

## EQUAL ACCESS TO PUBLIC EDUCATION

### **A. Background**

Under federal and state law, districts are required to provide all children with equal access to public education at the elementary and secondary level.

Title IV of the CRA of 1964 prohibits discrimination on the basis of race, color or national origin by public schools.

Title VI prohibits discrimination by recipients of federal funds on the basis of race, color or national origin

Title VI prohibits districts from using criteria or methods that have the effect of subjecting individuals to discrimination because of their race, color or national origin, or have the effect of interfering with the objectives of a program for individuals in those categories.

In *Plyler v. Doe*, 457 U.S. 202 (1982), the Supreme Court held that a state may not deny access to a basic public education to any child residing in the state whether present in the U.S. legally or otherwise.

Denying “innocent children” access to a public education “imposes a lifetime of hardship on a discrete class of children not accountable for their disabling status . . . By denying these children a basic education, we deny them the ability to live within the structures of our civic institutions, and foreclose any realistic possibility that they will contribute in even the smallest way to the progress of our Nation.”

The Supreme Court clearly stated that the undocumented or non-citizen status of a student (or his/her parent or guardian) is irrelevant to that student’s entitlement to an elementary and secondary public education.

### **B. Enrollment**

School districts that either prohibit or discourage, or maintain policies that have the effect of prohibiting or discouraging, children from enrolling in schools because they or their parents/guardians are not U.S. citizens or are undocumented may be in violation of federal law.

The JPPSS Enrollment website lists the documents that may be requested. They include:

- Two proofs of residence (lease, utility bill, etc)
- Your student(s)’s immunization record. Your student(s)’s birth certificate(s). A birth certificate is used only for verifying the student’s legal name, date of birth, and the parent’s name. A foreign birth certificate is an acceptable document for verifying the student’s information.
- Your student(s)’s final report card from the previous school year (except kindergarten)
- Your student(s)’s transcript from the school previously attended (only for high school transfers)
- Your student(s)’s custody papers (if applicable)

***Guidance: Please familiarize yourself with the list of acceptable enrollment documents. Contact the Compliance Department if you have questions about enrollment documents and do not require any documentation for enrollment that has not been approved by the Compliance Department.***

### C. U.S. Immigration and Customs Enforcement — Updated Guidance (1.27.25)

Until recently, schools and school bus stops, along with places of worship, religious or civil ceremonies, hospitals and public demonstrations were designated by the Department of Homeland Security (DHS) as “sensitive locations”. Under that policy, immigration enforcement actions in “sensitive locations” were “generally to be avoided” and could take place only under exigent circumstances related to national security, terrorism or public safety, or where there was imminent risk of destruction of evidence material in an ongoing criminal case.

DHS recently withdrew the “sensitive locations” policy which means that Immigration and Customs Enforcement (ICE) or U.S. Customs and Border Patrol (CBP) *could* (although we hope they won’t) seek to take an immigration enforcement action on or near a Jefferson Parish Schools campus.

The district has, and will continue, to comply with all applicable Federal, State and local laws relative to the education of our students and oversight of School Board property. It is important to remember that there has been ***no change*** to any of the district’s legal obligations with respect to the following:

- The right of every child residing in Jefferson Parish, regardless of immigration status, to receive a free public education.
- The right of every child to receive a public education without discrimination or harassment on the basis of national origin, or any other protected category.
- The right of privacy with regard to student records.
- The right to be protected from unreasonable search and seizure while on School Board property.

School officials do not have any authority to enforce immigration laws on their campus. In the event that an ICE or CBP agent comes to your campus, please follow these guidelines:

- Contact Chief Legal Counsel, Patricia Adams, and your ED immediately. Ms. Adams can be reached at 504-365-5366 (office) or 504-296-8209 (cell).
- Ask the agent to provide his/her credentials and any other relevant documents (such as a warrant, subpoena or judicial order).
- Scan and send a copy of the agent’s credentials and any documentation they provide to Ms. Adams at [padams.legal@jpschools.org](mailto:padams.legal@jpschools.org).
- Ask the agent to wait in the office until you receive guidance from your ED and legal.
- Do not allow the agent access to your campus, students or student records without prior approval from the legal department.

Please contact Ms. Adams if you have any questions or concerns about this guidance.

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