

March 9, 2017

Mr. Benjamin Vinson, Chair
Georgia Immigration Enforcement Review Board
270 Washington Street, SW, Suite 1-156
Atlanta, Georgia 30334

Re: Complaint against the Cobb County School District

Dear Mr. Vinson,

This firm represents the Cobb County School District ("CCSD") and on its behalf provides the following in response to the February 23, 2017 letter from the Director of Administration of the Georgia Department of Audits and Accounts, and the complaint dated February 7, 2017 attached thereto ("Complaint").

1. Adult education program

CCSD believes it has not violated or failed to enforce the requirements of the Secure and Verifiable Identity Document Act (O.C.G.A. §50-36-1, et seq.) ("verification law"). CCSD acknowledges that "adult education" is one of the public benefits specifically covered by the verification law. Residents of Cobb County may receive adult education services from the Cobb/Paulding adult education program, which is operated by CCSD in conjunction with Technical College System of Georgia ("TCSG") and serves residents of both Cobb and Paulding Counties. Thus, even though the program is operated by CCSD, it also serves adults who reside within the Marietta City and Paulding County school districts. Upon information and belief, neither the Marietta City School District nor the Paulding County School District operates an adult education program in conjunction with TCSG.

The verification law requires applicants for certain public benefits to have their eligibility verified. Specifically, certain individuals must be verified through the federal SAVE Program run by the federal Department of Homeland Security ("DHS"). CCSD complies with the eligibility verification requirements in the verification law in operating the Cobb/Paulding adult education program. Applicants are required to present proper identification and complete a Verification of Eligibility for Public Benefit Affidavit. See exhibit 1, attached. Depending on their status, certain applicants are required to provide an appropriate immigration number issued by DHS or another appropriate federal agency. Their eligibility is then verified through the federal SAVE Program. TCSG facilitates the SAVE Program verification process and provides pertinent information to the Cobb/Paulding adult education program. If an individual's eligibility

cannot be verified, the individual may not participate in the adult education program. Thus, the CCSD adult education program fully complies with the verification law.

2. Parent and community engagement

Although “adult education” is one of the public benefits specifically covered by the verification law, CCSD notes that K-12 education is *not* included as one of its public benefits. Unrelated to its adult education program, CCSD provides other services such as parent and community engagement, in which adults participate. This is distinct from adult education because the parent and community engagement services are attached to and intended for the benefit of elementary and secondary school students, whereas the adult education services are attached to and intended for the benefit of post-secondary adults.

School districts that receive federal funds are required by federal law to dedicate resources to parent and community engagement to support students in better accessing their education. Some federal programs are specifically intended to benefit disadvantaged students (Title I) and students who are English learners (Title III). Significant federal funding flows to Georgia’s local school districts under these programs. These programs require local school districts to provide parent and community engagement in order to assist and support the students in better accessing their education. Moreover, public schools cannot deny students a free public education on the basis of their immigration status, a legal matter that was established in 1982 by the U.S. Supreme Court decision in Plyler v. Doe. The Plyler decision is expressly codified in at Georgia State Board of Education Rule 160-5-1-.28(2)(b)1(i)I(VII).

Reference is made to recent guidance from Cori Alston, Program Manager, ESOL & Title III Unit at the State Department of Education. See exhibit 2, attached. School districts are not permitted to inquire into the legal status of students or their parents. To the extent that there is an issue regarding the application of the verification law to parent and community engagement services that are mandated by state and federal rules, it would be appropriate to inquire with the state and/or federal departments of education.

3. The Complainant requested records pertaining to the Title III/ESOL program, not the adult education program

The Complaint mentions a request for records made by the Complainant under the Georgia Open Records Act. The request specifically sought records of CCSD’s ESOL program and cited a CCSD webpage related to the Title III/ESOL program. See exhibit 2, attached. The records related to the Title III/ESOL program are confidential under federal law, in particular the Family Educational Rights Privacy Act, 20 U.S.C. 1232g (“FERPA”). The form associated with Title III/ESOL services contains personally identifiable information regarding both students and their families. See exhibit 3, attached. Such personally identifiable information of both students and families is protected under FERPA. Records related to the adult education program, had they been requested, would be protected to a lesser extent. As exhibit 1 shows, the Verification of Eligibility for Public Benefit Affidavit meets the requirements of the verification law. This affidavit is completed by all applicants to the Cobb/Paulding AEP.

If additional information is needed, please do not hesitate to let us know.

Sincerely,
Gregory, Doyle, Calhoun & Rogers, LLC



Michael James Walker
Clem Doyle

MJW/jc

Enc.

CC: Ms. Carol Schwinne, Director, Georgia Department of Audits and Accounts
Superintendent Chris Ragsdale, Cobb County School District

IMMIGRATION ENFORCEMENT REVIEW BOARD

STATE OF GEORGIA

Cobb County School District

Initial Response to IERB – March 9, 2017

Exhibit # 1

Verification of Eligibility for Public Benefit Affidavit

Technical College System of Georgia

Office of Adult Education

Last updated July, 1 2014 -- Complete the form in ink

Last Name: _____ First Name: _____ Age: _____

By executing this affidavit under oath, as an applicant for adult education, as referenced in O.C.G.A. § 50-36-1, from the Technical College System of Georgia Adult Education Program, the undersigned applicant verifies one of the following with respect to my application for a public benefit:

- 1) _____ I am a United States citizen.
- 2) _____ I am a legal permanent resident of the United States.
- 3) _____ I am a qualified alien or non-immigrant under the Federal Immigration and Nationality Act with an alien number issued by the Department of Homeland Security or other federal immigration agency.

My Alien Registration Number (A-number), I-94 (Arrival-Departure Record) number, or other immigration number issued by the U.S. Department of Homeland Security or other federal immigration agency is: _____. (For verification through the SAVE program, a front and back copy of the secure and verifiable document and the supporting documentation must be attached.)

The undersigned applicant also hereby verifies that he or she is 18 years of age or older and has provided at least one secure and verifiable document*, as required by O.C.G.A. § 50-36-1(e)(1), with this affidavit.

The secure and verifiable document provided with this affidavit can best be classified as:

In making the above representation under oath, I understand that any person who knowingly and willfully makes a false, fictitious, or fraudulent statement or representation in an affidavit shall be guilty of a violation of O.C.G.A. § 16-10-20, and face criminal penalties as allowed by such criminal statute.

Executed in _____ (city), Georgia.

Signature of Applicant (in ink)

Printed Name of Applicant

*The "List of Secure and Verifiable Documents" can be found at <http://law.ga.gov/immigration-reports>.

SUBSCRIBED AND SWORN BEFORE ME ON THIS THE _____ PRINTED NAME OF NOTARY PUBLIC:

_____ DAY OF _____, 20____

SIGNATURE OF NOTARY PUBLIC (In Ink):

My Commission Expires: _____

Local Program POC Initials: Date: _____	OAE Reviewer: <input type="checkbox"/> Complete and SAVE Ready SV _____ SD _____	Date: <input type="checkbox"/> Incomplete <input type="checkbox"/> SV Doc <input type="checkbox"/> Supporting Doc	<input type="checkbox"/> Restricted Visa _____ SAVE Date: Results: <input type="checkbox"/> Verified <input type="checkbox"/> Unverified
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Secure and Verifiable Documents under O.C.G.A. § 50-36-2

Issued April 3, 2014 by the Office of the Attorney General, Georgia

"Secure and verifiable document" means a document issued by a state or federal jurisdiction or recognized by the United States government and that is verifiable by federal or state law enforcement, intelligence, or homeland security agencies. **The term "secure and verifiable document" shall not include any foreign passport unless the passport is submitted with a valid United States Homeland Security Form I-94, I-94A, or I-94W, or other federal document specifying an alien's lawful immigration status, or other proof of lawful presence in the United States under federal immigration law, or a Matricula Consular de Alta Seguridad, matricula consular card, consular matriculation card, consular identification card, or similar identification card issued by a foreign government regardless of the holder's immigration status. Only those documents approved and posted by the Georgia Attorney General pursuant to subsection (g) of the Code section shall be considered secure and verifiable documents. [O.C.G.A. § 50-36-2 (b)(3)]**

The following list of secure and verifiable documents, published under the authority of O.C.G.A. § 50-36-2, contains documents that are verifiable for identification purposes, and documents on this list may not necessarily be indicative of residency or immigration status.

- **An unexpired United States passport or passport card**
- **An unexpired United States military identification card**
- **An unexpired driver's license or identification card issued by one of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Marianas Islands, the United States Virgin Island, American Samoa, or the Swain Islands, provided that it contains a photograph of the bearer or lists sufficient identifying information regarding the bearer, such as name, date of birth, gender, height, eye color, and address to enable the identification of the bearer**
- **An unexpired tribal identification card of a federally recognized Native American tribe, provided that it contains a photograph of the bearer or lists sufficient identifying information regarding the bearer, such as name, date of birth, gender, height, eye color, and address to enable the identification of the bearer.**
- **An unexpired United States Permanent Resident Card or Alien Registration Receipt Card**
- **An unexpired Employment Authorization Document that contains a photograph of the bearer**
- **An unexpired passport issued by a foreign government, provided that such passport is accompanied by a US Department of Homeland Security Form I-94, I-94A, or I-94W, or other federal form specifying an individual's lawful immigration status or other proof of lawful presence under federal immigration law**
- **An unexpired Merchant Mariner Document or Merchant Mariner Credential issued by the US Coast Guard**
- **An unexpired FAST card, NEXUS card, or SENTRI card**
- **An unexpired driver's license issued by a Canadian government authority**
- **A Certificate of Citizenship (Form N-560 or Form N-561) or a Certificate of Naturalization (Form N-550 or Form N-570) issued by the United States Department of Citizenship and Immigration Services (USCIS)**
- **Certification of Report of Birth (Form DS-1350), a Certification of Birth Abroad (Form FS-545), or a Consular Report of Birth Abroad (Form FS-240) issued by the United States Department of State**
- **An original or certified copy of a birth certificate issued by a State, county, municipal authority, or territory of the United States bearing an official seal**

For a more detailed listing of these secure and verifiable documents, including citations, refer to the "List of Secure and Verifiable Documents" posted on the Attorney General of Georgia website at <http://law.ga.gov/immigration-reports>.

**Technical College System of Georgia
Office of Adult Education**

**Verification of Eligibility for Public Benefit Affidavit
Directions**

Last updated June 1, 2015

In accordance with Georgia law (O.C.G.A. § 50-36-1), Office of Adult Education grantees who receive state funds must require every applicant (ages 18 and over) to provide a secure and verifiable document and execute a signed and sworn affidavit verifying his or her lawful presence in the United States in order to be eligible to receive the public benefit of adult education. Applicants who identify themselves as Qualified Aliens/Non-immigrants on the affidavit must be verified through the federal Systematic Alien Verification for Entitlements program (SAVE). Applicants, local programs and the Office of Adult Education each have responsibilities in this process, which are detailed below.

To enroll in a state-funded adult education program, the applicant must:

- Provide at least one secure and verifiable document
- Complete the VOEPB affidavit and select one of three categories:
 1. United States citizen
 2. Legal permanent resident of the United States
 3. Qualified Alien or Non-immigrant under the Federal immigration and Nationality Act with an alien number issued by the Department of Homeland Security or other federal immigration agency
- Provide supporting documentation if presenting a foreign passport or if selecting Qualified Alien/Non-immigrant
- Have the affidavit notarized

Secure and Verifiable Documents

A secure and verifiable document is an approved form of identification that is current and valid. Only certain types of identifying documents are approved by the state of Georgia. The list of secure and verifiable documents from the Georgia Attorney General's office is provided as page two of the affidavit. For a more detailed list, including citations, refer to the "List of Secure and Verifiable Documents" posted at <http://law.ga.gov/immigration-reports>. Some examples of secure and verifiable documents include, but are not limited to:

1. Driver's license or ID issue by a state or territory
2. U.S Permanent Resident card
3. U.S. Passport
4. U.S. Military ID
5. Employment Authorization Card (I-766)
6. Foreign passport with I-94, I-94A or I-94W

Supporting Documentation

Supporting documentation can be any passport, card, or document that is issued by the **United States Department of Homeland Security, Department of State or other federal institution** that provides information to support the category of qualified alien or non-immigrant. Some examples of supporting documentation include, but are not limited to:

1. Foreign passport with I-94, I-94A, or I-94W

2. Employment Authorization Card (I-766)
3. J-1 visa form (DS-2019)

The local adult education program must:

- Print the Verification of Eligibility for Public Benefit Affidavit and the list of secure and verifiable documents in duplex format (front/back)
- Distribute the affidavit to all applicants ages 18 and over at the time of intake or within 30 days after his/her 18th birthday
- Provide a notary public or notaries public, if able
- Collect a copy of the secure and verifiable document from ALL applicants
- Collect a copy of the supporting documentation from all applicants who select the status of Qualified Alien/Non-immigrant
- Run GALIS report AL290 every 30 days to find students who have turned 18
- Review affidavits and submit all Qualified Alien/Non-immigrant affidavits with copies of the secure and verifiable document and the supporting documentation to OAE within 20 days of receipt
- Enter information from ALL affidavits into GALIS under current data deadlines
- Retain the original affidavit and copies of documents in the student permanent record

Applicants will complete the affidavit only once, during his or her initial registration into the program or upon turning 18 years old. For enrollment in subsequent fiscal years, the affidavit should be pulled forward with the student permanent record. Current adult education students who turn 18 during the fiscal year must complete the affidavit within 30 days after their 18th birthday. In compliance with record retention rules, affidavits, photocopies of the secure and verifiable document, and other supporting documentation must be maintained securely in the students' permanent records.

According to state law, as long as the applicant has completed the affidavit, supplied a secure and verifiable document and supporting documentation, the affidavit may be presumed to be proof of lawful presence until eligibility verification is made by OAE and the local program is told to withhold the public benefit. In other words, the student is eligible to enroll and attend class.

Submission Guidelines for Qualified Alien/Non-Immigrant Affidavits

1. A copy of the affidavit, secure and verifiable document, and the supporting documentation must be submitted by the local program to OAE within 20 business days of receipt.
2. Affidavits are accepted in hard copy format in person and via U.S. Mail at:
TCSG Office of Adult Education
Attn: Instructional Services
1800 Century Place, Suite 300
Atlanta, GA 30345-4304
3. Electronic submissions can be made to 404-679-1630 (fax).

Appeals Process for Applicants

1. If the applicant cannot be verified, the local program will be notified and the student is given the opportunity to submit additional documentation for submission. If the student does not submit any new documentation, the program must reject services.

2. Any applicant disputing the denial of the public benefit may appeal in writing to the Office of Adult Education within 10 business days of notification and provide additional supporting documentation or explanation.

The Office of Adult Education must:

- Review all affidavits and copies that are submitted to OAE
- Notify local programs if there are errors that need to be corrected
- Enter required information from Qualified Alien/Non-immigrant affidavits into the Systematic Alien Verification for Entitlements program (SAVE)
- Notify local programs of verification status
- Provide training and technical assistance

2010-2011 Verification of Eligibility Affidavits

Local programs have the option to use the VOE affidavits that were completed by students in 2010 and 2011 to satisfy the requirements of the statute for those particular students, if they are still enrolled. The affidavits and supporting documents should be pulled forward into the current fiscal year student record and maintained there.

Prior Year VOEPB Affidavits

Affidavits completed in prior years may be pulled forward into the current student permanent record. They do not have to be resubmitted to OAE.

Secure and Verifiable Document Extension for Refugees

Applicants who can provide satisfactory documentary evidence from the U.S. Department of Homeland Security that designates that they are refugees who have been in the United States for less than 90 days may be given by the local program a Reasonable Opportunity Period (ROP) to acquire a secure and verifiable document to satisfy the requirement of O.C.G.A. § 50-36-1. The ROP begins on the first day of arrival into the United States and ends after 90 calendar days. Applicants must complete all other requirements of the Verification process. If a student does not provide a secure and verifiable document within the ROP, the student must be dismissed from the program until he/she can provide it.

Secure and Verifiable Documents for Correctional or Institutional Applicants

Applicants in some correctional programs may not have access to typical identification documents. The first step for the adult education program, to ensure all applicants are lawfully present, is to have an agreement with the institution that only inmates who are lawfully present will be referred to the adult education program. Next, the institution must provide the adult education program with evidence of the person's identity that satisfies the criteria for a secure and verifiable document. In some cases that may be a copy of a state or county-issued prison ID card or a correctional wrist ID. It may also be a print out from their official database with a photograph and other identifying information about the applicant. If you have questions about implementing VOEPB in correctional or institutional settings, please contact OAE.

TAFE N/S Dates: _____

Cobb/Paulding Adult Education Program FY2017 Intake Assessment Form

Completion of this form is required for all adult learners in all programs. Required data is in bold with an asterisk (*).
Please print legibly. All signatures should be in ink.

Entry Educational Functioning Level:*ABE:****ESL:****Class Site:**

Cobb County:

Paulding County:

Other Information:**Pre-Test Assessment**

Date	Subject	TAFE SS	FORM	T/B GE	EFL
	R				
	T/M				
	L				

Hard copies of all assessment records must be maintained in the student permanent record.

STUDENT DATA**Today's Date:** _____**Orientation Date:** _____
Social Security Number: _____ - _____ - _____ ***Date of Birth:** ____/____/____ **Age:** ____
Month / Day / Year
***Name:** _____
Last First Middle/Former Name Suffix
***Hispanic/Latino:** ☐ **No**, not Hispanic/Latino
☐ **Yes**, Hispanic/Latino

***Gender:** ☐ Male
☐ Female

***Race:** ☐ American Indian or Alaska Native
 (Select one or more) ☐ Asian
☐ Black or African-American
☐ Native Hawaiian or Other Pacific Islander
☐ White
FOR PROGRAM USE ONLY:
Session: AM ☐ PM ☐ ● Mon/Wed ☐ Tues/Thurs ☐
Cobb Online Program ☐

Institution 1: _____

Institution 2: _____

***Highest School Grade Completed:** (select one)

<input type="checkbox"/> No School Grade Completed	<input type="checkbox"/> 1 st grade	<input type="checkbox"/> 4 th grade	<input type="checkbox"/> 7 th grade	<input type="checkbox"/> 10 th grade
	<input type="checkbox"/> 2 nd grade	<input type="checkbox"/> 5 th grade	<input type="checkbox"/> 8 th grade	<input type="checkbox"/> 11 th grade
	<input type="checkbox"/> 3 rd grade	<input type="checkbox"/> 6 th grade	<input type="checkbox"/> 9 th grade	<input type="checkbox"/> 12 th grade

***Highest Educational Certificate/Diploma/Degree Completed:** (select one)

<input type="checkbox"/> None	<input type="checkbox"/> Certificate of Attendance/Completion	<input type="checkbox"/> Bachelor's degree
<input type="checkbox"/> High School Diploma	<input type="checkbox"/> One or more years of Postsecondary Education	<input type="checkbox"/> Master's degree
<input type="checkbox"/> High School Equivalency (GED)	<input type="checkbox"/> Postsecondary Technical or Vocational Certificate	<input type="checkbox"/> Specialist's degree
	<input type="checkbox"/> Associate's degree	<input type="checkbox"/> Doctorate or Professional degree

***Where was your highest level of education completed?** ☐ U.S.-Based Schooling ☐ Non-U.S.-Based Schooling

How did you hear about the program? ☐ Print Media ☐ Friend ☐ TV ☐ Radio ☐ Referral ☐ Internet ☐ Family
☐ Previous Enrollment ☐ Previous Enrollment in another program: If so, which one? _____
If you were referred, select the referring agency:

<input type="checkbox"/> Georgia Department of Corrections	<input type="checkbox"/> Division of Family and Children's Services/TANF/SNAP
<input type="checkbox"/> Georgia Department of Labor	<input type="checkbox"/> Georgia Vocational Rehabilitation Agency
<input type="checkbox"/> Georgia Department of Transportation	<input type="checkbox"/> Local Workforce Development Board/Area
	<input type="checkbox"/> Other _____

***Special Enrollment (if applicable):**
☐ Ability to Benefit
☐ Dual Enrollment
☐ ACCUPLACER Test Review
☐ Banner ID _____
☐ Other _____
***Correctional/Institutionalized Programs (if applicable):**
☐ Currently Incarcerated in a Correctional Institution
☐ Currently Participating in a Community Corrections program
☐ Currently on Probation Supervision
☐ Currently on Parole Supervision
☐ Currently attending a recovery/rehabilitation program

***Name:** _____

Last	First	Middle/Forme Name	Suffix
------	-------	-------------------	--------

STUDENT GOALS

***What do you want to achieve by attending the adult education program?** (Completed prior to assessment)

Improve Skills in:

- ☐ Reading
☐ Math
☐ Writing
☐ Science
☐ Social Studies

Education Goals:

- ☐ Earn a GED diploma
- ☐ Enroll in a technical college
- ☐ Enroll in a private training program
- ☐ Enroll in a 4-year college

Career Goals:

- ☐ Find a job
- ☐ Keep my job
- ☐ Find a better job
- ☐ Complete a career assessment
- ☐ Pursue an apprenticeship

Improve English Language Skills in:

- ☐ Speaking
☐ Listening
☐ Reading
☐ Writing

***Integrated English Literacy/Civics Education (IEL/CE):**

- ☐ Achieve citizenship skills
- ☐ Achieve U.S. citizenship (Georgia goal)
- ☐ Increase involvement in community activities
- ☐ Vote or register to vote

FOR PROGRAM USE ONLY: The interviewer should complete this section during an initial conference with the student after his/her pre-assessment.

1. What is the student's primary reason for enrolling?	
2. What services will the program provide the student?	
3. What are the student's college, career, or other goals?	
4. Did the student share any personal barriers that could affect program participation? If yes, please explain.	
Additional Notes:	
*Student's Signature: Sign in ink	*Date:
*Interviewer's Signature: Sign in ink	*Date:
Please note: Teachers should conference with the student at least once per quarter. Conference notes must be maintained either in hard copy format in the student permanent record or in GALIS. More information is available in the <i>Intake Assessment Form Directions and Definitions</i> document.	

IMMIGRATION ENFORCEMENT REVIEW BOARD

STATE OF GEORGIA

Cobb County School District

Initial Response to IERB – March 9, 2017

Exhibit # 2

From: Cori Alston <CAlston@doe.k12.ga.us>

Date: March 3, 2017 at 7:41:28 AM EST

To: Tammie Smith <tsmith@doe.k12.ga.us>, Dely Roberts <drobotts@doe.k12.ga.us>, Margaret Baker <mbaker@doe.k12.ga.us>, "Jacqueline Ellis" <jellis@doe.k12.ga.us>

Cc: Cori Alston <CAlston@doe.k12.ga.us>

Subject: EL parent/family support services, legal considerations

Dear Colleagues:

It has recently come to my attention that a number of districts have been receiving inquiries regarding the language and literacy support services that they may be offering to their students' non-English speaking parents.

I would like to take this opportunity to remind you of your district's obligation to adhere to federal statutes, in particular Titles IV and VI of the Civil Rights Act of 1964, that prohibit practices deemed discriminatory to persons based on their race, color or national origin. To provide further detail on these requirements, I will attach the 2011 Dear Colleague letter co-written by the U.S. Department of Justice and U.S. Department of Education.

In addition, under ESEA Title III, Sec. 3115 "SUBGRANTS TO ELIGIBLE ENTITIES," subsection (d)(6) specifically indicates that LEA recipients of Title III funds may provide "community participation programs, family literacy services and parent and family outreach and training activities to English learners and their families..."

Responses to public inquiries regarding these family support services or the federal and state laws that govern their provision should be directed to your local school district attorney.

With kind regards,

Cori

Cori Alston
Program Manager, ESOL & Title III Unit
Georgia Department of Education
1854 Twin Towers East
205 Jesse Hill Jr. Drive
Atlanta, GA 30533
(404) 656-2067

"Educating Georgia's Future"



U.S. Department of Justice
Civil Rights Division



U.S. Department of Education
Office for Civil Rights
Office of the General Counsel

May 6, 2011

Dear Colleague:

Under Federal law, State and local educational agencies (hereinafter “districts”) are required to provide all children with equal access to public education at the elementary and secondary level. Recently, we have become aware of student enrollment practices that may chill or discourage the participation, or lead to the exclusion, of students based on their or their parents’ or guardians’ actual or perceived citizenship or immigration status. These practices contravene Federal law. Both the United States Department of Justice and the United States Department of Education (Departments) write to remind you of the Federal obligation to provide equal educational opportunities to all children residing within your district and to offer our assistance in ensuring that you comply with the law.

The Departments enforce numerous statutes that prohibit discrimination, including Titles IV and VI of the Civil Rights Act of 1964. Title IV prohibits discrimination on the basis of race, color, or national origin, among other factors, by public elementary and secondary schools. 42 U.S.C. § 2000c-6. Title VI prohibits discrimination by recipients of Federal financial assistance on the basis of race, color, or national origin. 42 U.S.C. § 2000d. Title VI regulations, moreover, prohibit districts from unjustifiably utilizing criteria or methods of administration that have the effect of subjecting individuals to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of a program for individuals of a particular race, color, or national origin. *See* 28 C.F.R. § 42.104(b)(2) and 34 C.F.R. § 100.3(b)(2).

Additionally, the United States Supreme Court held in the case of *Plyler v. Doe*, 457 U.S. 202 (1982), that a State may not deny access to a basic public education to any child residing in the State, whether present in the United States legally or otherwise. Denying “innocent children” access to a public education, the Court explained, “imposes a lifetime 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 structure of our civic institutions, and foreclose any realistic possibility that they will contribute in even the smallest way to the progress of our Nation.” *Plyler*, 457 U.S. at 223. 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 public education.

To comply with these 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. Moreover, districts may not request information with the purpose or result of denying access to public schools on the basis of race, color, or national origin. To assist you in meeting these obligations, we provide below some examples of permissible enrollment practices, as well as examples of the types of information that may not be used as a basis for denying a student entrance to school.

In order to ensure that its educational services are enjoyed only by residents of the district, a district may require students or their parents to provide proof of residency within the district. *See, e.g., Martinez v. Bynum*, 461 U.S. 321, 328 (1983).¹ For example, a district may require copies of phone and water bills or lease agreements to establish residency. While a district may restrict attendance to district residents, inquiring into students' citizenship or immigration status, or that of their parents or guardians would not be relevant to establishing residency within the district.

A school district may require a birth certificate to ensure that a student falls within district-mandated minimum and maximum age requirements; however, a district may not bar a student from enrolling in its schools based on a foreign birth certificate. Moreover, we recognize that districts have Federal obligations, and in some instances State obligations, to report certain data such as the race and ethnicity of their student population. While the Department of Education requires districts to collect and report such information, districts cannot use the acquired data to discriminate against students; nor should a parent's or guardian's refusal to respond to a request for this data lead to a denial of his or her child's enrollment.

Similarly, we are aware that many districts request a student's social security number at enrollment for use as a student identification number. A district may not deny enrollment to a student if he or she (or his or her parent or guardian) chooses not to provide a social security number. *See* 5 U.S.C. §552a (note).² 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. *Id.* In all instances of information collection and review, it is essential that any request be uniformly applied to all students and not applied in a selective manner to specific groups of students.

As the Supreme Court noted in the landmark case of *Brown v. Board of Education*, 347 U.S. 483 (1954), "it is doubtful that any child may reasonably be expected to succeed in life if he [or she] is denied the opportunity of an education." *Id.* at 493. Both Departments are committed to vigorously enforcing the Federal civil rights laws outlined above and to providing any technical assistance that may be helpful to you so that all students are afforded equal educational opportunities. As immediate steps, you first may wish to review the documents your district requires for school enrollment to ensure that the requested documents do not have a chilling effect on a student's enrollment in school. Second, in the process of assessing your compliance with the law, you might review State and district level enrollment data. Precipitous drops in the

¹ Homeless children and youth often do not have the documents ordinarily required for school enrollment such as proof of residency or birth certificates. A school selected for a homeless child must immediately enroll the homeless child, even if the child or the child's parent or guardian is unable to produce the records normally required for enrollment. *See* 42 U.S.C. § 11432(g)(3)(C)(i).

² Federal law provides for certain limited exceptions to this requirement. *See* Pub. L. 93-579 § 7(a)(2)(B).

enrollment of any group of students in a district or school may signal that there are barriers to their attendance that you should further investigate.

Please contact us if you have any questions or if we can provide you with assistance in ensuring that your programs comply with Federal law. You may contact the Department of Justice, Civil Rights Division, Educational Opportunities Section, at (877) 292-3804 or education@usdoj.gov, or the Department of Education Office for Civil Rights (OCR) at (800) 421-3481 or ocr@ed.gov. You may also visit <http://wdcrobcolp01.ed.gov/CFAPPS/OCR/contactus.cfm> for the OCR enforcement office that serves your area. For general information about equal access to public education, please visit our websites at <http://www.justice.gov/crt/edo> and <http://www2.ed.gov/about/offices/list/ocr/index.html>.

We look forward to working with you. Thank you for your attention to this matter and for taking the necessary steps to ensure that no child is denied a public education.

Sincerely,

/s/

Russlynn Ali
Assistant Secretary
Office for Civil Rights
U.S. Department of Education

/s/

Charles P. Rose
General Counsel
U.S. Department of Education

/s/

Thomas E. Perez
Assistant Attorney General
Civil Rights Division
U. S. Department of Justice

IMMIGRATION ENFORCEMENT REVIEW BOARD

STATE OF GEORGIA

Cobb County School District

Initial Response to IERB – March 9, 2017

Exhibit # 3

Cobb County School District

19 January 2017

Open records request
Cobb County School District

Re; Compliance with state Public Benefits law
English Classes for Parents
OCGA 50-36-1

RECEIVED

JAN 19 2017
ORR224
OPEN RECORDS OFFICE

To; Mr. Darryl R. York
Open Records Officer
Cobb County School District
514 Glover Street, Marietta, GA 30060
P: 770-514-3870
F: 678-594-7778
Email: openrecords@cobbk12.org

Mr. York,

Please regard this as my official request for public records under Georgia's open records law.

Please send me copies of any and all documents, including applications, affidavits and Secure ID associated with the administration of the adult education classes for English Classes for Parents conducted by Cobb County School District as described on [this webpage](#) from the CCSD/Cobb County ESOL website.

Also, please include any document that indicates the original start date of these adult education classes.

Please contact me with any questions. I hope for an electronic response.

Thank you,

D.A. King
2984 Lowe Trail
Marietta, Ga. 30066
404-316-6712
Dking1952@comcast.net

IMMIGRATION ENFORCEMENT REVIEW BOARD

STATE OF GEORGIA

Cobb County School District

Initial Response to IERB – March 9, 2017

Exhibit # 4

Form for English Classes

Date: ____ / ____ / ____

Parent Information

Names:					
Last Name:					
Gender:	Masculine	Female			
Marital Status:	Single	Married	Divorced	Widowed	Other
Occupation:					
First Language:			Second Language		
Indigenous Language:			Other Language:		
E-mail:					
Telephone:					
Address:					
Date of Birth: Month ____ Day ____ Year ____					
Country of Birth: _____			State/Province _____		
Number of Children in: Elementary ____ Middle ____ High ____					

Student Information (your children):

Student Name	Student Age	Student School

Parent Agreement

I, _____ agree to study in the program of Rosetta Stone at least 3 hours at week. I understand that the service has no cost and if I do not meet this requirement, my access to Rosetta Stone will be suspended for the remainder of the 2015-2016 school year.

I, _____ understand that my attendance and commitment to maintain good attendance are essential to my learning. If I miss more than two consecutive classes, I would have to communicate with my teacher to explain my reasons for absence.



Formulario Para Clases de Inglés

Fecha: ____/____/____

Informacion de los Padres

Nombre(s):					
Apellidos Paterno y Materno:					
Sexo:		Masculino		Femenino	
Estado Civil:		Soltero		Casado	
		Divorciado		Viudo	
				Unión Libre	
Ocupación:					
Primer Idioma:			Segundo Idioma		
Lengua Indígena:			Otro Idioma:		
Correo Electrónico:					
Teléfono:					
Dirección:					
Fecha de Nacimiento: Mes		Día		Año	
País de Nacimiento:			Estado/Provincia		
Número de Hijos: Primaria (Elementary)		Educación Media (Middle)		Bachillerato (High)	

Información de los estudiantes (hijos):

Nombre del Estudiante	Edad del Estudiante	Nombre de la Escuela

Acuerdo para los Estudiantes Atendiendo las Clases de Inglés

Yo, _____ me comprometo a estudiar en el programa de Rosetta Stone por lo menos 3 horas a la semana. Entiendo que el servicio no tiene ningún costo y que si no cumplo con este requisito, mi acceso a Rosetta Stone será suspendido por lo que resta del año escolar 2015-2016.

Yo, _____ entiendo que mi asistencia es fundamental para mi aprendizaje y me comprometo a asistir a las clases. Si me ausento más de dos veces consecutivas a las clases tendré que comunicarme con mi maestro/a para explicar las razones de mi ausencia.

