Federal Guidance: Obligation to Educate Resident Students

In May, the U.S. Department of Education issued a letter to LEAs about providing equal educational opportunities to students residing within the LEA. That letter, available at http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201101.html, is a good reminder that actual or perceived citizenship or immigration status of a student is irrelevant. If a student resides in Iowa, the school district of residence must provide a tuition-free education to the student.

Of course, a district may require students and their families to provide proof of residency within the district. Superintendents know too well that utility bills or lease agreements cannot always be relied upon. Sometimes the only sure way to know the residency of families is to stake out the alleged residence to see if the family is truly staying there. There are no shortcuts to this; districts owe it to their taxpayers to make reasonably sure that students who receive a tuition-free education are truly entitled to the same.

Finally, the letter reminds superintendents that a district may not deny enrollment to a student if the student chooses not to provide a social security number. "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." The only reason to request an SSN in Iowa is to enable a family to participate in free or reduced price meals; the statutory basis is 79 P.L. 396, the National School Lunch Act.