



## AAG Perez Reminds Alabama School Districts Children Deserve Equal Access to Public Education

November 1st, 2011 Posted by Tracy Russo

Today, the Justice Department issued a letter to Alabama school districts reminding them of their obligation under federal law that a state may not deny a child equal access to public education based on his or her immigration status. The department also requested information regarding enrollment practices to determine whether each school district is in compliance with federal law and whether further action is warranted. The text of the letter is below.

*Dear Superintendent,*

*This office is charged with enforcing laws that prohibit discrimination against public school students on the basis of, among other things, race, color, and national origin, see 42 U.S.C. § 2000c-6 (Title IV), and that require school districts to take appropriate action to overcome the language barriers of English Language Learner (ELL) students. See 20 U.S.C § 1703 (Equal Educational Opportunities Act). It has come to our attention that the requirements of Alabama's H.B. 56 may chill or discourage student participation in, or lead to the exclusion of school-age children from, public education programs based on their or their parents' race, national origin, or actual or perceived immigration status, or based on their homeless or foster care status and consequent lack of documentation.*

*As you know, in Plyler v. Doe, 457 U.S. 202 (1982), the Supreme Court held that a State may not deny a child equal access to public education based on his or her immigration status. Noting the "pivotal role of education" in our society, id. at 221, the Court concluded that denying innocent children the benefit of schooling provided to other students within the district was unconstitutional. Id. at 230. On May 6, 2011, the U.S. Departments of Justice and Education issued guidance on the Federal obligation to provide **equal educational opportunities to all children residing within your district**.*

*Because this matter may implicate the civil rights laws that we enforce, we request that the District provide information to assist us in determining what further action, if any, is warranted. We stress that this inquiry is preliminary in nature, and request the following information:*

- 1. A list of all enrolled students by school as of September 27, 2011, identifying their race, national origin, and ELL status.[1]*
- 2. A list of all students, by school, who have withdrawn from school, from the first day of the 2011-2012 school year to date. For each student, include the date of withdrawal, the reason for withdrawal, and the student's race, national origin, and ELL status.*
- 3. A list of all students, by school, who have had at least one unexplained absence from school, from September 27, 2011 to date. For each student, include the date(s) of the unexplained absence(s) and the student's race, national origin, and ELL status.*
- 4. The number and percentage of students who withdrew from school each week from the start of the 2010-2011 school year until October 31, 2010, by school and by the*

- students' race, national origin, and ELL status.*
5. *The number and percentage of students who have withdrawn from school each week during the 2011-2012 school year to date, by school and the students' race, national origin, and ELL status.*
  6. *The percentage of students who were absent from school each week, on average, during (a) the 2010-2011 school year to October 31, 2010, and (b) the 2011-12 school year to date, by school and by the students' race, national origin, and ELL status.*
  7. *A list of all ELL students, including whether they are participating in an ELL program (e.g., enrolled in ESL classes), by school and the student's race and national origin, as of (1) the first day of the 2011-2012 school year; (2) September 27, 2011; (3) October 3, 2011; and (4) October 4, 2010.*
  8. *The number of students enrolled, by school, race, and national origin, as of: (1) the first day of the 2011-2012 school year; (2) October 3, 2011; (3) October 14, 2011; (4) October 4, 2010; and (5) October 24, 2011.*
  9. *The number of students absent, by school, race, and national origin, on (1) October 3, 2011 and (2) October 4, 2010.*

*Please send us the requested information in electronic format no later than **November 14, 2011**. Additionally, we ask that you supplement the information provided in response to requests 2 and 3 on a monthly basis, by the 15th day of each month. If you have any questions, please do not hesitate to contact the Educational Opportunities Section. Thank you in advance for your cooperation and assistance.*

*Sincerely,*

*Thomas E. Perez*

*Assistant Attorney General*

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