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April 1, 2014

Superintendent Joe Superintendent
Model Schools
123 Main Street
Anytown, NJ 12345

Dear Dr. Superintendent:

According to the registration information available on your school district's website (a printout of which is enclosed), your district requires photo identification from the adult seeking to register a child for school. This requirement violates constitutional law, state law and state regulations. The requirement discriminates against immigrant parents, preventing or discouraging them from registering their children to attend public school. Therefore, such requirements must be immediately removed from the district's registration process.

The United States Supreme Court in *Plyler v. Doe*,¹ held that undocumented children living in the United States could not be precluded from public elementary and secondary schools based on immigration status. New Jersey's state law² clearly states that domicile and age are the *only* factors to determine eligibility for a free public education. All children between the ages of five and 20 are eligible to attend public school, regardless of their immigration status. Further, the New Jersey Administrative Code specifically states, "A district board of education shall not condition enrollment on the receipt of information or documents . . . Pertaining to criteria that are not a legitimate basis for determining eligibility to attend school."³

There is good reason for these laws and regulations. As the United States Department of Justice has explained: "For the past three decades, *Plyler* has kept the door to opportunity open for millions of children across America. *Plyler* has stood for the proposition that public schools serve all children in this country, no matter where they were born. *Plyler* has represented the promise that the American dream should be accessible to all."⁴

The American Civil Liberties Union of New Jersey is committed to ensuring that schools throughout New Jersey keep their doors open to all children living in the district. Recently, we discovered a school district with a photo identification policy similar to yours. The district insisted that they had a right to ask for photo identification, even after we pointed out that such a requirement is an impermissible burden on the children of immigrant residents. We sued the district and they ultimately agreed to eliminate the identification requirement, but not before it received a barrage of negative coverage in the

¹ 457 U.S. 202 (1982).

² N.J.S.A. 18A:38-1

³ N.J.A.C. 6A:22-3.4(d)

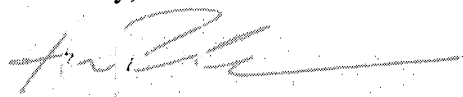
⁴ Remarks of Assistant Attorney General Thomas E. Perez at the American Civil Liberties Union's *Plyler v. Doe* 30th Anniversary Event, Washington, D.C., June 11, 2012, available at: <http://www.justice.gov/crt/opa/pr/speeches/2012/crt-speech-120611.html>

media.⁵ We request written confirmation that the district will no longer require photograph identification for enrollment in its public schools, that a request for this information will not be verbally demanded or appear on any enrollment form and that the relevant staff members have been informed of these requirements. Further, please forward a copy of the form that will be used going forward that is in compliance with the law as set forth above.

While we do not wish to resort to litigation, given the clarity of these laws and the importance of these issues, unless the district changes its policy and practice within the next four weeks, we will consider filing suit.

Feel free to contact me at (973) 854-1714 if you have any questions. I hope you will act promptly to bring this district into compliance. I look forward to a prompt response with regard to this serious issue.

Sincerely,



Alexander Shalom
Senior Staff Attorney
American Civil Liberties Union of New Jersey

Encl: Printout from Model Schools Website

C: David Hesper, Acting Commissioner of New Jersey Department of Education
Shaheena Simons, Deputy Chief, Educational Opportunities Section, United States Department
Of Justice, Civil Rights Division

⁵ Peggy McGlone, "Facing lawsuit, Butler schools agree to stop discriminating against immigrant parents" *The Star Ledger*, March 11, 2004, available at: http://www.nj.com/education/2014/03/facing_lawsuit_butler_schools_agree_to_stop_discriminating_against_immigrant_parents.html#comments