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August 14, 2020

Ed Burgoyne, Superintendent
St. Johns Unified School District
P.O. Box 3030,
St. Johns, AZ 85936

Re: Problems with Enrollment Forms

Dear Mr. Burgoyne:

We write with concerns about information requested in the St. Johns Unified School District's (SJUSD) Registration Forms, and the impact on potential applicants. Specifically, the SJUSD webpage entitled "Registration & Immunizations"¹ contains enrollment forms titled "Coronado Registration Pack" and "Middle School Registration Pack."² Each of these registration forms explicitly requests the enrolling student's "Citizenship" under the "Student Information" section. The "Middle School Registration Pack" form further requests the applicant child's social security number. Requiring this information implies that children seeking enrollment 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.³ Indeed, the U.S. Department of Justice and the U.S. Department of Education have provided the following guidance to school districts:⁴

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

¹ <https://www.sjUSD.net/Registration>

² These registration forms do not identify any particular school year to which they apply, but are the sole registration forms published on the SJUSD's registration webpage.

³ *Plyler v. Doe*, 457 U.S. 202 (1982).

⁴ Dear Colleague Letter: School Enrollment Procedures, Plyler, U.S. DEPT OF JUST. & U.S. DEPT 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 elementary and secondary level on the basis of their own citizenship or immigration status or that of their parents or guardians.⁵

The SJUSD enrollment forms' citizenship 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 its "Middle School Registration Pack" form for a student's social security number without explaining the voluntary nature of this disclosure.⁶ 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 SJUSD immediately revise its enrollment forms⁷ to: (1) eliminate any reference to or request for citizenship or citizenship status of applicant student, (2) remove any request for a social security number (or, at a minimum, indicate that providing such information is "optional").

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. SJUSD has a responsibility to ensure that all students have equal access to an education and are not deterred from applying to SJUSD because the school district's registration forms contain 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

⁵ Arizona's Attorney General has historically recognized this established precedent. Ariz. Op. Att'y Gen. No. I94-003 (August 11, 1994).

⁶ While SJUSD provides the reason for the social security number request --"needed for attendance programs & scholarships" -- there is no indication that such information is optional. Indeed, the District's expressed "need[]" for the student's social security number suggests this information is required for a student to enroll in the district.

⁷ The "Coronado" and "Middle School" registration materials appear to pertain only to SJUSD's elementary and middle schools. We could not locate any registration form for St. John's High School, but, to the extent there exists a separate registration form for that school that contains the same citizenship and social security number questions, our request applies equally to that form as well.