

Department of Education

SHADOW SECRETARY OF EDUCATION EDWIN S. RUBENSTEIN

The Department of Education's (ED) mission is to "promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access." ED distributes billions to states and localities based on formulas that measure academic performance, poverty rates, immigrant enrollment, English language proficiency, and student disabilities. <http://www.ed.gov/about/landing.jhtml?src=gu>

Immigration has a profound impact on these metrics.

No Child Left Behind (NCLB)

The central goal of the No Child Left Behind program is for all students to read and to do math at grade level and above by 2014. More than half of the \$20 billion budgeted for NCLB in the 2008 federal budget is Title I funds, which are funds distributed to state education departments and local school districts based on the number and percentage of students who are poor, student test scores, and per student costs.

Immigrant children are poorer than native-born children, and their numbers have increased far faster. Without school-age immigrants and the children of immigrants, school enrollment would not have risen at all during the past decade. As it was, school enrollment increased by 14 percent between 1990 and 2000, putting it at an all-time high. Current enrollment exceeds the record set in 1970 when the last of the

"baby boomers" entered the country's school systems. [I'm a baby boomer, and like B. Clinton and G.W. Bush was born in 1946 and entered the school system in the 1950s.]

Foreign-born children accounted for 5 percent of all pre-K to 12 enrollments in 2000. U.S.-born children of immigrants represented an even larger burden—14 percent of total enrollment. Thus at

Immigration Fiscal Impact Statement

least 19 percent of all pre-kindergarten through 12th

grade (pre-K to 12) enrollment is the result of immigration. [Urban Institute, "The New Demography of America's Schools: Immigration and the No Child Left Behind Act," PDF]

In California, New York, Texas, and Florida, immigrants and the children of immigrants are, respectively, 47 percent, 28 percent, 27 percent, and 26 percent of total public school enrollments.

Of the 48.4 million students enrolled in pre-K through 12 public school classes in 2005, using the Urban Institute's findings, we can conclude that 9.2 million, or 19 percent, are immigrants or the children of immigrants.

(In 1982 the Supreme Court ruled that illegal immigrant children are entitled to the same education benefits available to U.S. citizens. An estimated 1.1 million public school students are illegal immigrants, according to the Urban Institute.)

Because these students require more services than the children of natives, they will naturally receive an even larger share of educational spending. It is not unreasonable to attribute 25 percent of all pre-K to 12 spending to the 19 percent of students who are immigrants or the children of



immigrants.

Total expenditures for public elementary and secondary education reached \$499.1 billion in the 2005 school year, according to ED. https://nces.ed.gov/pubs2007/expenditures/tables/table_8.asp We can safely conclude that 25 percent of this, or about \$125 billion, was spent on foreign-born children and the U.S.-born children of immigrants.

At the federal level, Title I grants are budgeted at \$12.7 billion in 2007. At least one-quarter of this, or \$3.2 billion, is the result of immigration.

Enrollments are projected by the U.S. Department of Education to reach 55 million by 2020 and 60 million by 2030. Immigration will account for 96 percent of the future increase in the school-age population over the next 50 years. (Statement of Mark Seavey, Assistant Director, National Legislative Commission, the American Legion, House Judiciary Committee, May 23, 2007. <http://www.aila.org/content/fileviewer.aspx?docid=23115&linkid=164770>)

Implication: over the next half century, immigration will account for virtually all of the rise in public education enrollment and spending.

English as a Second Language (ESL)

The surge of immigrant children has led to a steady increase in the number of students who speak a foreign language at home, and if they speak English at all, they do so “with difficulty.” A report entitled “The Condition of Education 2005” <http://nces.ed.gov/pubsearch/pubsinfo.asp?pubid=2005094> from the National Center for Education Statistics (NCES) shows that 9 percent, or 3.7 million, of students in pre-K to 12th grade in 1979 spoke a foreign language at home, and more than a third of them “spoke English with difficulty.” By 2001, the number of immigrant children who did not speak Eng-

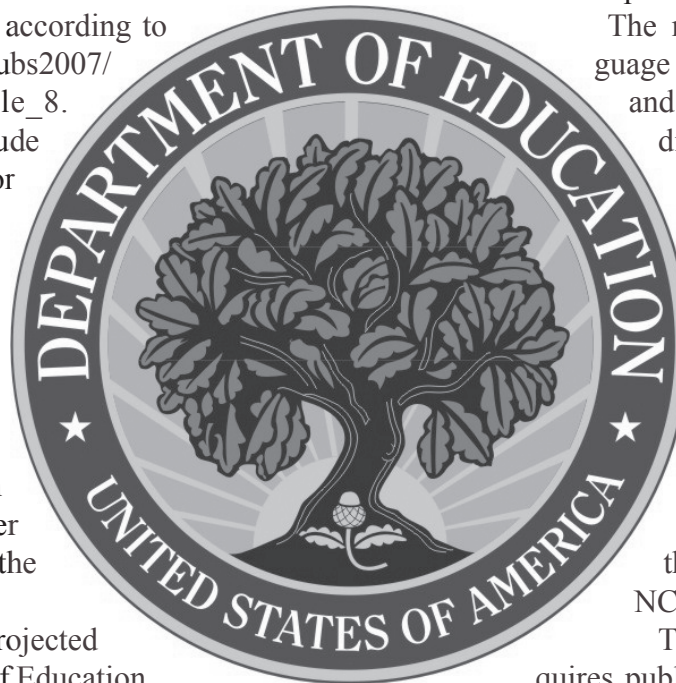
lish at home had grown to 19 percent of the national school population, or 9 million students, of whom 2.4 million spoke English with difficulty.

The number who spoke a language other than English at home and who spoke English with difficulty increased by 124 percent from 1979 to 2003, the report says. In Western states, 31 percent of all school-age children spoke a language other than English at home in 2003, compared with 19 percent in the Northeast, 16 percent in the Midwest, and 10 percent in the South, according to the NCES report.

The federal government requires public schools to include ESL or bilingual education (BE) programs in their curriculum to accommodate the needs of the non-English speaking students, regardless of their legal status. Approximately 3.8 million public school students—7.9 percent of total K to 12 enrollment—are enrolled in classes for “English language learners” (ELLs), according to Department of Education statistics. http://nces.ed.gov/pubs2003/Overview03/tables/table_10.asp



These classes are significantly more expensive than mainstream English classes. Personnel costs include specialized teachers who supplement instruction provided by the mainstream English teacher and professional development to



strengthen the skills of teachers working with ELLs. These require additional school district outlays.

Just how expensive? The Rand Corporation conducted case studies of delivery and cost of bilingual education in 1981. Rand researchers found that program costs varied by the type of instructional



delivery model that was being used in a local school. “Pull-out programs” that required the hiring of extra teachers to deliver supplemental instruction to ELLs were the most expensive. On the other hand, programs that used self-contained classrooms where one teacher

provided bilingual instruction were less expensive.

In their analysis, the added costs for language assistance instruction ranged from \$100 to \$500 per pupil. In addition to personnel expenses, the researchers also noted that other costs should be taken into consideration in computing add-on bilingual education costs. These included program administration, staff development (which can add significant costs), and other functions such as student identification and assessment. http://www.idra.org/IDRA_Newsletters/February_2004_Self_-_Renewing_Schools_Fair_Funding_for_the_Common_Good/Insufficient_Funding_for_Bilingual_Education_in_Texas/

The total additional per pupil costs for language assistance instruction was estimated to be in the range of \$200 to \$700 in 1981 dollars—equivalent to \$460 to \$1,600 in 2007 dollars. Using the average of the latter two amounts—\$1,030—as our estimate of per pupil cost, the total cost of providing English Language Learning instruction to the 3.8 million

students enrolled in those programs would equal about \$3.9 billion. ($\$1,030 \times 3.8$ million.)

To help states defray these costs, the federal government provides English language acquisition grants. The funds are distributed according to a formula that takes into account the number of immigrant and ELL students in each state. The fiscal year (FY) 2007 budget authorizes \$669 million of such grants, an amount that covers only a fraction of the added instructional costs.

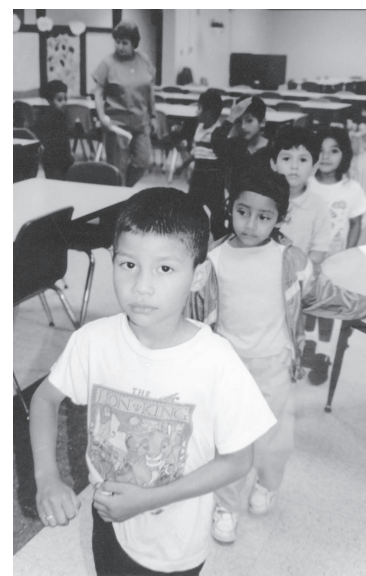
The federal government requires states to test ELL students annually in order to gauge the success of the specialized English instruction provided to immigrants. In some districts this is particularly burdensome—or even impossible. In Stamford, Connecticut, for example, students speak 57 languages. The top three are English, Haitian Creole, and Spanish, but there are blocks of students speaking other languages. Polish is spoken by 202 students, 93 speak Albanian, 109 speak Russian, and 96 speak Bengali, district data show.

All in all, more than 140 languages are spoken in Connecticut schools. Developing tests in all the languages would be prohibitively

expensive. Immigrant students have one school year before their scores must be reported to the federal government for evaluating their schools.

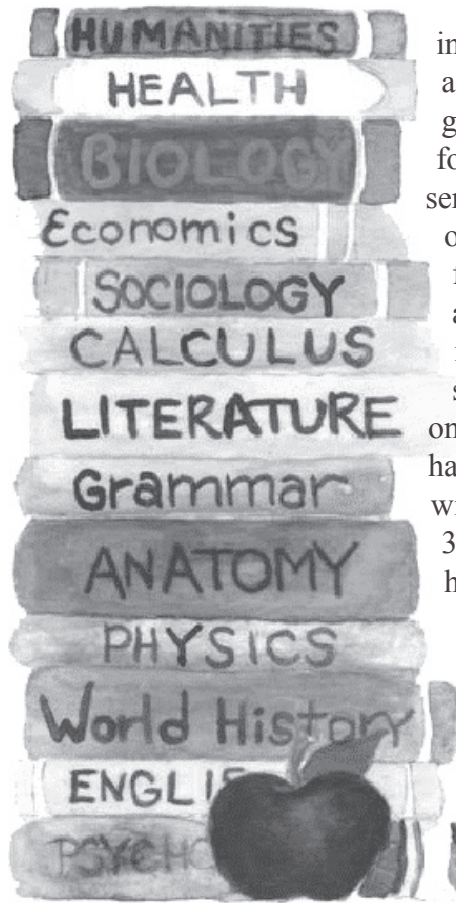
Very little new research has been done in this area. It is clear, however, that the per student cost of providing English language instruction to immigrant students is significantly higher today than it was a quarter century ago. The No Child Left Behind testing requirement for ELLs is in itself a major new expense item.

Bottom line: English language instruction for immigrants is an increasingly burdensome unfunded



mandate imposed by the federal government on states and school districts.

Migrant Education



Described in the budget as “formula grants to States for educational services to children of migratory farm workers and fishers, with resources and services focused on children who have moved within the past 36 months,” [http://www.](http://www.whitehouse.gov/omb/budget/fy2008/pdf/appendix/edu.pdf)

children who were eligible for the migrant program. In a sample of 102 migrant children from two California school districts, the Education Department’s inspector general found 38 children—or 37 percent—to be ineligible.

Under current regulations, a “migratory child” is one with a parent who works in the fishing or agricultural industry and who, within the most recent three years, has moved across school district lines to seek seasonal or temporary employment in fishing or agriculture. Determining intent is difficult: many individuals may end up in those fields by default.

Philip Martin, a professor of agricultural economics at the University of California, Davis, notes that states receive migrant aid based on the number of students eligible for the program, not on the number of students served. This obviously creates an incentive to overcount eligibles and, perhaps, minimize the number actually enrolled. Martin believes the law should tie funding to those who are actually served. <http://web.ebscohost.com/ehost/detail?vid=1&hid=16&sid=21d87f4a-e6bc-4e5c-9928-7a3f929d493e%40sessionmgr7>

Other ED programs specifically designed for children of migrant farm workers include:

College Assistance Migrant Program (CAMP): \$15.4

[whitehouse.gov/omb/budget/fy2008/pdf/appendix/edu.pdf](http://www.whitehouse.gov/omb/budget/fy2008/pdf/appendix/edu.pdf) , the migrant education program was created in 1966 to address the needs of children of mobile farm workers. The program will spend an estimated \$387 million in FY2007 providing educational programs to 635,000 children, ages 3 to 21. <http://web.ebscohost.com/ehost/detail?vid=1&hid=16&sid=21d87f4a-e6bc-4e5c-9928-7a3f929d493e%40sessionmgr7>

The basic program distributes funds to state education departments based on each state’s per pupil expenditures and on counts of eligible migratory children residing in the state.

Recent audits conducted by the Department of Education have uncovered overcounts in the number of eligible children. California is one of several states found to have significantly overidentified

million in FY2006. CAMP funds the first year of undergraduate studies at accredited colleges, as well as counseling, tutoring, health services, and housing assistance to eligible students. Approximately 2,400 students receive CAMP funds each year.

Migrant Education Program–Even Start: \$3.0 million in FY2006. Projects include early childhood education, adult literacy, parenting education, and interactive parent-child literacy activities, often made available through government agencies, public schools, Head Start programs, and other community-based groups. Children from birth through age 7 and their parents are eligible for Even Start.

State Subsidies for Illegal Alien College Students

Federal law expressly bars illegal aliens from

receiving “any postsecondary education benefit” unless U.S. citizens are eligible for the same benefit “in no less an amount, duration, and scope.” The intent of the Illegal Immigration Reform and Immigrant Responsibility Act, which was signed by President Clinton in 1996, is very clear. Anticipating that the states might try to get around the law, Congress specified that states may not award a college tuition subsidy to illegal aliens “on the basis of residence within a State.”

But several states are violating the law.

Kansas passed a law allowing its illegal aliens to attend its state universities at discount tuition rates while denying the discount to out-of-state citizens. When the out-of-state applicants filed a lawsuit, Kansas Attorney General Phill Kline essentially agreed with them. He recused himself and assigned the defense of the case to other attorneys in his office. <http://www.eagleforum.org/psr/2004/nov04/psrnov04.html>

Three Kansas state universities currently have more than 9,000 students enrolled who are identified as non-U.S. citizens. During the fall 2004 term, illegal alien undergraduate students received a taxpayer-subsidized tuition reduction of \$3,181.80 at the University of Kansas, \$3,504 at Kansas State University, and \$3,360 at Emporia State University.

Thus, Kansas law expressly rewards aliens who have violated federal law by giving them a taxpayer subsidy that is denied to lawful aliens and U.S. citizens. Meanwhile, university tuition rates continue to soar at a rate greater than inflation, and state legislatures strapped for funds are looking to their expensive state university system to absorb some of the squeeze.

Bills to grant the in-state tuition subsidy to illegal aliens have been introduced in at least 23 states and have become law in California, Texas, New York, Utah, Washington, Illinois, and Oklahoma. ■

