



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

1999 BRYAN ST., SUITE 1620
DALLAS, TX 75201-6810

REGION VI
ARKANSAS
LOUISIANA
MISSISSIPPI
TEXAS

March 1, 2016

Re: 06151612

Dr. Kevin Brown, Superintendent
Alamo Heights Independent School District
7101 Broadway
San Antonio, Texas 78209

Dear Dr. Brown,

The U.S. Department of Education (Department), Office for Civil Rights (OCR), Dallas Office, has completed its investigation of the above-referenced complaint filed against the Alamo Heights Independent School District (District), San Antonio, Texas, regarding the District's policies and practices in its requirements for a social security card and driver's license for students seeking enrollment in the District.

OCR enforces Title VI of the Civil Rights Act of 1964 in institutions receiving Federal financial assistance from the Department of Education. Title VI bars discrimination based on race, color, or national origin by programs or activities that receive federal financial assistance, 42 U.S.C. § 2000d, and its regulations further bar districts from adopting practices that have the effect of discriminating on the basis of these characteristics. *See* 28 C.F.R. § 42.104(b) (2); 34 C.F.R. § 100.3(b) (2). Furthermore, the Supreme Court held in *Plyler v. Doe*, 457 U.S. 202 (1982), that a State may not deny a child equal access to public education based on his or her immigration status.

The complaint raised concerns about the District's compliance with its Federal obligations to ensure that its enrollment policies and practices do not chill or discourage student participation, or lead to the exclusion of students, based on their or their parents' actual or perceived immigration status. OCR informed you that it would pursue the following legal issue for investigation: Whether the District discriminates against students on the basis of national origin by requiring a social security card and driver's license for all students seeking to enroll in the District, in violation of Title VI and its implementing regulations, at 34 C.F.R. § 100.3.

OCR reviewed District's enrollment policies and procedures, which appeared to require a student's social security number as a prerequisite to enrollment. However, during the investigation, the District revised its procedures to no longer request a student's social security number as part of enrollment. OCR reviewed documents for the 2015 – 2016 school year, which showed that new students enrolling in the District who did not provide a social security card were issued a state identification number. The District also

The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

provided OCR with a copy of a directive from the Assistant Superintendent, dated December 16, 2015, instructing District staff to assign a state identification number to any new student enrolling in the District and stating that the District will no longer request a student's social security number as part of enrollment. OCR confirmed that the District revised the enrollment procedures published on its website to no longer request a student's social security card. Moreover, OCR reviewed documents for the 2015 – 2016 school year, which confirmed that the District accepted alternative photo identification from parents who did not provide a driver's license, including identification issued by foreign governments. In an interview with OCR during the investigation, the complainant confirmed that he had no specific knowledge of any students who were denied enrollment or otherwise barred from enrollment because of the District's policies.

In addition, during the investigation, OCR identified a compliance concern regarding the District's policy stating that a student's birth certificate was required for new student enrollment, which may discourage a student from enrolling in the District. After OCR advised the District of this concern, the District immediately changed its enrollment policy for new students enrolling in the District to clarify that students may provide documentation of identity and age by submitting any of the following documents: Student's birth certificate; Statement of the child's date of birth issued for school admission purposes by the division of the Texas Department of State Health and Human Services responsible for vital statistics; Driver's license; Passport, School ID card, records, or report card; Military ID; Hospital birth record; Adoption records; Church baptismal record; or any other legal document that establishes identity. OCR confirmed that the District also revised its enrollment policy published on its website specifying the alternative documents accepted to establish the identity and age of a student.

As per OCR's case processing procedures, OCR will close a complaint when OCR obtains credible information indicating that the allegations raised by the complainant have been resolved and there are no current allegations of discrimination. Accordingly, OCR is closing this complaint as of the date of this letter.

Under OCR procedures we are obligated to advise the complainant and the institution against which this complaint is filed that intimidation or retaliation against a complainant is prohibited by regulations enforced by this agency. Specifically, the regulations enforced by OCR, directly or by reference, state that no recipient or other person shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by regulations enforced by OCR or because one has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing held in connection with a complaint.

Under the Freedom of Information Act, 5 U.S.C. § 552, it may be necessary to release this document and other related correspondence and records upon request. In the event that OCR receives such a request, we will seek to protect, to the extent provided by law, personally identifiable information, which, if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy.

I would like to extend our appreciation at the District's cooperation in the investigation of the complaint. If you have any questions regarding this letter, please contact Sakina Vidacak, Attorney, at (214) 661-9628 or Sakina.Vidacak@ed.gov, or me at (214) 661-9608 or Paul.Coxe@ed.gov.

Sincerely,

Paul Edward Coxe
Supervisory Attorney/Team Leader
Office for Civil Rights
Dallas Office