

FOR IMMEDIATE RELEASE

February 18, 2014

Contacts:

Tiffany Thomas Smith, Southern Poverty Law Center, (334) 235-5371,
tiffany.smith@splcenter.org

Mark E. Bowers, Legal Services of Southern Piedmont, (704) 749-7483, markb@lssp.org

Matt Ellinwood, North Carolina Justice Center, (919) 861-1465, matt@ncjustice.org

Christopher J. Heaney, Southern Coalition for Social Justice, (919) 323-3380, ext. 116,
chrisheaney@southerncoalition.org

Federal Civil Rights Complaint Filed Against North Carolina Public Schools on Behalf of Immigrant Children Denied Enrollment

School Officials Discriminated Against Children, Federal Investigation Urged

WASHINGTON – A coalition of civil rights groups is urging the U.S. Department of Justice to launch a federal investigation into two North Carolina school districts that discriminated against immigrant children by denying, delaying or discouraging their enrollment in school – incidents that are a symptom of a larger problem across the state, according to a recent complaint and letter filed with the department’s Civil Rights Division.

The complaint, filed on behalf of two youths, asks the department to investigate the two school districts named in the filing – Buncombe County Schools and Union County Public Schools. It urges the department to require the districts to adopt a nondiscrimination policy and to provide training that will ensure staff members enrolling students follow the law. The complaint was filed by the Southern Poverty Law Center (SPLC), Legal Services of Southern Piedmont (LSSP), North Carolina Justice Center (NCJC) and the Southern Coalition for Social Justice (SCSJ).

“The discrimination these children encountered when they attempted to enroll at their local school warrants a federal investigation,” said Caren Short, SPLC staff attorney. “These children should not have to face excuse after excuse from school officials who simply do not want them to ever set foot in a North Carolina classroom.”

The complaint describes how these “unaccompanied children” – immigrant children who arrive in the United States without a parent or legal guardian to care for them but, after being held by the Office of Refugee Resettlement, are placed in the care of a sponsor, such as a family member – were turned away from the schoolhouse door because of their limited English proficiency, age or national origin. Sponsors of unaccompanied children are required to ensure the child is enrolled in school.

Though the complaint focuses on two districts, a letter accompanying it notes that sponsors and the unaccompanied children in their care across North Carolina often face such discrimination. “Sponsors consistently report difficulty enrolling their unaccompanied children in public school; however, most of these children are unwilling or unable to come forward and complain about the denial to the federal government,” the letter said.

The complaint describes how “C.V.,” who is originally from Honduras but lives with her cousin in Arden, was denied enrollment at Buncombe County Schools when she was 17 because school officials said she was too old for school. Under North Carolina law, all students under the age of 21 are entitled to a public education in the school district they live. Yet, C.V. has been unable to enroll in high school despite two attempts in 2013.

“The importance of education does not depend on where a child was born. North Carolina has promised the children in this complaint the opportunity to attend a public school, and we are asking North Carolina to keep that promise,” says Anita S. Earls, Executive Director of the Southern Coalition for Social Justice.

C.V. is currently attending a free English as a Second Language (ESL) course at a community college. She hopes to one day earn a high school diploma and attend cosmetology school.

“The systematic discouragement, delay, and outright denial that immigrant children confront when attempting to enroll in North Carolina schools causes them to start their education facing a life-changing educational deficit that is difficult if not impossible to overcome throughout the remainder of their lives,” said Matt Ellinwood, a Policy Analyst and Attorney with the North Carolina Justice Center.

The complaint also describes discrimination faced by “F.C.,” a native of Guatemala who arrived in the United States without his parents but now lives with them in Marshville. His mother is recognized as his sponsor.

“I only wanted to attend high school, study hard and make a better life for myself,” F.C. said through an interpreter. “Every time my mother tried to enroll me in school, we encountered excuses and obstacles. It should not be so difficult to attend high school.”

When F.C.’s mother attempted to enroll him in Forest Hills High School in Marshville last year, she was told her 17-year-old son was too old for school. F.C. was referred to a GED program at a local community college.

At the college, F.C.’s mother was told her son was too young for the GED program. She was told to try to enroll him in high school again. At the high school, she was told that F.C. – a native Spanish speaker who understands little or no English – would not be enrolled until after he took an English proficiency exam.

F.C. was unable to complete the exam because it was in English. The person administering the exam helped F.C. submit an enrollment application that finally allowed him to attend Forest Hills High School this past August.

“Unaccompanied children, who are particularly vulnerable to exploitation and abuse, are becoming a significant population in North Carolina and across the nation. Blocking – or just placing significant obstacles to – their access to public education heightens their vulnerability and exposure to high risk situations. To abridge them of this fundamental right of education is to

deny them the least measure of justice they have been guaranteed by the North Carolina Constitution and United States Supreme Court,” said Mark Bowers, staff attorney for Legal Services of Southern Piedmont.

The discrimination encountered by these children is a violation of Title IV and Title VI of the Civil Rights Act of 1964, which bar discrimination on the basis of national origin in federally funded public schools, according to the complaint. The complaint also notes that more than 30 years ago, the U.S. Supreme Court held in *Plyler v. Doe* that it is unconstitutional to deny a child present in the United States a public education, regardless of their federal immigration status.

#

*The **Southern Poverty Law Center**, based in Alabama with offices in Florida, Georgia, Louisiana and Mississippi, is a nonprofit civil rights organization dedicated to fighting hate and bigotry, and to seeking justice for the most vulnerable members of society. For more information, see www.splcenter.org.*

***Legal Services of Southern Piedmont**'s mission is to ensure a full measure of justice for those in need, providing a wide range of civil legal assistance to eligible low-income persons in the Charlotte metropolitan area and west-central N.C. LSSP accomplishes its mission through a variety of legal advocacy strategies including individual advice and representation, community education and outreach, representation of groups, self-help remedies, collaboration with other agencies, community economic development, legislative and administrative advocacy, and impact litigation. www.lssp.org*

*The **North Carolina Justice Center** is a leading progressive research and advocacy group. The organization's mission is to eliminate poverty in North Carolina by ensuring that every household in the state has access to the resources, services and fair treatment it needs to achieve economic security.*

*The **Southern Coalition for Social Justice** is a nonprofit organization founded by a multidisciplinary group, predominantly people of color, who believe that families and communities engaged in social justice struggles need a team of lawyers, social scientists, community organizers and media specialists to support them in their efforts to dismantle structural racism and oppression. For more information, see <http://www.southerncoalition.org>.*