



STATE OF NEW JERSEY DEPARTMENT OF EDUCATION

A Memo from the New Jersey Department of Education

Date: August 28, 2020
To: Chief School Administrators, Charter School and Renaissance School Project Leads
Route To: Principals, School Nurses, All Staff Involved in the Student Enrollment Process
From: Peggy McDonald, Ed.D.
Assistant Commissioner
Division of Student Services

Enrollment of Students Based Upon Immigration Status

This memorandum is to ensure that school district personnel are aware of federal and state laws that prohibit denying the enrollment of students in the public schools based on immigration status. In *Plyer v. Doe*, 457 US 202 (1982), the United States Supreme Court held that undocumented children living in the United States could not be excluded from public elementary and secondary schools based upon their immigration status. Accordingly, school districts are prohibited from requiring students to disclose or document their immigration status, making inquiries of students or parents that may expose their undocumented status or engaging in any practices that hinder the right of access to public schools.

New Jersey Administrative Code (*N.J.A.C.* 6A:22-3.3) prohibits the barring of any student from public elementary and secondary schools based on immigration/visa status, except for students on F-1 visas. Districts should continue to enroll all students who are between the ages of 5 and 20 who are domiciled in the district or who are otherwise entitled to attend pursuant to *N.J.S.A.* 18A:38.1, and the implementing regulations, *N.J.A.C.* 6A22-3.2, *et. seq.*

Additionally, [N.J.A.C. 6A:22-3.4](#) prohibits school districts from making enrollment contingent upon the receipt of information or documentation protected from disclosure by law. Such prohibited documents include, but are not limited to, power of attorney/guardianship documents, income tax returns; documentation or information relating to citizenship or immigration status; and, social security cards. When enrolling students, a school district may request verification of residency; however, **the district cannot deny enrollment based on a failure to present a particular form without regard for the other evidence presented.** Further, when requesting documentation of a student's age, school districts may not prohibit enrollment if the parent/guardian is unable to either present a birth certificate or presents a foreign birth certificate.

Unaccompanied Immigrant Children

Children who enter the United States unaccompanied by a parent or guardian are placed in a short-term shelter operated by the Administration for Children and Families Office of Refugee Resettlement (ORR) in the U.S. Department of Health and Human Services (HHS). Written requests for a copy of a child's immunization record can be emailed to Requests.DUCS@acf.hhs.gov. For more information regarding immunization records for all students, see the following: [N.J.A.C. 6A:16-2.2\(a\)](#), [N.J.A.C. 6A:16-2.3\(b\)3v](#), [N.J.A.C. 6A:16-2.2\(l\)4](#), [N.J.A.C. 6A:16-2.2\(g\)](#), [N.J.A.C. 8:57-4.1](#) through [4.24](#).

To assist school districts with serving unaccompanied minors, the NJDOE provides resources regarding [Unaccompanied Immigrant Children](#) on its website.

For further information on the enrollment of immigrant students, contact your [Executive County Superintendent of Schools](#) or the Office of Supplemental Educational Programs at ell@doe.nj.gov.

For clarification on school health requirements, contact the Office of Student Support Services at healthyschools@doe.nj.gov.

Please distribute this memorandum to principals, school nurses and physicians, and all staff involved in the student enrollment process.

c: Members, State Board of Education
Kevin Dehmer, Interim Commissioner of Education
NJDOE Staff
Statewide Parent Advocacy Network
Garden State Coalition of Schools
NJ LEE Group
NJTESOL-NJBE