

# Public schools must follow 'no questions asked' policy for illegal immigrant students

■ Schools must not only give illegal immigrants access to free public education but also provide extra help to learn language

By Dee Ann Campbell  
The Choctaw Sun

GILBERTOWN — Legal or not, they must be educated ... at taxpayers' expense.

When it comes to children who are in the United States illegally, public schools, including those in Choctaw County, must provide education — no questions asked.

With the dramatic increases in immigration, both legal and illegal, in recent years, the question of whether or not to provide social, health, and educational services for immigrants is becoming a hot-button issue throughout the country.

And when it comes to education, the arguments are heating up.

According to the Center for Immigration Studies, there are some 1.1 million undocumented students enrolled in public schools across the country, and for those students the law is clear. Public schools must educate all children of immigrants, without regard to immigration status.

In fact, when it comes to status, schools cannot even ask.

But not only must school systems allow them to enroll, no questions asked. School systems must also take any measures necessary — even over and above the measures offered to other students — to ensure that they learn English.

According to U.S. Center for Immigration Studies as of 2004 there were some 34 million immigrants — both legal and illegal — in the United States, the largest number ever recorded and an increase of over 4 million within 4 years.

Many of those immigrants are legally documented residents who work jobs, pay taxes, and contribute to the overall make-up of the American workforce.

But another 8 to 10 million are here illegally, and their numbers are growing rapidly. The Center for Immigration Studies estimates that illegal immigration is

adding some half a million people to the U.S. each year.

In Alabama, there were an estimated 24,000 illegal immigrants in 2000, according to the Immigration and Naturalization Service (INS). While the state is not yet experiencing the severe growth problems that have plagued neighboring states, demographic indicators show that the state is headed in that direction.

The number of illegal immigrants in Alabama climbed 500% in 2000 from INS estimates in 1996, logging the 5th highest increase in the country.

Although no data is available through the INS on a county-to-county basis, the growing number of illegal immigrants in the state means that their numbers are inevitably growing within each county, as well.

And while they are here, they have rights, under the law, to send their children to school at no cost.

The issue of providing education for illegal immigrants is governed by three federal court cases dating back to the mid-1970's. The cases set precedents for not only the provision of basic educational services, but also the addition of any extra services necessary to insure that the child learns.

In 1974, the U.S. Supreme Court ruled on the case of Lau vs. Nichols, ruling that a San Francisco school system violated the civil rights of non-English speaking Chinese students. The ruling stated that the school system was required, according to the Civil Rights Act of 1964, to not only provide students the same desks, books, teachers, and curriculum as citizen students, but must also take any measures necessary to ensure that the students were taught English so that they would have equal access to all educational opportunities.

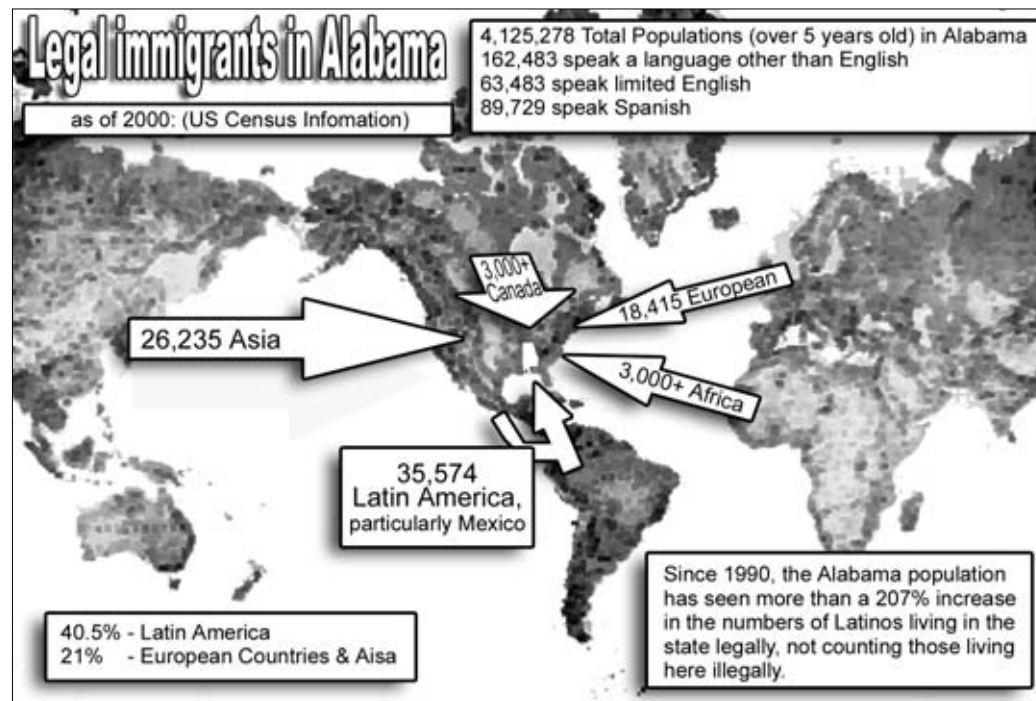
About 7 years later, the U.S. Fifth Circuit

Court of Appeals took the matter even further by laying out specific actions that must be taken by school systems to provide for the needs of non-English speaking students. In *Castaneda vs. Pickard* in 1981, the court stated that programs to provide for such students must be based on educational theory that is recognized by experts in the field, must be reasonably calculated to implement the theory, and must produce results that show that the language barrier is being overcome.

But the court ruling that most dramatically effects the teaching of illegal immigrant students occurred in 1982 in *Plyler vs. Doe*. The Supreme Court ruled that public schools were prohibited from denying immigrant students access to a public education, even if those students do not have legal documentation. The Court went on to state that undocumented children have the same right to a free public education as U.S. citizens and permanent residents.

Under *Plyler*, schools and school personnel are prohibited from adopting policies or taking actions that would deny students access to education based on their immigration status. In fact, the ruling states that school officials cannot require children, or their parents, to prove they are in the United States legally by asking for any documentation, including green cards, proof of citizenship, or immigration documentation. School administrators, teachers, or other personnel can not even make inquiries from the student or parents which may expose their legal status.

The presence of non-English speaking students — whether legal or illegal — means additional assistance must be provided by teachers. The assistance is not only mandated by the federal court rulings of the 70's and 80's, but is also necessary in order to comply with rules set down by *No Child Left*



Choctaw Sun Graphic by Mickey Bryant

Behind.

With the assessment mandated by *No Child Left Behind*, schools are required to test English Language Learners (ELLs, or those students whose primary language is not English) using the same math assessments as the other students from the first year of their enrollment at the school. After the student has been enrolled for 3 consecutive years, the school must test him/her using the same reading and language assessments as the other students. The data is used to determine the school's Adequate Yearly Progress, if there are enough ELLs to form a sub-group within the school. The school then becomes responsible if non-English speaking children do not know the language well enough to score high on the assessments.

There are a host of arguments in favor of educating the children of illegal immigrants. Without an education, some argue, the children would grow up with only a limited knowledge of English and no job skills, making it nearly impossible for them to become productive taxpayers. Instead, they could become dependent on governmental services.

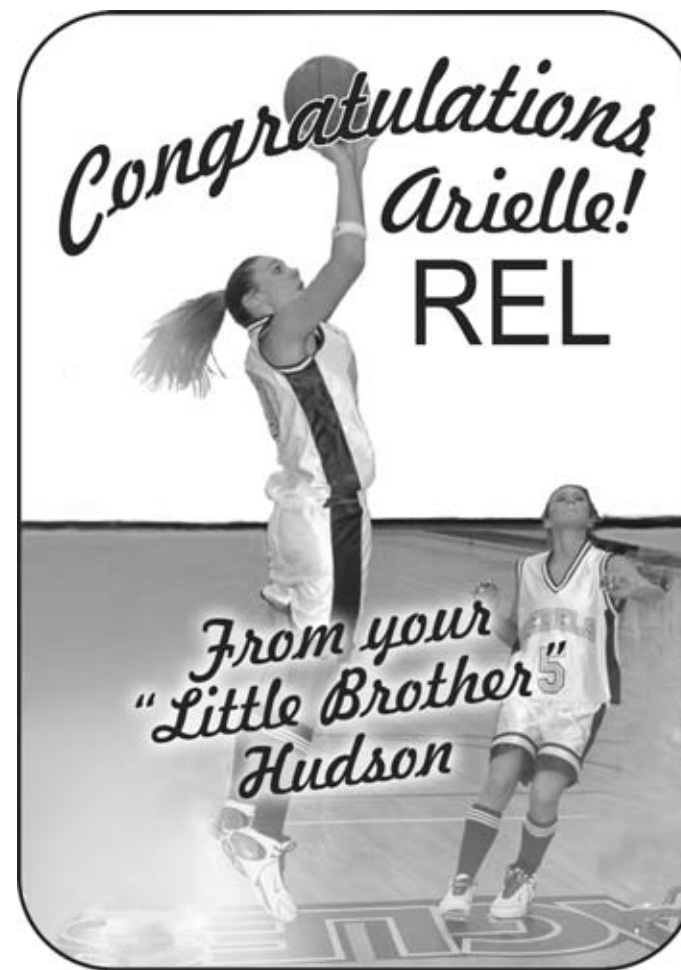
Proponents of offering public education to illegal immigrants also say that the children are not to blame for the decisions made by the parents, and therefore should be given every available means to

help them succeed despite their status.

But there is a cost to educating them. The Illegal Immigration Counters — which claims to gain its information through government and private organizational sources — estimates that illegal immigrants have cost U.S. taxpayers over \$13 billion for education in K-12 schools since 1996. The large majority of that money has come

from state and local funds.

Although Choctaw County has not yet seen an influx in illegal immigrants who have come here to reside, with the exponential growth of the illegal immigrant population all over the country, the growth of that population in this area may be inevitable. In the near future, local public schools may be required to educate them — with no questions asked.



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