



State of New Jersey  
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Acting Commissioner

August 26, 2011

TO: Chief School Administrators  
Charter School Leaders

FROM: Christopher D. Cerf  
Acting Commissioner

SUBJECT: Enrollment of Immigrant Students and/or Undocumented Students

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 on the basis of 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 “chill” or hinder the right of access to public schools.

New Jersey Administrative Code (N.J.A.C. 6A:22-3.3) also prohibits the barring of any student from public elementary and secondary schools on the basis of 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.

Please distribute this advisory to principals and others involved in the registration process. For further information, contact your county superintendent of schools or the Office of Title I in the Division of Programs and Operations at (609) 292-8777 or [lep@doe.state.nj.us](mailto:lep@doe.state.nj.us).

CC/KC/LR/G/LORI/ImmigrantCount2011/EnrollmentofImigrantStudents2011

c: Members, State Board of Education  
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