer our assistance with that process since we have done considerable work in this area and are eager to be a resource to ADE.

The DOE/DOJ guidance was prompted by concerns that through their enrollment policies, some schools were deterring or discouraging families from enrolling their children because of a parent's or student's immigration status. The U.S. Supreme Court and federal law have firmly recognized that children have a right to public education, regardless of their immigration status. As a result, schools may not erect barriers during the enrollment process that impede immigrant families from exercising their child's right to public education.

Additionally, actions that are intended to or have the effect of infringing on this right are constitutionally suspect. Requiring documentation associated with immigration status or inquiring into a child's or parent's immigration status during the enrollment process have the effect of discouraging enrollment in school and are inconsistent with public schools' legal obligations.

Arizona families and community organizations have informed us that some schools are requiring enrollment documentation beyond what is authorized by law. In some cases, parents were told that original birth certificates and Social Security numbers were required to enroll their children. Despite state law requiring schools or school districts to inform these parents that they could provide alternative documentation, the parents were not provided with alternatives. Through public records requests, the ACLU of Arizona has gathered

enrollment policies of several schools across the state. We found that the information in enrollment packets used by some schools is in conflict with state and federal law and would deter families from enrolling their children because of the status of any family member.


A review of current Arizona school enrollment policies and practices is particularly urgent in light of recent amendments made to the Arizona Revised Statutes regarding residency requirements for school enrollment. As your office considers new policies to implement these changes, it is imperative that accurate information is provided to students and families throughout the various Arizona school districts.

To assist families with their enrollment questions, our office recently produced materials tailored to Arizona law. We have made those materials available to parents, students and community members in various forums and on our website. We are available to speak with you or your staff to share these materials as well as our information and concerns. We seek to resolve these matters in a constructive manner at this early stage and welcome the opportunity to discuss practices that encourage educational equity and full participation by all Arizona students.

AMERICAN CIVIL
LIBERTIES UNION FOUNDATION
OF ARIZONA

Thank you in advance for your assistance and cooperation. You may reach us by phone at (602) 578-0354 or email at aabraham@acluaz.org.

Sincerely,


Alessandra Soler Meetze
Executive Director


Anjali Abraham
Public Policy Director