

WHOSE CHILDREN ARE THESE? A RATIONAL APPROACH TO EDUCATING ILLEGAL-ALIEN SCHOOLCHILDREN

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Introduction

Many Americans believe that illegal immigrants are draining the country's scarce financial resources. This has sparked a vigorous debate in national politics as to whether immigrants, regardless of their legal status, should be entitled to the same rights and privileges as U.S. citizens. The federal government requires that all persons are entitled to certain benefits, including K-12 education, if they reside in the United States. The U.S. Supreme Court has interpreted the Fifth and Fourteenth Amendments of the U.S. Constitution to mean that every person, as opposed to every citizen, is entitled to the same benefits offered to any person in the United States, citizen or not. While "aliens have no constitutional right to enter the United States, once they are here they are protected under due process of law and equal protection under the law" afforded to U.S. citizens.¹ Opponents of this policy complain that it rewards illegal immigration, and encourages more of it. They also object to illegal immigrants receiving social services because of a belief that they do not contribute to the U.S. economy.

This study examines how federally mandated education policies for illegal-alien schoolchildren places a disproportionate financial burden on certain state and local government budgets. Using a rational model of public policy where the choice of policy is determined by weighing various alternatives to find the one which will provide the maximum benefit for society as a whole, this study explores several options available to the federal government to assist states with the cost of educating illegal-alien schoolchildren. After weighing the potential benefits and consequences of each alternative, this study recommends the adoption of a state-reimbursement program as the best policy alternative. It will allow states to recoup some of their expenditures on public education for illegal-alien schoolchildren, and provide for the collection of much-needed census data to formulate future immigration policy.

It's the Economy, Stupid!

Political scientist Robert M. Sanders notes that "[t]hose who support the elimination of social services to illegal aliens argue that such programs attract illegal immigration. They contend that illegal-alien households cost the federal government approximately \$26 billion in social services and criminal justice system expenses annually."² The demographics of the immigrant population, however, refute this claim. Historically, immigrants have come to the United States primarily for economic opportunity and the promise of higher

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wages.³ The average immigrant has little to gain from the receipt of social services. As Peter Skerry, a specialist in immigration policy, argues:

The typical immigrant, illegal as well as legal, is a ‘target-earner’ who intends to stay in the United States only long enough to amass a certain amount of capital and then return home. So preoccupied are immigrants with earning and saving money, that they endure highly undesirable living conditions, work two or three shifts a day, and reserve little or no time for socializing or recreation. Social services and other amenities do not appear to loom large in the calculus of such individuals.⁴

Skerry’s description of immigrants as ‘target earners’ is supported by the National Research Council (NRC), which found that approximately 800,000 immigrants enter the United States annually, but about one-third return home.⁵ Those who remain in the United States, according to a 2007 report issued by the President’s Council of Economic Advisors, become:

... a critical part of the U.S. workforce and contribute to productivity growth and technological advancement. They make up 15 percent of all workers and even larger shares of certain occupations such as construction, food services, and health care. Approximately 40 percent of Ph.D. scientists working in the United States were born abroad. In addition, immigrants are more likely than natives to be entrepreneurs. Entrepreneurial activity is reportedly nearly 40 percent higher for immigrants than for natives.⁶

As illegal immigration to the United States increases annually, so, too, does the number of illegal-alien schoolchildren. In January 2006, the U.S. Department of Homeland Security estimated that there were approximately 11.6 million unauthorized immigrants in the United States. A 2007 Congressional Budget Office (CBO) report determined that this figure included, “about 2 million school age children in the United States [who] are unauthorized immigrants and an additional 3 million [who] are born to unauthorized immigrants. [This] represent[s] almost 4 percent of the overall school-age population.”⁷ But these numbers fail to provide an accurate count of illegal aliens in the United States because most available data mix legal and illegal immigrants. Without such information, it is difficult to determine the true cost of providing social services to illegal immigrants, including the education of their children.

Immigrants’ Contributions to the U.S. Economy

The public perception that immigrants use scarce financial resources without contributing to the national economy is debatable. A number of studies, including one published by the National Immigration Law Center, assert that immigrants are net contributors to the economy, particularly at the federal level.⁸ Even at the state level, as a 2007 Iowa Legislative Service Agency report shows, “undocumented immigrants are, by law, subject to all existing taxes including sales, excise, property, income and payroll taxes. Most of these taxes [except the income tax] cannot be avoided.”⁹

Many immigrants pay income tax by obtaining a false Social Security number to satisfy employer requirements. According to the Social Security Administration (SSA), these

numbers are used by employers to withhold federal, state, and local as well as payroll taxes from immigrant workers. The SSA estimates that about half of all unauthorized immigrants pay Social Security taxes. The Internal Revenue Service (IRS) reports that:

...about 6 million unauthorized immigrants file individual tax returns each year [thus confirming] estimate[s] that between 50 percent to 75 percent of unauthorized immigrants pay federal, state and local taxes.¹⁰

In addition, the National Immigration Law Center finds that “undocumented immigrants contribute approximately \$8.5 billion to Social Security and Medicare funds annually while the [IRS] has determined that undocumented immigrants paid almost \$50 billion in federal taxes from 1996 to 2003.”¹¹ Yet most Americans continue to believe that illegal immigrant use of social services places a severe strain on the U.S. economy.

Among the various social services used by illegal immigrants, access to public education and its impact on state- and local-government budgets generates the most controversy. Since education accounts for the largest outlay in state and local budgets, those governments bear the primary fiscal and administrative responsibility of providing K-12 schooling to the children of unauthorized immigrants.¹² Attempts by state and local governments to recoup these costs from taxpayers has made the education of illegal-alien schoolchildren a hot-button issue in local communities with large immigrant populations.

The very presence of illegal immigrants in public schools is perceived as costly to local school districts because of the need for additional resources to educate these children. Furthermore, they add to the problem of overcrowded schools and often require more educational services than native-born children because of their lack of proficiency in English. Indeed, analyses from several states show that “the costs of educating students who did not speak English fluently were 20 to 40 percent higher than the costs incurred for native-born students.”¹³

Since education is funded primarily through local taxes as a “public good,” conflict often arises over how that money should be spent. This occurs frequently when one discusses the education of illegal-alien schoolchildren because of the lingering perception that illegal aliens do not contribute to the tax base. The U.S. Supreme Court addressed this concern in *Plyler v. Doe*, 457 U.S. 202 (1982). In its ruling, the court, in a 5-4 vote, granted all children residing in the United States, regardless of immigration status, the right to receive an education. In so doing, the justices employed the equal protection clause of the Fourteenth Amendment to protect the rights of all individuals on American soil. The majority warned that a lack of education for these children would produce an underclass. Speaking for the majority, Associate Justice Lewis F. Powell declared that “[t]he result of denying an education to these children is the creation of a subclass of illiterate persons adding to the problems and costs of unemployment, welfare and crime.”¹⁴ The minority, however, challenged the premise that education was a ‘constitutional right.’ They viewed the court’s ruling as a dangerous precedent in making social policy by denying a state (in this instance, Texas) the right to withhold schooling from unauthorized children because this would allegedly contribute to larger societal problems.¹⁵

Schooling may be the key to recouping society’s investment in educating children of illegal immigrants. In 2005, the President’s Council of Economic Advisors reported that estimated future tax payments of immigrants would exceed the cost of services they used by \$80,000 for the average immigrant and their descendants. Taking into account the 1996 welfare reform

bill, which restricted welfare eligibility, this figure has been increased to \$88,000. Overall, the council found that the value of services slightly exceeded taxes paid by the original immigrant, but that the contributions of the immigrants' descendants more than made up the difference.¹⁶ It is therefore imperative to provide educational opportunities to the children of illegal-alien to ensure that they will make such contributions to the U.S. economy.

Description of Problematic Situation

One of the major problems associated with educating immigrant children is the fact that immigrants tend to congregate in select areas, or cluster geographically, which causes a proportionately higher economic burden on certain state and local governments. Specifically, California, Florida, Hawai'i, New York, and Texas have the highest concentration of illegal immigrants. Arizona, Colorado, Illinois, New Jersey, and New Mexico also have a high proportion of immigrants, legal and illegal, in their populations. Moreover, one finds that the population of select cities such as Los Angeles, Miami, and San Antonio is one-third to one-half foreign born.¹⁷

This geographical clustering of immigrants has caused, "[m]any people and local government officials in high-immigration states [to] feel [that] they should [not] have to foot the bill for services used by illegal immigrants [including educational costs for illegal-alien schoolchildren] who are in the U.S. because the federal government has failed to enforce immigration laws..."¹⁸ They expect the federal government, which claims exclusive authority over immigration policy, to do more to curb illegal immigration, especially since these immigrants do not produce a net financial benefit for state and local governments.

A 1995 United States General Accounting Office (USGAO) report confirms that mandated services to illegal aliens ultimately results in a net financial lost to states even when immigrant contributions to state revenues are taken into account. That report, based on research conducted between 1984 and 1994, compared thirteen studies; all but one supported the assumption that illegal aliens generated more in public costs than they contrib-

TABLE 1
AVERAGE COST OF EDUCATION VS. TAXES PAID IN KEY STATES
(Millions of Dollars)

State	Education	Incarceration	Emergency Services	Taxes Paid
California	\$1,289	\$368	\$113-167	\$732
New York	634	45	51-76	422
Florida	424	15	22-29	277
Texas	419	23	9-12	202
New Jersey	146	7	.5-4	130
Illinois	113	6	7-17	94
Arizona	55	11	7-10	29
Total for all Seven States	\$3,079	\$474	\$210-315	\$1,886

Source: Berna Miller, "Educating the 'Other' Children," *American Demographics* 19, no. 10 (October 1997):53-54.

uted in taxes. This finding was based primarily on two studies. The first, published by economist Donald Huddle, determined that the estimated national cost of providing social services to illegal immigrants at all levels of government was \$12 and \$19 billion in 1992 and 1993, respectively. The second, an Urban Institute report issued in the early 1990s in response to a lawsuit filed by several states against the federal government seeking compensation for the costs incurred delivering federally mandated services for illegal-alien, estimated the net fiscal impact to be \$2 billion. The latter report, which included estimated costs of providing various social services to illegal immigrants compared with the taxes they paid (i.e., state income tax, sales tax, and state and property taxes) showed that “[a]lthough the money that illegal immigrants contribute to state tax coffers helps offset some of their social costs, it doesn’t come close to covering the biggest expense of all: educating illegal-alien children in public schools.”¹⁹ Table 1 validates this claim.

Various independent studies provide the “best estimates” of this revenue vs. cost debate. The Federation for American Immigration Reform (FAIR), a self-described “national, non-profit, public-interest, membership organization of concerned citizens who share a common belief that [America’s] immigration policies must be reformed to serve the national interest,”²⁰ has analyzed those studies in an effort to provide a comprehensive report addressing the fiscal net burden of illegal aliens. Though it has not yet completed that report, FAIR has published a series of findings modeled after the 1994 Urban Institute study. They show that all of the original states analyzed in the 1994 study continue to be plagued with the burden of excessive outlays to pay for social services used by illegal immigrants (see Table 2).

TABLE 2
REVENUES RECEIVED VS. COSTS INCURRED BY KEY STATES

State	Year	Revenues Collected	Costs	Net Burden
California ²¹	2004	\$1.7B	\$10.5B	\$8.8B
New York ²²	2006	730M	5.1B	4.5B
Florida ²³	2009	1.6B	3.8B	2.2B
Texas ²⁴	2005	.97B	4.7B	3.7B
New Jersey ²⁵	2007	488M	2.1B	1.6B
Illinois ²⁶	2007	465M	3.5B	3B
Arizona ²⁷	2004	257M	1.3B	1B

N.B. The data listed above reflects estimated education, medical, and incarceration costs. Revenues received included property and sales tax along with estimated income tax payments (except for Texas and Florida).

Predictably, educational costs, the largest portion of expenditures for most state and local governments, accounted for the largest percentage of budget outlays in each study. Many of these estimates, however, do not include the cost of additional programs, such as remedial classes and school meal programs that serve many illegal-alien schoolchildren. Such information is not available. In addition, other “hidden costs,” such as decreased quality of education due to school overcrowding, simply cannot be measured. Taking these factors into consideration, one can assume that educational costs are higher than reported in these studies, which creates an even greater “net fiscal burden” on immigrant-dense states.

Even if the net fiscal burden has been overestimated in recent studies, one cannot ignore the fact that the perceived burden of illegal immigrants on public schools has produced a perception that undocumented immigrants are responsible for overcrowded classrooms and the deficient quality of public education.²⁸ As the most costly service used by illegal aliens in California, “300,000 to 400,000 illegal alien [school]children ... account for nearly half of the estimated \$3 billion annual service costs provided to the estimated 1.7 million illegal aliens in the State.”²⁹ Many states share California’s struggle with the cost of educating illegal-alien schoolchildren. During the 2003-2004 school year, Minnesota estimated that it spent between \$79 and \$118 million of its \$8 billion state budget to educate an estimated 9,400 to 14,000 unauthorized immigrant schoolchildren. New Mexico spent \$67 million of its \$3 billion state budget on an estimated 9,200 unauthorized schoolchildren. Colorado claimed that it spent approximately \$220 million on social services for unauthorized immigrants but only collected between \$159 and \$194 million in revenue from that segment of its population.³⁰ While this data has been challenged because the estimates do not account for *all* taxes collected from illegal immigrants, the shortfalls in revenue received compared to the costs of education appears to be fairly consistent in immigrant-dense states.

The FAIR reports highlight many of the problems addressed in this study concerning a lack of available data. FAIR points out that many of the conclusions reached in immigration studies are simply approximations because records of the illegal-alien population are not collected or calculated consistently.³¹ Other researchers maintain that tax revenues are underestimated because illegal aliens contribute a great deal to state and local economies through unavoidable taxes. They argue that federal funds received by states should be included in revenue estimates of the cost of educating illegal-alien schoolchildren. In the case of Texas, State Comptroller Carole Keeton Strayhorn acknowledges that:

The absence of the estimated 1.4 million undocumented immigrants in Texas in fiscal 2005 would have been a loss to our gross state product of \$17.7 billion. Undocumented immigrants produced \$1.58 billion in state revenues, which exceeded the \$1.16 billion in state services they received. However, local governments bore the burden of \$1.44 billion in uncompensated health care costs and local law enforcement costs not paid for by the state.³²

Interestingly, a number of FAIR’s reports place partial blame for the disparity between tax revenues and the costs of public education on high immigrant states, admonishing those states which create “sanctuary policies” that encourage residence. If a state requests federal assistance to meet its fiscal burden of providing social services to illegal immigrants, it is reasonable to limit that assistance if that state pursues policies which encourage illegal aliens to reside there.³³ States must comply with any new immigration policies, yet many

are resistant to enforcing measures that may threaten local economies. State governments thus recognize the economic contributions from illegal immigrants and may be content to funnel the cost of educating illegal-alien schoolchildren down to local governments.

In an effort to control the costs of social services provided to illegal immigrants, California citizens initiated legislation to reduce the flow of illegal immigrants into the state by denying them social services.³⁴ This 1994 initiative, known as Proposition 187, was approved by fifty-nine percent of California voters. Passage of the referendum, which denied public education, non-emergency health care, and social service benefits to illegal aliens in the state, revived the national debate over immigration.³⁵ Supporters of the referendum argued that:

Californians are suffering economic hardship, personal injury and damage due to the presence and criminal conduct of illegal aliens in the state; citizens and legal residents are entitled to protection from their government against persons entering the country unlawfully; ... a system of required notification among local, state, and federal agencies will thwart illegal aliens from receiving benefits and public services from the State of California.³⁶

Yet, according to the Fourteenth Amendment, no state shall “deny to any person within its jurisdiction the equal protection of laws.”³⁷ Consequently, in 1998 U.S. District Court Judge Mariana R. Pfaelzer declared Proposition 187 unconstitutional before it was ever implemented.³⁸

Proposition 187 rested on the faulty premise that undocumented immigrants do not contribute to society and, therefore, should not be entitled to use social services. But it has often been shown that lack of contribution is not the problem; rather, it is the disparity of revenues collected by the federal government and the fiscal obligations placed on state and local governments. According to the NRC, “[b]ecause our system of public finance is a federal system and new immigrants tend to concentrate in particular regions of the country, they may create taxpayer inequalities.” Certain states have experienced high influxes of new immigrants which results in an initial higher fiscal burden if those immigrants contribute less in revenues than they receive in social services. Undoubtedly, residents in these areas carry a significant burden in assuming the costs of providing social services to these immigrants since a balance between ‘revenues and costs’ is usually not achieved until the next generation of immigrants begin to work and pay taxes.³⁹

But illegal immigrants do provide a substantial source of tax revenue at the federal level and, therefore, should be entitled to certain public services. The elimination of access to these services would decrease a substantial source of present and future revenue. Education is the key to social mobility in the United States and crucial to an individual’s effort to become a productive member of society. The fiscal benefits derived from immigrants, notably at the federal level, depends on an educated immigrant community. An educated immigrant population will eventually cover any costs incurred by the state in future tax payments, but this depends on the level of education it attains. If these immigrants are denied an education, the result will almost certainly be an increase in crime, public health concerns, and other poverty-related problems that infest lower-income communities throughout the United States.⁴⁰

Identification and Ranking of Goals

Despite its repeal, Proposition 187 had a profound impact on elected officials. In California, “78 percent of those who voted in favor of Proposition 187 agreed that it ‘sends a message that needs to be sent’ and 51 percent agreed that it would force the federal government to face the issues.”⁴¹ President Bill Clinton, who opposed the measure, took note of these sentiments when he acknowledged the desire of Californians to reduce illegal immigration and their insistence that the federal government should help the state bear the costs of providing social services to these immigrants.⁴² After promising aid to states like California to meet these costs, Clinton signed into law the Immigration and Responsibility Act and the Welfare Reform Act, which enforced stricter standards for admission of illegal immigrants and overhauled many welfare policies that extended social services to illegal immigrants, respectively.⁴³

By adopting these measures, the federal government accepted at least partial responsibility for the costs of providing social services to illegal immigrants. Yet state governments continue to bear the brunt of the financial burden of educating illegal-alien schoolchildren. A 2004 USGAO study, citing the National Center for Education Statistics on the costs of educating these children, reported that:

for the 1999-2000 school year, current expenditures [expenses for instruction and support functions] for public K-12 education by primary and secondary public schools, not including any capital outlays, totaled about \$324 billion. Capital outlays in that school year were an additional \$35 billion. These costs were borne primarily at the state and local levels; federal dollars represented about 7 percent of school revenue.⁴⁴

As a general rule, the federal government provides about ten percent of the total cost for K-12 education nationwide; state and local governments fund the remainder. This is normally done on a simple per student basis.⁴⁵ The federal government continues to appropriate additional funds to state governments for various costs associated with educating immigrants. For example, the English Language Acquisition Program, established in 2001 under No Child Left Behind, allocated funding to schools specifically for language programs geared toward children with limited English proficiency. In 2006, states received over \$621 million through this program but these grants are restricted to programs aimed at increasing language proficiency regardless of immigration status, and do not attempt to offset general education costs for illegal-alien schoolchildren.⁴⁶ Since the federal government mandates that states must educate illegal-immigrant schoolchildren, it should reimburse state and local governments for the cost of providing this service.

But those costs are difficult to determine because there is limited data on the actual cost of educating illegal-alien schoolchildren. Existing government information, “is not sufficient to reliably quantify the costs of educating illegal-alien schoolchildren. All approaches to estimating these costs require data and estimates of the number of illegal alien schoolchildren. Neither state nor local governments collect such information, and federal agencies do not provide estimates.”⁴⁷ The first obstacle in trying to obtain reliable demographic information to determine the actual costs of educating illegal-alien schoolchildren is that such estimates fail to distinguish between legal and illegal immigrants. Part of this problem stems from the fact that it is difficult to determine how many immigrants initially entered

the country legally and remain in the United States on expired visas as opposed to how many entered the country unlawfully. Since U.S. Census Bureau data does not differentiate by immigration status, that source of information does not offer an accurate count of how many illegal immigrants actually reside in the United States. That data also fails to provide an accurate tally of children of immigrants born in the United States who are therefore citizens as opposed to children who recently immigrated from another country.⁴⁸

The second obstacle in trying to obtain reliable demographic information to determine the cost of educating illegal-alien schoolchildren is that those costs vary greatly between states depending on the size of the immigrant population. This affects per-pupil expenditures for education,⁴⁹ and programs used to teach these children. The type of programs offered in schools could provide reasonable data for an accurate head count of illegal-alien schoolchildren, but many of these programs do not specifically cater to illegal immigrants. Instead, they serve the entire non-English-speaking school population. Programs like English Language Learner require additional funding which increases the cost of education in immigrant-dense states.⁵⁰ The costs associated with these programs (e.g., specialized teachers, additional staff) almost always exceeds the standard per-pupil expenditure in each state. Because the type of programs used to teach illegal-alien schoolchildren vary by state, it is difficult to determine the appropriate amount of funding that should be allocated specifically for illegal-alien children in different school districts.

In addition to the problem of determining the cost of educating illegal-alien schoolchildren, there are also problems related to adopting the type of instruction best suited to teach these students. School districts that provide different types of programs and develop innovative approaches will incur higher expenditures per illegal-alien student. While this study does not address the various standards used for accessing these programs, it is not unreasonable to assume that states which offer innovative instruction to meet the specific needs of illegal-alien schoolchildren should receive more funding than school districts that simply offer the basic federally mandated education program to these students. If states wish to provide innovative programs to students, they should be encouraged to do so through federal grants earmarked toward new education policies to serve the growing immigrant population.

Approach to Analysis

This paper uses a rational policymaking approach to determine the best way for the federal government to help states defray the cost of educating illegal-alien schoolchildren. As Thomas R. Dye, president of the Lincoln Center for Public Service, a non-profit educational organization, explains:

. . . governments should choose policies [that] result in gains to society that exceed costs by the greatest amount, and governments should refrain from policies if costs exceed gains. . . Rationalism involves the calculations of *all* social, political and economic values sacrificed or achieved by a public policy, not just those that can be measured in dollars.⁵¹

Since everyone benefits from an educated society, a strategy must be implemented to maximize the social gain of an educated class of immigrants. The potential gains of this subgroup of the population cannot be ignored. It has consistently been shown that edu-

cated immigrants contribute more to the overall U.S. economy. According to one study, "immigrants (including their descendents) would have a positive fiscal impact -- a present discounted value of \$80,000 per immigrant on average in their baseline model (in 1996 dollars). The surplus is larger for highly skilled immigrants (\$198,000) and slightly less for those with less than a high school diploma (-\$13,000)."⁵² Clearly, education is the key to ensuring that immigrants will contribute to the U.S. economy, which, in turn, will justify the cost of their education.

The objective in developing this policy is to assist with the initial costs of educating illegal-alien schoolchildren incurred by state and local governments. While the federal government stands to benefit from illegal immigration, state and local governments are responsible for delivering mandated services with limited federal assistance.⁵³ State and local governments simply cannot continue to bear the initial financial burdens that they face as a result of large illegal-immigrant populations in certain areas. By developing an education program that caters to the specific needs of illegal-alien schoolchildren, local and state governments will make certain that they are not left empty-handed when these immigrants become productive contributors to the U.S. economy.

In assessing various approaches to establish an effective policy to educate illegal-alien schoolchildren, this study will evaluate four viable alternatives designed to assist state and local governments in dealing with the financial liabilities incurred from educating illegal-alien schoolchildren:

...keep the existing system, modify the existing system, use a prepackaged design, or create a new system design. The existing system is analyzed as a benchmark, as a way to gain understanding about the present system, as a source of clues about new alternatives, and in order to know how to respond to defenders of the existing system. This approach recognizes [that] it is often difficult to change the existing structure and that since the system worked in the past a slightly different system might meet today's needs.⁵⁴

Policy Alternatives and Consequences

A. Newcomer/Charter Schools Funded by Federal Grants and Community Organizations

This alternative relies on a prepackaged design, that is, a potential solution that has been used to tackle a similar problem and could reasonably be applied as a viable alternative to the existing policy problem. Specifically designed to handle students with limited English proficiency, newcomer schools have proven to be effective in educating recent immigrants in several states with large immigrant populations (i.e., California, Illinois, Massachusetts, New York, and Pennsylvania). A number of newcomer programs across the country serve a wide variety of age groups in various formats, including separate-site school locations, full-day and half-day programs, and single language (or multilingual) programs. These one-year voluntary programs are targeted toward recent immigrants and provide a unique curriculum that emphasizes individualized instruction from specialized teachers to meet the specific needs of immigrant students. This type of targeted instruction promises to promote positive assimilation behavior among students and would relieve some burdens on state and local governments, especially those dealing with overcrowded schools due to large immigrant populations.⁵⁵

Newcomer schools are often funded through non-profit organizations which are subsidized by the federal government. Since voluntary organizations have served the needs of immigrant communities for many years, non-profit organizations should not be overlooked as a means to provide financial support to educate immigrant children. Voluntary organizations, especially religious organizations, have historically been instrumental in the assimilation process of recent immigrants, providing both social and monetary support in ethnic communities. As sociologist Robert Bach points out, these organizations, "provide the energy, resources and direction for community. They mobilize private and group values into community standards, obligations, and responsibilities, and they are especially important in shaping culture and discourse."⁵⁶ These schools may be able to operate without state funding at a lower per-pupil cost because "private schools seem better able to provide regular educations at lower per-pupil costs than public schools do." A number of private schools have thrived in ethnic communities which receive funding through federal grants and contributions from community organizations.⁵⁷

Consequences: Isolating illegal-alien schoolchildren may delay the assimilation process and discourage their immediate use of the English language. In addition, the large amount of funding needed to establish newcomer schools would place a potentially excessive burden on federal government resources. Furthermore, newcomer schools would have to be monitored to ensure that objectives are achieved, and that no civil rights laws are violated. School districts would have to understand that programs have to be designed with consideration to legal requirements so as to avoid any violation of federal desegregation laws. More importantly, they must offer students access to the same services and curricula as regular education programs.⁵⁸ Ensuring compliance with these laws would require additional resources from all levels of government, which may offset any costs saved by removing illegal-alien schoolchildren from mainstream schools. Finally, this type of school would benefit only those states with highly concentrated immigrant populations (e.g., California or New York).

B. Provide Federal Reimbursement Based on the Number of Illegal-Alien Schoolchildren in Each State

This alternative would create a new system design, that is, it would establish a method for determining the cost of educating illegal-alien schoolchildren and reimburse states for that amount. The USGAO suggests that "Congress could authorize federal reimbursement of the costs of providing K-12 education to illegal-alien schoolchildren, based on the state-by-state costs of educating them or on the estimated numbers residing in each state."⁵⁹ This would provide much needed data to the federal government, and ensure that federal funds are used specifically to educate illegal-alien schoolchildren as opposed to non-English-speaking students in general.

The USGAO recommends the use of the following formula to determine the cost of educating illegal-alien schoolchildren:

$$\begin{array}{l} \text{Each state's average } X \\ \text{per-pupil expenditure} \end{array} \quad \begin{array}{l} \text{Estimated number of illegal-} \\ \text{alien schoolchildren in each state} \end{array} = \begin{array}{l} \text{Each state's cost for} \\ \text{educating illegal} \\ \text{alien schoolchildren}^{60} \end{array}$$

This formula would give the federal government a way to determine the number of illegal-alien schoolchildren and estimate the additional costs that some states incur from large

illegal-immigrant populations. Reimbursement would be provided to all states that comply with the reporting of illegal-alien schoolchildren.

Consequences: This policy alternative would require determining the number of illegal-alien schoolchildren in each state. The most obvious and efficient way to do so is in the public schools themselves, which could verify immigration status during the enrollment process. But this might place an undue burden on school administrators to collect information necessary for federal funding. In addition, many states are inherently opposed to this type of reporting. Since control of illegal immigration is reserved for the federal government, states should not be required to obtain such information. Critics of Proposition 187 voiced this concern when they argued that passage of the referendum would force teachers to “become snitches for the Immigration and Naturalization Service.”⁶¹ Similar opposition was encountered in New York in the late 1970s when the NYC Board of Education argued that school officials should not act as immigration authorities by making immigrant-status checks.⁶²

C. Provide Federal Reimbursement Based on the Implementation of Certain Programs in Public Schools Aimed Solely at Illegal-Alien Schoolchildren

This policy alternative offers some modification of the existing system -- reimburse schools that implement programs aimed solely at educating illegal-alien schoolchildren (e.g., bilingual education). As a 2001 USGAO report points out, “Policymakers are faced with particularly difficult decisions with regard to students with limited English proficiency because their needs are varied and experts disagree on the best way to teach them.”⁶³ The report further notes that “school districts are required to ensure that English-language instruction is adequate and to provide these children with equal educational opportunities, as required under [T]itle VI of the Civil Rights Act of 1964.”⁶⁴ Currently, there are programs in place to assist children with limited English proficiency, but a policy aimed specifically toward illegal-alien schoolchildren may prompt new and innovative program designs if federal funds could be allocated for promising pilot programs on a per-student basis. Such programs could follow the newcomer school model by targeting educational objectives specifically to illegal-alien schoolchildren as opposed to non-English-speaking students in general. Reimbursement for local school districts would depend on the actual number of students who participate in the program. Participation could be voluntary to avoid the fear of revealing immigration status for some immigrants.

At present, the federal government provides grants to programs such as the English Language Acquisition Program (ELAP) to offset some of the costs associated with educating the immigrant population. But many of these programs are targeted toward teaching children with limited English proficiency regardless of their immigration status. As a consequence, many of the students who benefit from this program are not illegal immigrants.⁶⁵

This type of program may lead to higher educational achievement for illegal-alien schoolchildren as compared to English as a Second Language (ESL) instruction, which is frequently used to serve students classified simply as having limited English proficiency. While a lack of English proficiency “forestalls assimilation and creates a barrier to success in America,” many ESL classrooms are not well suited for upper-level instruction.⁶⁶ Such instruction must be presented in a way to ensure success for illegal-alien schoolchildren or the anticipated financial gains from an educated immigrant population will not be realized. A reimbursement initiative aimed specifically toward such programs may pro-

vide economic benefits beyond what might be achieved through the standard education system. A targeted program would serve the needs of illegal-immigrant schoolchildren and allow states to apply for federal grants to pay for programs designed for students with limited English proficiency.

Consequences: This policy would require new program approaches aimed solely toward the education of illegal-alien schoolchildren. Development of these programs would be costly. In addition, they must be monitored to ensure that federal funds are being used effectively. Moreover, implementation of these programs would require illegal-alien schoolchildren (or their parents) to voluntarily reveal their immigration status, which many would be reluctant to do. Finally, an increase in funding specifically for these programs would come at the expense of funding for ESL programs.

D. Do Nothing

This alternative proposes no change in the existing system as the best policy option to solve the problem of educating illegal-alien schoolchildren. It places the financial burden for providing these services back on state and local governments that have encouraged immigration for economic growth and, therefore, should bear the consequences of their actions.

Rather than simply initiating a new policy, the federal government must find ways to amend existing laws in order to alleviate the onerous financial burdens on the states in providing social services to illegal immigrants. While this study focuses on education, other costs relating to uncontrolled illegal immigration, such as law enforcement and health care, also impose a financial burden on state and local governments. A simple solution would be to crack down on companies that hire illegal immigrants. Without economic opportunities to lure illegal immigrants, they would not be enticed to come to the United States. Since immigration trends have shown an increase in the number of illegal aliens remaining in the United States (and sending for their families in their native country), the costs of providing social services to these unauthorized immigrants will only increase for state and local governments over time unless something is done at the federal level to enforce immigration laws.⁶⁷

Consequences: Ultimately, it is the responsibility of the federal government to control immigration. It is unreasonable to expect state and local governments to bear the disproportionate financial burden of educating illegal-alien schoolchildren with significant needs and limited resources. Since it is unlikely that the federal government will enact new legislation or enforce existing laws to reduce the number of illegal immigrants in the United States, some effort must be made to monitor the growth of immigrant communities and adequately compensate states for assuming the burden that illegal immigration places on local economies. Expecting state and local governments to continue financing the education of illegal-alien children on their own is a policy that cannot be sustained.

Stakeholders and Their Role in Determining Policy Alternatives

As the title of this study suggests, one of the key points in this debate is identifying who should bear responsibility for educating illegal-alien schoolchildren. In other words, who do these children “belong” to? To answer this question, one must identify stakeholders and their role in determining policy alternatives.

a. The Federal Government: The federal government is the primary stakeholder in immigration policy. But while it assumes complete authority over immigration policy, the federal government has left state and local governments with no option other than to continue funding social services offered to illegal immigrants who settle throughout the country. A precedent has already been set in determining who is ultimately responsible for immigration. The Center for Immigration Studies argues that “it is fair for states to complain to the federal government and recoup some costs. State governments have not failed to police the border; the federal government has. Further[more], the federal government acknowledged this responsibility when, in December 1996, it awarded \$252 million to California and \$63 million to New York to help pay for the imprisonment of illegal aliens.”⁶⁸ By doing so, the federal government recognized that the costs of providing social services for illegal aliens is at least partly its responsibility. It is unfair to place the burden of these costs on state and local governments when the initial point of failure occurred at the national level.⁶⁹

b. State and Local Governments. It is evident that certain state and local governments bear a disproportionate burden of the costs of educating illegal-alien schoolchildren. These governments should welcome a voluntary program which would allow for partial reimbursement to defray these costs. Because of the high costs of educating illegal-alien schoolchildren and the disproportionate number of such students in certain states, those states must find ways to offset these costs so that they can continue to deliver social services as mandated by the federal government. Since the overall benefits of educating illegal-alien schoolchildren are greater at the national level than at the local level, the federal government should reimburse states for incurring the cost of educating the children of illegal aliens. In addition, states should want to work with the federal government to maintain their immigrant populations since immigrants do contribute to state and local economies through taxes that are essentially unavoidable (sales tax, excise tax), job creation through entrepreneurship, and as consumers of local goods and services.

c. Business Owners. Economic opportunity has been a major factor that has fueled immigration since the founding of the United States. As long as there is work available for illegal aliens, they will continue to enter the United States. Business owners continue to encourage immigration through their solicitation of and willingness to hire illegal workers contrary to law and often with impunity. Employers rely on networks of employees to spread word of future job opportunities when they return home.⁷⁰ Consequently, the private sector cannot be trusted to report illegal immigrants because it has too much to gain from the use of their cheap labor. Politicians understand that business owners enjoy larger profits by employing these low-wage workers and do not want to interfere with this relationship.⁷¹ They have no incentive to sponsor legislation that will curb immigration because they depend on these business owners for campaign funding. Since immigration has benefitted business owners and the federal government, it would be rational for politicians to promote legislation that would accommodate the challenges that state governments face in trying to deal with excessive immigration rather than attempt to change immigration policy.

d. Societal Impacts. A rational policy must produce a net economic gain to society as a whole. Lack of education can have disastrous effects and produce an uneducated underclass that places a burden on society. In *Plyler v. Doe*, the U.S. Supreme Court held that denying education to illegal-alien children would harm them and American society as a whole. As stated in the majority opinion, “Illiteracy is an enduring disability. The inabil-

ity to read and write will handicap the individual deprived of basic education each and every day of his life.” The court decided that the cost to the nation had to be weighed with the well-being of innocent children, who, if not for education, would be at a huge disadvantage in their lives.⁷²

The sheer number of illegal immigrants makes it essential to implement policies that promote their overall well-being as a group or risk the rise of an uneducated underclass that strains the U.S. economy. According to former secretary of labor Ray Marshall:

Immigrants are particularly important in the U.S. economy, accounting for over half of the workforce growth during the 1990s and 86 percent of the increase in employment between 2000 and 2005. Because there will be no net increase in the number of prime-working-age natives (age twenty-five to fifty-four) for the next twenty years, the strength of the U.S. economy could depend heavily on how the nation relates immigration to economic and social policy.⁷³

Marshall’s assessment of the importance of immigrants in the U.S. economy is supported by a NRC study which points out that if net immigration continues at current levels, the U.S. population will grow to 387,000,000 people by 2050, with immigration accounting for two-thirds of that increase.⁷⁴ It is therefore a matter of vital importance to develop a policy that will benefit the growing immigrant population and give it the opportunity to contribute to the U.S. economy.

Conclusions

According to a rational approach to public policy, the best policy alternative would be one that addresses the problem(s) and provides the greatest net benefit to society as whole. Contrary to public perception, immigrants pay more in taxes than the cost of social services they receive. This surplus is unevenly distributed among different levels of government. It benefits the federal government, but not state or local governments that have to deal directly with immigrant-dense populations.⁷⁵ Since the federal government is the primary stakeholder and beneficiary in the well-being of illegal immigrants, it should bear the brunt of the costs associated with educating illegal-alien schoolchildren. Since it has mandated that states have to provide social services to illegal immigrants, the federal government should develop a reimbursement plan to offset the initial costs of such services at the state and local levels. Unfortunately, the federal government has shown an unwillingness to enforce existing laws to curb illegal immigration, a policy that would anger the private sector. In order to achieve the desired outcome for all parties involved, it is necessary to construct a new policy design.

The debate over Proposition 187 revolved around whether a state could deny social services to people that the federal government allowed to enter the United States in violation of federal immigration laws. After three decades of federal jurisprudence that shifted the cost of illegal immigration onto the states, the result was a profound political backlash in the form of Proposition 187 and similar legislation across the country. The decision to allow all children, regardless of immigration status, the right to a primary and secondary education has “acted like a magnet reinforcing the flow of Mexican immigrants, packing inner city schools.”⁷⁶ By using the formula recommended by the USGAO, state governments would gain some financial relief in the form of stipends based on the number of illegal-alien children attending their schools.

In order to receive these reimbursements, states must provide data on illegal immigration to the federal government, but they do not wish to do so. This, state officials argue, would promote fear in local immigrant communities and may discourage their use of social services. School districts warn that the use of school administrators for data collection is inappropriate and would discourage enrollment of illegal-alien children in schools. A simple privacy clause, where only the *number* of illegal-alien schoolchildren, not their names, would be reported, would not force school officials to act as immigration agents. Nor should it substantially affect the number of illegal-alien schoolchildren since such a method of head-counting would have no impact on the rights of illegal immigrants.

But this has not been the case. Although Proposition 187 was never implemented, it did have an impact on the citizens of California. The referendum gave rise to a hostile environment for many members of minority groups. Reports of ordinary citizens demanding green cards from restaurant workers and of women not taking their children to hospitals for fear of being arrested were rampant. The decline in illegal immigrant use of social services continued until Proposition 187 was ruled unconstitutional.⁷⁷ The verification of immigration status can be seen as offensive and discriminatory in some local communities. It is dangerous to ask local government officials to enforce immigration policy without giving states any authority to withhold social services from individuals who are blatantly violating federal law.

Perhaps the most dangerous consequence of this proposed practice of verifying immigration status for state reimbursement is that it may discourage the enrollment of illegal-alien children in schools due to a fear of revealing a family's immigration status. This could further alienate students from positive assimilation opportunities. Since it is absolutely necessary that the illegal-immigrant population obtain an education to contribute to society, it is critical that a policy not require practices that may discourage school enrollment. Demographic sources provided by non-profit organizations could be used to obtain such data.

This study finds that the reimbursement plan is the best policy alternative because it addresses two of the major concerns of educating illegal-immigrant schoolchildren: obtaining reliable data on illegal immigration and relieving the disproportionate financial burden on state and local governments to provide this social service. Once these issues are addressed, it will be easier to tackle other challenges facing school administrators regarding the education of illegal-alien children. The key question remains how to collect the data. The fear of disclosing immigration status may be too great, and illegal-alien children may be reluctant to attend school, thus nullifying the financial benefits of the reimbursement plan. A commitment to keeping illegal-alien children in school must remain a top priority for the benefit of society as a whole.

ENDNOTES

¹Thomas R. Dye, *Understanding Public Policy*, 12th ed. (Upper Saddle River, NJ: Prentice Hall, Inc., 2008), 213-14.

²Robert Sanders, "Policy Point-Counterpoint: Should Illegal Immigrants and Their Children Receive Federal and State Social Services?" *International Social Science Review* 81, nos. 1 & 2 (2006):59.

³National Research Council (NRC), *The New Americans: Economic, Demographic, and Fiscal Effects of Immigration*, eds. James P. Smith and Barry Edmondston (Washington, D.C.: National Academy Press, 1997), 7.

⁴Peter Skerry, "Many Borders to Cross: Is Immigration the Exclusive Responsibility of the Federal Government?" *Publius* 25, no. 3 (Summer 1995):81.

⁵NRC, *The New Americans*, eds. Smith and Edmondston, 40. Other estimates claim that thirty-five to forty-five percent of immigrants will eventually emigrate from the United States.

⁶U.S., Executive Office of the President, Council of Economic Advisors, *Immigration's Economic Impact*, June 20, 2007, 2.

⁷U.S. Congress, Congressional Budget Office (CBO), *The Impact of Unauthorized Immigrants on the Budgets of State and Local Governments* (Washington, D.C.: U.S. Government Printing Office, 2007), 4, 7-8.

⁸National Immigration Law Center, *Paying Their Way and Then Some – Facts about the Contributions of Immigrants to Economic Growth and Public Investment*, September 2006, 2.

⁹Iowa Legislative Services Agency Fiscal Services, *Undocumented Immigrants' Cost to the State* (Des Moines, IA: Legislative Services Agency Fiscal Services, 2007), 1.

¹⁰U.S. Congress, CBO, *The Impact of Unauthorized Immigrants on the Budgets of State and Local Governments*, 6.

¹¹National Immigration Law Center, *Paying Their Way and Then Some*, 2.

¹²U.S. Congress, CBO, *The Impact of Unauthorized Immigrants on the Budgets of State and Local Governments*, 7.

¹³*Ibid.*, 2.

¹⁴Associate Justice Lewis F. Powell quoted in, Herman Schwartz, "Entitlements for Undocumented Aliens: Is California's Proposition 187 Constitutional? No: The Law is Clear only the Court has Changed," *ABA Journal* 81 (February 1995):43.

¹⁵Philip Martin, "Proposition 187 in California," *International Migration Review* 29, no. 1 (Spring 1995):257.

¹⁶U.S., Executive Office of the President, Council of Economic Advisors, *Economic Report of the President*, February 2005, 107.

¹⁷Dye, *Understanding Public Policy*, 12th ed., 213-14.

¹⁸Berna Miller, "Educating the 'Other' Children," *American Demographics* 19, no. 10 (October 1997):49-50.

¹⁹*Ibid.*, 55. Both the Huddle and Urban Institute studies have been cited by numerous researchers since the mid-1990s, including the United States General Accounting Office, to argue that illegal-immigrant revenue contributions fail to cover their financial burden on state and local governments. Though the data is more than a decade old, recent studies have reached the same conclusion. See United States, General Accounting Office (USGAO), *Illegal Aliens: National Net Cost Estimates Vary Widely (Report to Congressional Requesters)* (Washington, D.C.: U.S. Government Printing Office, 2005), 11, 28.

²⁰The Federation for American Immigration Reform (FAIR) seeks, "to improve border security, to stop illegal immigration, and to promote immigration levels consistent with the national interest – more traditional rates of about 300,000 a year." See <http://www.fairus.org/site/PageNavigator/about/> (accessed August 13, 2009), 1.

²¹FAIR, *The Costs of Illegal Immigration to Californians* (2004), http://www.fairus.org/site/DocServer/ca_costs.pdf?docID=141 (accessed August 13, 2009), 1.

²²FAIR, *The Costs of Illegal Immigration to New Yorkers* (2006), <http://www.fairus.org/site/DocServer/NYCosts.pdf?docID=1161> (accessed August 13, 2009), 1.

²³FAIR, *The Costs of Illegal Immigration to Floridians* (2009), <http://www.fairus.org/>

[site/DocServer/fla_study.pdf?docID=601](http://www.fairus.org/site/DocServer/fla_study.pdf?docID=601) (accessed August 13, 2009), 11.

²⁴FAIR, *The Costs of Illegal Immigration to Texans* (2005), http://www.fairus.org/site/DocServer/texas_costs.pdf?IDdoc=1161 (accessed August 13, 2009), 13.

²⁵FAIR, *The Costs of Illegal Immigration to New Jerseyites* (2007), http://www.fairus.org/site/DocServer/New_Jersey_Cost_Study.pdf?docID=1321 (accessed August 13, 2009), 1.

²⁶FAIR, *The Costs of Illegal Immigration to Illinoisans* (2007), http://www.fairus.org/site/DocServer/Illinois_Cost_Study.pdf?docID=1521 (accessed August 13, 2009), 1.

²⁷FAIR, *The Costs of Illegal Immigration for Arizonians* (2004), <http://www.fairus.org/site/DocServer/azcosts2.pdf?docID=101> (accessed August 13, 2009), 2. Since the publication of these findings, FAIR has put out additional studies on Colorado, Georgia, North Carolina, Pennsylvania, and Virginia, states that have experienced rapid growth in their immigrant populations. In each instance, FAIR confirms that a “a net financial burden” exists when one compares revenues collected and costs of social services. See FAIR, *The Costs of Immigration to Coloradans* (2008), <http://www.fairus.org/site/DocServer/coloradocosts.pdf?docID=2381> (accessed August 13, 2009), 12; FAIR, *The Costs of Immigration to Pennsylvanians* (2009), http://www.fairus.org/site/DocServer/pa_costs.pdf?docID=3041 (accessed August 13, 2009), 16; FAIR, *The Costs of Immigration to Virginians* (2009), http://www.fairus.org/site/DocServer/va_coststudy.pdf?docID=2861 (accessed August 13, 2009), 18; FAIR, *The Costs of Immigration to North Carolinians* (2009), http://www.fairus.org/site/DocServer/nc_costs.pdf?docID2441 (accessed August 13, 2009), 13; FAIR, *The Costs of Immigration to Georgians* (2008), <http://www.fairus.org/site/DocServer/georgiacosts.pdf?docID=2201> (accessed August 13, 2009), 12. The federal government acknowledged this encumbrance in a 2007 CBO report: “Most of the estimates found that even though unauthorized immigrants pay taxes and other fees to state and local jurisdictions, the resulting revenues offset only a portion of the costs incurred by those jurisdictions for providing services related to education, health care, and law enforcement.” U.S. Congress, CBO, *The Impact of Unauthorized Immigrants on the Budgets of State and Local Governments*, 3.

²⁸Joseph Hovey, Craig Kain, Cristina Magana, and Rebecca Rojas, “Proposition 187 Re-examined: Attitudes Toward Immigration Among California Workers,” *Current Psychology* 19, no. 3 (Fall 2000):159.

²⁹Martin, “Proposition 187 in California,” 257.

³⁰U.S. Congress, CBO, *The Impact of Unauthorized Immigrants on the Budgets of State and Local Governments*, 8-9.

³¹FAIR, *The Costs of Illegal Immigration to New Yorkers* (2006), <http://www.fairus.org/site/DocServer/NYCosts.pdf?docID=1161> (accessed August 13, 2009), 5.

³²Carole Keeton Strayhorn, *Undocumented Immigrants in Texas: A Financial Analysis of the Impact to the State Budget and Economy* (Austin, TX: Office of Comptroller of Public Accounts, 2006), 1.

³³FAIR, *The Costs of Illegal Immigration to New Yorkers* (2006), <http://www.fairus.org/site/DocServer/NYCosts.pdf?docID=1161> (accessed August 13, 2009), 3.

³⁴Jose Manuel Hernandez, “Open Doors: The Ineffectiveness of Proposition 187,” *Harvard International Review* 19, no. 4 (Fall 1997):2.

³⁵Dye, *Understanding Public Policy*, 12th ed., 214.

³⁶Hernandez, “Open Doors,” 2.

³⁷Dye, *Understanding Public Policy*, 12th ed., 214.

³⁸Don Terry, “Strong Blow Is Delivered To State Law On Aliens,” *New York Times*,

November 15, 1997, <http://www.nytimes.com/1997/11/15/us/strong-blow-is-delivered-to-state-law-on-aliens.html> (accessed September 9, 2009), 1-2.

³⁹NRC, *The New Americans*, eds. Smith and Edmondston, 255.

⁴⁰Sanders, "Policy Point-Counterpoint: Should Illegal Aliens and Their Children Receive Federal and State Social Services?" 60.

⁴¹Martin, "Proposition 187 in California," 257.

⁴²Ibid., 258.

⁴³Jessica L. Baraka, Thomas J. Espenshade, and Gregory A. Huber, "Implications of the 1996 Welfare and Immigration Reform Acts for U.S. Immigration," *Population and Development Review* 23, no. 4 (December 1997):770-71.

⁴⁴USGAO, *Illegal Alien Schoolchildren: Issues in Estimating State-by-State Costs (Report to the Chairman, Committee on the Judiciary, House of Representatives)* (Washington, D.C.: U.S. Government Printing Press, 2004), 5.

⁴⁵U.S. Congress, CBO, *The Impact of Unauthorized Immigrants on the Budgets of State and Local Governments*, 7.

⁴⁶Ibid., 10-11.

⁴⁷USGAO, *Illegal Alien Schoolchildren*, 7-8.

⁴⁸Michael Fix and Jeffrey Passel, *Immigration and Immigrants – Setting the Record Straight* (Washington, D.C.: The Urban Institute, 1994), 5.

⁴⁹USGAO, *Illegal Alien Schoolchildren*, 7-8.

⁵⁰As the USGAO reports, "a high percentage of English Language Learner [ELL] students in a school can potentially drive [up] the costs by an additional 10 to 100 percent over usual per-pupil costs; for students living in poverty (independent of ELL programs), the corresponding range of estimates is 20 to 100 percent. Students characterized as both living in poverty and possessing limited English proficiency up to average levels of achievement could potentially increase costs to 30 to 200 percent over average per pupil costs." Ibid., 9-10.

⁵¹Dye, *Understanding Public Policy*, 12th ed., 15.

⁵²U.S., Executive Office of the President, Council of Economic Advisors, *Immigration's Economic Impact*, June 20, 2007, 5.

⁵³Skerry, "Many Borders to Cross," 77.

⁵⁴Carl V. Patton and David S. Sawicki, *Basic Methods of Policy Analysis and Planning*, 2nd ed. (Upper Saddle River, NJ: Prentice Hall, Inc., 1993), 232.

⁵⁵Monica Friedlander, *The Newcomer Program: Helping Immigrant Students Succeed in U.S. Schools* (Washington, D.C.: National Clearing House for Bilingual Education, 1991), 10.

⁵⁶Robert L. Bach, "Recrafting the Common Good: Immigration and Community," *Annals of the American Academy of Political and Social Science* 530 (November 1993):164.

⁵⁷Miller, "Educating the 'Other' Children," 54.

⁵⁸Friedlander, *The Newcomer Program*, 24.

⁵⁹USGAO, *Illegal Alien Schoolchildren*, 4.

⁶⁰Ibid., 22.

⁶¹Dan Stein, "Entitlements for Undocumented Aliens: Is California's Proposition 187, Constitutional? Yes. The Supreme Court Must Evaluate Existing Law," *ABA Journal* 81 (February 1995):42.

⁶²Estevan Flores, "Research on Undocumented Immigrants and Public Policy: A Study of the Texas School Case," *International Migration Review* 18, no. 3 (Summer 1984):512.

⁶³USGAO, *Public Education: Meeting the Needs of Students with Limited English Proficiency (Report to Congressional Requesters)*, (February 2001), 31.

⁶⁴*Ibid.*, 6.

⁶⁵U.S. Congress, CBO, *The Impact of Unauthorized Immigrants on the Budgets of State and Local Governments*, 10.

⁶⁶Miller, "Educating the 'Other' Children," 54.

⁶⁷Skerry, "Many Borders to Cross," 81-82.

⁶⁸Miller, "Educating the 'Other' Children," 52.

⁶⁹U.S. Congress, CBO, *The Impact of Unauthorized Immigrants on State and Local Governments*, 1. It should be noted that the federal government maintains a surplus of funds from illegal immigrants in tax payments because illegal immigrants are not eligible for many federally funded programs such as Social Security, Medicare, and Food Stamps. Those funds could be used to pay for mandated social services financed by state and local governments.

⁷⁰Skerry, "Many Borders to Cross," 82.

⁷¹Hernandez, "Open Doors," 50.

⁷²Miller, "Educating the 'Other' Children," 52.

⁷³Ray Marshall, "Getting Immigration Reform Right," *Challenge* 50, no. 4 (July/August 2007):27.

⁷⁴NRC, *The New Americans*, eds. Smith and Edmondston, 2.

⁷⁵Fix and Passel, *Immigration and Immigrants – Setting the Record Straight*, 57-58.

⁷⁶Stein, "Entitlements for Undocumented Aliens," 42.

⁷⁷Hovey, Kain, Magana, and Rojas, "Proposition 187 Re-examined," 163-64.