

7/14/2009

KYRENE SCHOOL DISTRICT GOVERNING BOARD

Rae Waters, Member

Patrick McGill, Member

Ross Robb, Member

Michelle Hirsch, Member

Ellen Shamah, Member

David Schauer, Superintendent

8700 South Kyrene Road
Tempe, AZ 85284

SUBJECT: May 12 Public Forum

Ladies and Gentlemen of the Kyrene School Board:

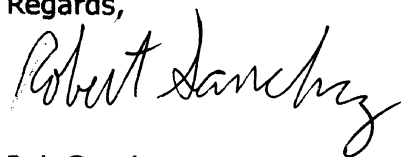
When I presented a question in the May 12th forum, the Board declined to answer until I wrote a letter with the questions. This letter will serve as official delivery of those questions to the Board.

1. How many illegal aliens attend Kyrene District schools? I define "illegal alien" as does U.S. Public Law 8 U.S.C. 1252.
2. What is the estimated cost to Kyrene District taxpayers for educating those students in Question 1? The total should be itemized to show the KSD basic expenditures per pupil, as established for all Arizona schools, as well as additional expenses including, but not limited to, specialized programs provided, such as English language training, tutoring, meals, health services, etc. If this data hasn't been precisely tracked, then statistical estimates are acceptable until better data is produced. For more information on how to do that refer to GAO report #04-733 titled: "Illegal Alien Schoolchildren: Issues in Estimating the Cost".
3. Please describe the methodology used to gather the statistics for questions #1 and the cost figures requested in #2.

There are no federal statutory or case laws that prohibit schools from gathering data on the immigration status of their students. If you haven't been tracking this data I would like an explanation why not, followed by a plan to start tracking immigration status this school year. If you feel that such a law DOES exist that would hamper gathering these statistics, please provide the name, number, and registry along with section, subsection, etc of statutory law, or if judicial provide case, section, text quote, and authoring judge of the case law.

Please reply on or before July 24 2009 with the date you expect to have completed collecting and publishing this information and have it prepared for mailing to the address above.

Regards,



Rob Sanchez

July 15, 2009

Robert Sanchez

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Dear Mr. Sanchez:

This is in response to your letter of July 14, 2009, to the Kyrene School District Governing Board. Because your questions involve legal principles, we will ask Janis Merrill, our District Legal Counsel, to respond on behalf of the Governing Board. Ms. Merrill is currently on vacation and will not be returning until the latter part of August, at which time you can anticipate a response from her.

Sincerely,



David K. Schauer, Ed.D.
Superintendent

C: Kyrene Governing Board
Janis Merrill

Middle Schools

Akimel A-al
Altadeña
Aprende
Centennial
Kyrene
Pueblo

Elementary Schools

Brisas
Cerritos
Cielo
Colina
Esperanza
Estrella
Lagos
Lomas
Manitas
Mariposa
Milenio
Mirada
Monte Vista
Niños
Norte
Paloma
Sierra
Sureño
C.I. Waggoner

Administration

David K. Schauer, Ed.D.
Superintendent
Gina Tatterfield, MBA
Assistant Superintendent
Gina Taylor, Ed.D.
Assistant Superintendent
Mark Knight, Ph.D.
Executive Director
Patricia A. Weegar
Executive Director

Governing Board

Michelle Hirsch
Patrick McGill
Ross Robb
Ellen Shamah
Rae Waters

Kyrene, a district of excelling schools

**Janis Merrill
Tri-District In House Legal Counsel
500 W. Guadalupe Road
Tempe, AZ 85283**

July 20, 2009

Dear Mr. Sanchez:

I am in receipt of your letter to the Kyrene School District Governing Board dated 7/14/09 that has been forwarded to me. I have been asked to provide a response to your questions. Even though I am on vacation, I have taken the time to provide you with a prompt response.

1. Unknown
2. Unknown
3. Not applicable

I beg to differ with your statement that there are no federal statutory or case laws that prohibit schools from gathering data on the immigration status of their students. See Plyer v. Doe, 457 U.S. 202 (1982) and in general federal and state anti-discrimination laws. This case law also provides you with an explanation of why the District does not gather the information required to track the data on student's immigration status and the other information you request.

Very truly yours,


Janis S. Merrill
In House Legal Counsel

Cc: Dr. David Schauer, Superintendent
Governing Board Members