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The Latino Legal Voice for Civil Rights in America

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August 14, 2020

Charie Wallace, Superintendent
Coolidge Unified School District
450 N. Arizona Blvd
Coolidge, AZ 85128

Re: Problems with Enrollment Forms

Dear Ms. Wallace:

We write with concerns about information requested in the Coolidge Unified School District's (CUSD) 2020-2021 Enrollment Forms, and the impact on potential applicants. Specifically, The CUSD webpage entitled "Registration & Immunizations"¹ contains enrollment forms parents "will need to present" to the District to enroll a child at CUSD. The required 2020-2021 Student Enrollment Card (both English and Spanish versions) explicitly requests that parents and guardians identify their U.S. Citizenship status under the text "U.S. Citizen" in the family information subsection. This form further requests the applicant child's social security number ("SS#"). Requiring this information implies that children seeking enrollment, and their parents or guardians, must either be U.S. citizens or lawful permanent residents.

Any student, regardless of immigration status, has the right to equal access to education. Schools may not create any obstacles that limit or modify this right. The U.S. Supreme Court's decision in *Plyler v. Doe* enshrines the principle that all students, whether or not they are citizens, are guaranteed a free public education in the United States.² Indeed, the U.S. Department of Justice and the U.S. Department of Education have provided the following guidance to school districts:³

As *Plyler* makes clear, the undocumented or non-citizen status of a student (or his or her parent or guardian) is irrelevant to that student's entitlement to an elementary and secondary education. To comply with [] Federal civil rights laws, as well as the mandates of the Supreme Court, you must ensure that you do not discriminate on the basis of race, color, or national origin, and that students are not barred from enrolling in public schools at the elementary and secondary level on the basis of their own citizenship or immigration status or that of their parents or guardians.⁴

¹ http://www.coolidgeschools.org/for_parents/registration_immunizations

² *Plyler v. Doe*, 457 U.S. 202 (1982).

³ Dear Colleague Letter: School Enrollment Procedures, Plyler, U.S. DEP'T OF JUST. & U.S. DEP'T. OF EDUC. 1 (May 8, 2014), <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201405.pdf> ("2014 Dear Colleague Letter")

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The CUSD enrollment forms' citizenship status questions are immaterial to the registration process and the request alone will likely deter non-citizen or undocumented students from applying in the first place. Requesting unnecessary citizenship information is likely to deter enrollment by non-citizen parents. The problem is compounded by CUSD's request in enrollment forms for a student's social security number without explaining the voluntary nature of this disclosure or the reason for its use. *See* 2014 Dear Colleague Letter ("If a district chooses to request a social security number, it shall inform the individual that the disclosure is voluntary, provide the statutory or other basis upon which it is seeking the number, and explain what uses will be made of it.").

A policy or practice that has the effect of deterring immigrant children from enrolling in school is a violation of *Plyler*. Accordingly, we request that CUSD immediately revise its enrollment forms to: (1) eliminate any reference to or request for citizenship status of applicants and/or family members; and, (2) remove any request for a social security number or social security card (or, at a minimum, indicate that such information is optional and note the reason for the request).

Anti-immigrant rhetoric is on the rise, and non-citizens are being denied benefits and opportunities to which they are entitled at an alarming frequency. CUSD has a responsibility to ensure that all students have equal access to an education and are not deterred from applying to CUSD because the school district's Student Enrollment Card contains incorrect or unlawful requests for information.

As the 2020-2021 school year is upon us, we look forward to your prompt response to our request.

Sincerely,



Juan Rodriguez
Staff Attorney
MALDEF

⁴ Arizona's Attorney General has historically recognized this established precedent. Ariz. Op. Att'y Gen. No. I94-003 (August 11, 1994).