

Running Head: ILLEGAL-ALIEN SCHOOLCHILDREN'S EDUCATION IN
HIGH-IMMIGRANT-DENSITY STATES

Whose Children are These?
A Rational Approach to Educating Illegal-Alien Schoolchildren

Maria J. Albo

North Georgia College & State University

POLS 7320

April 9, 2008

Copyright © 2008 by Maria J. Albo. All rights reserved. NOTE: This research paper is made available at this location on the Internet with the permission of the author. The only acceptable use of this research paper is reference to it as a model of good research and reporting at the M.P.A. level. No further distribution or reproduction is acceptable. NGCSU's M.P.A. Program expresses appreciation to Ms. Albo (M.P.A. '08) for authorizing the availability of this document.

Abstract

This paper will demonstrate how illegal immigration places a disproportionate burden on certain states, especially the costs relating to public education. Utilizing the rational model of public policy, this paper will offer alternatives on how the federal government could assist states with the costs of educating illegal-alien schoolchildren. Through weighing the potential benefits and consequences of each alternative, this paper identifies a state-reimbursement program as the best policy alternative. A state-reimbursement program will not only allow states to recoup some of their costs, but also will provide much-needed census data for future policy making.

A. Introduction

Many illegal immigrants in this country are utilizing our country's scarce resources. State and local governments are bearing a substantial portion of this burden, especially for education. The United States has a long history of struggles between the classes about access to education. The issue of equal access to education for illegal immigrants was first decided in *Plyler v. Doe*, 457 U.S. 202 (1982), a ruling which granted all children residing in the United States, regardless of nationality, the right to receive an education. According to Martin, "The 1982 *Plyler v. Doe* U. S. Supreme Court decision declared that the equal protection clause of the Fourteenth Amendment protects everyone within the state's borders, regardless of immigration status. However, the court split 5-4 on whether 'equal protection' for illegal schoolchildren included the same education available to U. S. children. The majority emphasized that education is

especially needed to prevent the development of an underclass. The minority noted that education was not a fundamental constitutional right and argued that the court was making social policy when it said that Texas could not deny public education to illegal alien children because, in the majority view, not educating them would prove more costly in the long run” (Martin, 1995, p. 257).

Justice Lewis F. Powell warned, “The 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” (Schwartz, 1995, p. 43). In defense of the ruling, author Herman Schwartz asserted, “Since children do not have control over their immigration status it is unethical to punish them by withholding educational services” (Schwartz, 1995, p. 43).

Dye notes that, because the Fifth and Fourteenth Amendments require that every person, rather than every citizen, is entitled to the same benefits as any U. S. citizen (including those not native-born), the federal government requires that all persons be entitled to social services if they are in the United States. Therefore, “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” (Dye, 2008, p. 213). Once an illegal alien sets foot on U. S. soil, she is entitled to the same protections provided to U. S. citizens. Many argue that this actually encourages illegal immigration because it seemingly rewards immigrants who have entered the country illegally. In addition, social services to illegal aliens cost a great deal of money and encourage illegal immigration. According to Robert M. Sanders, “Those 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” (Sanders, 2006, p. 59). Miller adds, “Education is the largest public cost associated with illegal immigration, and it’s likely to have long-term consequences. Whether we like it or not, these children will probably become adults who either contribute to the economy or do not” (Miller, 1997, p. 49).

B. Description of Problematic Situation

One of the major issues with immigration and education is the fact that immigrants tend to cluster geographically, and this leads to a proportionately higher economic burden on certain states. Dye states, “Although the federal government has exclusive power over immigration policy, its decisions have very significant effects on states and communities--on their governmental budgets, on the use of their public services, and even on their social character. Immigration is by no means uniform across the states. On the contrary, legal and illegal immigration is concentrated in relatively few states. California, Hawaii, New York, Florida, and Texas have the highest proportions of illegal immigrants among their populations. And these states, together with Arizona, New Mexico, Colorado, Illinois, and New Jersey probably have the highest numbers of illegal immigrants as well. Moreover, the populations of certain cities--such as Los Angeles, Miami, El Paso and San Antonio--may be one third to one half foreign born” (Dye, 2008, pp. 213-214). Miller adds, “The debate is largely regional in nature. Many

people and local government officials in the high-immigration states do not feel they should have to foot the bill for services used by illegal immigrants who are in the U. S. because the federal government has failed to enforce immigration laws and police borders” (Miller, 1997, pp. 49-50). Stein notes, “At issue is whether a state has the right to deny services to people the federal government has allowed to enter the country and remain in violation of federal immigration law. . . . Thirty years of high-handed federal jurisprudence that shifted the costs of illegal immigration onto the states had to produce a political backlash.” Stein argues that the decision to allow all children regardless of status the right to a primary and secondary education has “acted like a magnet reinforcing the flow of Mexican immigrants, packing inner city schools” (Stein, 1995, p. 43). According to Miller, “The consensus is that immigration, both legal and illegal, creates a net economic gain for the country as a whole. But it is an excessive burden on the local economies of the seven states where illegal immigrants concentrate” (Miller, 1997, p. 50).

This burden of illegal immigrants on state schools has resulted in public opinion that maintains that undocumented immigrants are somehow responsible for overcrowded classrooms and the deficient quality of public schools (Hovey et al., 2000, p. 2). Martin notes, “Public education is the most costly service used by illegal aliens in California[. . .] Providing education for the estimated 300,000 to 400,000 illegal alien children in California schools accounts for about half of the estimated \$3 billion annual service costs of services provided to the estimated 1.7 million illegal aliens in the State” (Martin, 1995, p. 257).

California citizens, in an effort to tackle the costs generated by illegal immigrants, initiated legislation to reduce the flow of illegal immigrants by denying them public social services and access to education (Hernandez, 1997, p. 2). This 1994 initiative, known as Proposition 187, was approved by 59 percent of voters who voted in a referendum, but was ruled unconstitutional in 1998. Dye states, “California’s Proposition 187 in 1994 set off renewed national debate over immigration. Placed on the ballot by citizens’ initiative, Proposition 187 denied public education, non-emergency health care, and social service benefits to illegal aliens in the state” (Dye, 2008, p. 412). According to Hernandez, Proposition 187 stated, “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; and 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” (quoted in Hernandez, 1997, p. 2). However, Dye notes, “the Fourteenth Amendment declares that no state shall ‘deny to any person within its jurisdiction the equal protection of laws’” (Dye, 2008, p. 214).

Despite the fact that the policies of Proposition 187 were never implemented, they did have an effect on the citizens in the state. Proposition 187 created a hostile environment for all 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 ran rampant and were further sensationalized by the mass media (Hovey et al., 2000, pp. 6-7). Hovey et al. assert, “The utilization rates of both health and

mental health clinics decreased after the passage of Proposition 187. The utilization rates returned to baseline after the implementation of Proposition 187 was stayed by the judicial system” (Hovey et al., 2000, p. 7).

Proposition 187 relied on the faulty premise that undocumented immigrants do not contribute to society and, therefore, should not be allowed to use public services. However, “journalist Eduardo Porter claims that illegal immigrants generate some \$6-7 billion in Social Security tax revenue and about \$1.5 billion in Medicare taxes annually. Eliminating their access to public education and health care will only increase crime and aggravate public health problems” (Sanders, 2006, p. 60). In addition, eliminating access to these services would decrease a substantial source of revenue.

C. Identification and Ranking of Goals

Despite the fact that Proposition 187 was not implemented, it still had a profound effect on officials of the national government. In California, among people surveyed, “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” (Martin, 1995, p. 259). President Bill Clinton took notice of the bold statement and expressed sympathy with the State of California, despite his strong opposition to Proposition 187. Clinton said, “It is not wrong for you [California] to want to reduce illegal immigration. And it is not wrong for you to say it is a national responsibility to deal with immigration. The federal government should do more to help to stop illegal immigration and to help California bear the costs of the illegal immigrants

who are there” (Martin, 1995, p. 258). Clinton promised to assist states like California with costs associated with illegal immigrants.

A General Accounting Office (GAO) report in June 2004 on illegal-alien schoolchildren reported that, according to the National Center for Education Statistics, “for the 1999-2000 school year, current expenditures 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” (GAO, 2004, p. 5).

Illegal-alien schoolchildren place a disproportionate burden on certain state and local governments. Because the federal government has mandated and requires that states educate illegal-immigrant schoolchildren, state and local governments should be reimbursed for the costs of educating these children. However, the costs are difficult to determine as there are few to no data on how much the illegal-alien schoolchildren actually cost. According to the 2004 GAO report, “Government information that is available 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 this information, and federal agencies do not provide estimates” (GAO, 2004, p. 28).

The 2004 GAO report states, “The Citizenship and Immigration Services (CIS) (formally Immigration and Naturalization Service) estimated that the illegal immigrant population increased to 7 million as of January 2000. However, there is no government

estimate of the percentage of the illegal alien population that is of school age or that is now attending public school in grades K-12” (GAO, 2004, p. 5). In addition, costs of educating illegal-alien schoolchildren vary by states. The GAO report on educating illegal-alien schoolchildren notes, “Local areas can also vary in terms of both immigration concentration and per pupil expenditures, despite equalization tiles and programs in some states” (GAO, 2004, pp. 7-8). Further, “in 2000-2001, some school districts enrolled high percentages of students in various English Language Learners (ELL) programs. More than 40 percent of Los Angeles students and about 33 percent of Dallas students are not foreign-born. However, a high percentage of ELL students in a school can potentially drive 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 by both poverty and limited English proficiency up to average levels of achievement could potentially increase costs to 30 to 200 percent over average per pupil costs” (GAO, 2004, pp. 9-10).

The type of programs used to teach illegal-alien schoolchildren varies by state, and makes it difficult to determine the effectiveness of programs and the appropriate amount of funding for the illegal-immigrant school populations as opposed to the non-English-speaking school population. Schwartz and Gerschberg note, “Students in New York City are categorized as Limited English Proficient (LEP) if the first language spoken in their home is not English and if they score below the 40th percentile on a test in English language skills. LEP eligible students must enroll in either freestanding English as a Second Language (ESL) or Bilingual Education. ESL Programs provide one or two

pullout classes per day of training, while subject courses are taught in English. Bilingual programs provide ESL training, but subject classes are taught in the students' native languages. Bilingual programs may not be available at every school, as they must be provided only if 20 or more students in the same grade speak the same language" (Schwartz and Gershberg, 2000, pp. 125-126). These types of classifications and program availability vary by state and with no standardization across states.

D. Approach to Analysis

This paper will utilize the rationalism policymaking approach. According to Dye, a rational policy produces "maximum social gain." He explains, ". . . [G]overnments 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" (Dye, 2008, p. 15). Because an educated society benefits all, including state and local government, a strategy must be implemented to best maximize the social gain of an educated class of immigrants. The goals and objectives of this policy will be to determine how to alleviate some of the burden on state and local government involving educating illegal-alien schoolchildren. In addition, this policy will attempt to account for the special needs of illegal-immigrant schoolchildren and the challenges of lack of census-data availability.

Patton and Sawicki identify different ways to evaluate different policy alternatives. This paper will use the rationalism approach offered by Thomas H. Athey. “Athey argues that alternatives can be derived in four ways: 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” (Patton & Sawicki, 1993, p. 232). Each policy alternative presented will utilize one of the four aforementioned designs.

E. Policy Alternatives and Consequences

1. NEWCOMER OR CHARTER SCHOOLS FUNDED BY FEDERAL GRANTS AND COMMUNITY ORGANIZATIONS

a. Introduction. This alternative would use a pre-packaged design. Some argue that the current programs are not beneficial to illegal-alien schoolchildren. Many of these programs are aimed at students with limited English proficiency and do not accurately reflect the special needs of immigrants. According to Gershberg and Schwartz, “Newcomer schools . . . educate only recent immigrants. Nevertheless, immigrants are exposed to a somewhat different set of classmates than the average New York City public school student[: T]he classmates of the typical immigrant are less likely to be black [and] more likely to be Asian and LEP, and almost 15 percent will be recent immigrants

themselves” (Gershberg & Schwartz, 2000, p. 133). There are seven “newcomer” schools in New York, which have mostly arisen out of local “grassroots” efforts to provide appropriate educational opportunities to new immigrants (Gershberg & Schwartz, 2000, p. 126). Newcomer schools funded by nonprofit organizations with subsidies from the federal government would eliminate the excessive burden on the states for educating illegal-alien schoolchildren. According to Flores, “voluntary organizations, organized formally or informally, 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” (Flores, 1984, p. 164). In addition, these types of schools may be more effective for promoting positive assimilation for young illegal immigrants, because the schools may inherently provide an environment conducive toward positive assimilation behaviors such as adaptation of English in a non-competitive environment.

b. Consequences. Isolating illegal-alien schoolchildren may delay the assimilation process and discourage the quick adoption of the English language. In addition, the amount of funds that would have to be raised in order to effectively implement newcomer schools would be great and would place a potentially excessive burden on federal-government resources. Also, these schools would have to be monitored to ensure that appropriate education milestones are reached. In addition, this type of school would benefit only states with very high immigrant populations (like New York or California), but, since illegal-immigrant schoolchildren are so densely populated

in certain cities, the costs of newcomer schools may not be appropriate in areas with average numbers of illegal-immigrant students.

2. PROVIDE FEDERAL REIMBURSEMENT BASED ON THE NUMBER OF ILLEGAL-ALIEN SCHOOLCHILDREN

a. Introduction. This alternative would create a new system design: Establish a method for determining the costs of educating illegal-alien schoolchildren and reimburse the states for the amount determined. “The 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” (GAO, 2004, p. 4). The GAO recommended the following formula for determining the costs of educating illegal-alien schoolchildren:

$$\text{Each state's average } X \text{ per-pupil expenditure} \times \text{Estimated number of illegal-alien schoolchildren in each state} = \text{Each state's cost for educating illegal-alien schoolchildren}$$

(GAO, 2004, p. 22)

This method will also give the federal government a means of determining the number of illegal-alien schoolchildren and estimating the additional costs to the states of the illegal-immigrant populations. Reimbursement would be provided to all states that comply with the reporting of illegal-alien schoolchildren.

b. Consequences. This method would place an excessive burden on some states to collect the information necessary for federal reimbursement. In addition, many states are organically against this type of reporting. According to Stein, “many critics of

Proposition 187 contended that the proposition would force teachers to become snitches for the Immigration and Naturalization Service” (Stein, 1995, p. 42).

According to Flores, “In December 1978, the New York City Board of Education ruled that all children, regardless of immigration status, could attend school tuition free. The N.Y.C. Board of Education reasoned that school officials should not act as immigration authorities making immigrant-status checks. This local Board of Education embraced the notion that by excluding undocumented children they would be regulating immigration, an action which is federally preempted. That is, authority and power are vested in the federal government for a particular set of immigration activities[–]i.e., checking legal status[–]and not in the states or local governments” (Flores, 1984, p. 512). Many find this practice to be “socially harmful” and discriminatory (Flores, 1984, p. 512). In addition, it might discourage enrollment in public schools due to fear of deportation.

3. PROVIDE FEDERAL REIMBURSEMENT BASED ON THE IMPLEMENTATION OF CERTAIN PROGRAMS IN PUBLIC SCHOOLS AIMED SOLELY AT ILLEGAL-ALIEN SCHOOLCHILDREN

a. Introduction. This alternative is a modification to the existing system: Reimburse schools based on the implementation of programs aimed solely at illegal-alien schoolchildren, such as bilingual programs, that are designed specifically to assist illegal-alien schoolchildren (as programs that serve ESL and LEP students as well). The 2001 GAO report regarding “Students with Limited English Proficiency” notes, “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” (GAO, 2001, p. 31). Further, the report states, “School districts are required to ensure that English-language instruction is adequate and to provide these children with equal educational opportunities, as required under title VI of the Civil Rights Act” (GAO, 2001, p. 6). This type of policy may prompt new and innovative program designs for educating illegal-alien schoolchildren if federal funds are promised for promising pilot programs.

Flores notes, “Immigrant/alien schoolchildren frequently lag behind in academic subjects (except math) and special programs such as compensatory education and bilingual education are often necessary” (Flores, 1984, p. 514). Many Mexican-American students face major challenges due to language barriers and cannot benefit from the content of any upper-level instruction simply because they cannot understand English. Akvarez et al. note, “Teenage immigrants face an immediate paradox: A lack of English proficiency forestalls assimilation and creates a barrier to success in America, but many English-as-a-Second Language (ESL) classrooms, a standard response to LEP speakers, are not well suited for upper-level subject instruction” (Akvarez et al., 2002, p. 564). It is imperative for upper-level instruction to be effective in order to fulfill society’s obligation toward educating these children.

b. Consequences. According to the 2001 GAO report, “English based instruction is more common than instruction in which the students’ native language is used (bilingual education). Three-fourths of the nation’s children with limited English proficiency attend

schools where both instructional approaches are used” (GAO, 2001, p. 6). However, there is no clear determination on which method is most effective. More research would have to be performed in order to determine what are the current advantages and disadvantages of the programs in place in order to begin determining what direction the new programs should take.

4. DO NOTHING

a. Introduction. This alternative proposes no change to the existing system. This potentially could be the best option. As Schwartz argues, “In the early and mid-1980s, we [the United States] encouraged illegal aliens to enter this country, both to help harvest crops and to offer a sanctuary from Central America’s carnage. Then-senator and now governor Pete Wilson, who ran his successful re-election campaign for governor on Proposition 187, was a leader in those efforts. It ill behooves him to use cruel and unconstitutional methods to undo what they themselves precipitated” (Schwartz, 1995, p. 43). This view places the burden back on state and local governments that encouraged immigration for economic growth and, therefore, should bear the consequences of these actions.

b. Consequences. The burden is excessive on certain states, and ultimately it is the responsibility of the federal government to control immigration. It is not feasible to continue the disproportionate burden on state and local governments when the demands of illegal-alien schoolchildren are great and many are in schools with already limited resources.

F. Selecting an Alternative

Several criteria must be considered when selecting alternatives. This section will identify each of the stakeholders in immigration policy and his or its role in selecting the best policy alternative. The criteria that I used in selecting the preferred alternative are identified in each subsection.

1. THE FEDERAL GOVERNMENT

Who should bear the burden of responsibility for educating illegal-alien schoolchildren? Since immigration is primarily the responsibility of the federal government, it is improper to place the burden of these costs on the states when the initial point of failure was on the national level.

A precedent has already been set as to who is ultimately responsible for immigration. According to Miller, the Center for Immigration Studies had determined 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” (Camarota quoted in Miller, 1997, p. 52). 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 (Miller, 1994, p. 52). Therefore, it is evident that the federal government has already acknowledged that the cost of social services for illegal aliens is partly a federal responsibility and should reimburse states for the cost of education. This would require a strategy of determining the number of illegal-alien schoolchildren. The most efficient instruments of

determining the number are the public schools themselves, which could easily verify immigration status at school enrollement. Certain states thought that this would discourage enrollment; however, a simply privacy clause, where the names of the students are not required but simply the *number* of illegal-alien schoolchildren must be reported, would not force the schools to act as immigration agents nor would it substantially affect the number of illegal-alien schoolchildren enrolled in schools, as this reporting would in no way impact the rights bestowed on these illegal aliens by virtue of them residing on U. S. soil.

2. STATE AND LOCAL GOVERNMENTS

It is evident that certain state and local governments bear a disproportionate burden because of immigration. State and local governments should welcome a voluntary program that would allow them to receive a partial reimbursement toward educating illegal-alien schoolchildren. Because of the high costs associated with educating illegal schoolchildren and the disproportionate number in certain states, it is evident that something must be done to alleviate these states' burden. Using the formula suggested by the GAO will allow state governments to receive a stipend based on the number of illegal-alien schoolchildren in the schools. The argument that it would be too costly to the schools is foolish, as an insignificant amount of time would be needed for administrators to verify immigration status (because all that enrolls would have to do is produce a birth certificate or green card). Surely, the incentive of federal reimbursement

for these numbers would help facilitate compliance for reporting these numbers, despite some reluctance from certain states.

Miller obtained and analyzed the 1994 data listed below, which include the estimated costs of various social services by state and taxes paid (including state income tax, state sales tax, and state and local property taxes only) in millions of dollars. Miller notes, “Although the money 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 schoolchildren in public schools” (Miller, 1997, p. 55).

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 Seven States	\$3,079	\$474	\$210-315	\$1,886

Despite the fact that the initial outlay for education is the responsibility of the states, the benefits of educating illegal-alien schoolchildren are greater on the national level than on the local level. According to Miller, “The ultimate irony is that by the time immigrants, legal or illegal, become productive members of the U. S. economy, they and their descendents may have settled in another area. So while the gains are felt at the national level, the initial costs are mostly borne at the state and local level where the new arrivals congregate” (Miller, 1997, p. 51). Skerry notes, “State and local governments have been significantly burdened by immigration, legal as well as illegal, and while immigration (legal and illegal) represents a net fiscal gain to the federal government, immigrants are often a net burden to affected states and a definite fiscal negative to local governments” (Skerry, 1995, p. 77). Therefore, it is rational to assume that the federal government should provide reimbursements to the states for the incurrence of these expenses.

3. CAPITALISTS

The situation is not likely to change, because economic opportunities in the United States for immigrants will continue to entice them. Young notes, “The opportunities for the maintenance of a high standard of living in the United States naturally attract multitudes from foreign congested areas” (Young, 1927, p. 439). As long as there is work available to illegal aliens, they will keep coming to the United States either on overstayed visas or by sneaking in. The economic opportunities are on both sides. Economics have been a driving force behind immigration since the United

States was founded. In addition, capitalists continue to encourage immigration if only by their willingness to hire illegal workers with complete indifference to their immigration status. Certainly, the private sector cannot be trusted to report illegal immigrants, as they have too much to gain from use of their cheap labor.

Hernandez explains, “Politicians understand that capitalists obtain higher profits when taking advantage of immigrant workers by paying them lower wages and politicians do not want to hamper a relationship that has existed for decades” (Hernandez, 1997, p. 50). Politicians have no intention of pushing for legislation that will truly curb immigration as they need the monetary support from capitalists. Therefore, it would be rational for politicians to promote legislation that would accommodate the challenges that state governments face with excessive immigration rather than to attempt to change immigration policy themselves.

4. SOCIETAL IMPACTS

A rational policy must represent a net economic gain to society as a whole. Lack of education can have disastrous effects and lead to the rise of an educated underclass which will never return society’s investment. According to Miller, “In the *Plyler v. Doe* case the court argued that denying education would both harm the children and American society. The majority noted, ‘Illiteracy is an enduring disability. The inability to read and write will handicap the individual deprived of basic education each and every day of his life. In determining the rationality of [the statute], we may appropriately take into

account the costs to the nation and to the innocent children, stated the majority opinion” (Miller, 1997, p. 52).

According to Dye, “the United States accepts more immigrants than all other nations in the world combined. More than one million legal immigrants enter the United States each year, as well as three to four million illegal immigrants” (Dye, 2008, p. 208). The sheer number of these illegal immigrants makes it essential to implement policies that promote their overall well being: Undoubtedly, it is evident that we must educate this mass number of people in order to prevent the rise of an uneducated underclass who will not contribute to society in the future but rather will continue to drain the system instead of providing a positive contribution to the economy. Marshall notes, “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” (Marshall, 2007, p. 27).

G. Conclusions

The best policy alternative would be the one that addresses the problem(s) and will provide the highest net benefit to society as whole. A new system design is necessary to achieve the desired outcomes of all the stakeholders. Based on all the factors presented, it is evident that certain state and local governments bear a

disproportionate burden for educating illegal-alien schoolchildren in the United States. Because the federal government is ultimately responsible for controlling immigration, it should contribute toward the states' costs of educating illegal-alien schoolchildren. However, the states must be responsible for providing data to the federal government in order to receive reimbursements. Despite opposition from states in collecting these data, putting school administrators in charge of collecting these data is simply the most effective means of determining the number of illegal-alien schoolchildren in states.

This policy should be implemented over a period of two academic years. School officials would be responsible for providing the data at the end of one academic year, and would receive reimbursement for the previous academic year at the start of the new academic year. For example, the numbers of illegal-alien schoolchildren would be due in June of the 2007-2008 academic year for reimbursement in September of the 2008-2009 academic year. This system could be entirely voluntary; if a state did not wish to provide such data, it would simply forgo its potential payout.

The potential unanticipated consequences of this policy would be the fact that it may discourage illegal aliens from enrolling in public schools. However, this is unlikely, because most illegal aliens know that they must take advantage of educational opportunities in order to increase their earning potential in the United States. In addition, a simple mass-media campaign assuring the immigrant population that this information will not be used for any purpose other than financial reimbursement would probably suffice in reducing the initial concerns.

The reimbursement program is simply the best alternative because it addresses two of the major concerns of educating illegal-immigrant schoolchildren: lack of data and disproportionate burden on state governments. Once these issues are addressed, it will be easier to tackle other challenges facing school administrators who must effectively educate illegal-alien schoolchildren.

References

- Akvarez, Sandra; Andrade Hauck, Kevin; & Williams, L. Susan. (2002). My Name is Not Maria: Young Latinas Seeking Home in the Heartland. *Social Problems* (49) 4, 563-584.
- Dye, Thomas R. (2008). *Understanding Public Policy*. 12th ed. Upper Saddle River, N. J.: Prentice Hall.
- Flores, Estevan. (1984). Research on Undocumented Immigrants and Public Policy: A Study of the Texas School Case. *International Migration Review* (18) 3, 505-523.
- Gerschberg, Alec Ian; & Schwartz, Amy Ellen. (2000). Immigrants and Education: Evidence from New York City. *Proceeding of 93rd Annual Conference on Taxation*. 125-134.
- Hernandez, Jose Manuel. (1997). Open Doors: The Ineffectiveness of Proposition 187. *Harvard International Review* (19) 4, 48-51.
- Hovey, Joseph; Kain, Craig; Magana, Cristina; & Rojas, Rebecca. (2000). Proposition 187 Reexamined: Attitudes Toward Immigration Among California Workers. *Current Psychology* (19) 3, 159-174.
- Marshall, Ray. (2007). Getting Immigration Reform Right. *Challenge* 50(4), 26-48.
- Martin, Philip. (1995). Proposition 187 in California. *International Migration Review* (29) 1, 255-263.
- Miller, Berna. (1997). Educating the Other Children. *American Demographics* (19) 10, 49-54.
- Patton, Carl V.; & Sawicki, David S. (1993). *Basic Methods of Policy Analysis and Planning*. 2^d ed. Upper Saddle River, N. J.: Prentice Hall Inc.
- Sanders, Robert. (2006). Policy Point-Counterpoint: Should Illegal Immigrants and Their Children Receive Federal and State Social Services? *International Social Science Review* (81) 1&2, 58-60.
- Schwartz, Herman. (1995). Entitlements for Undocumented Aliens: Is California's Proposition 187 Constitutional? *ABA Journal*, February 1995, 42.
- Skerry, Peter. (1995). Many Borders to Cross: Is Immigration the Exclusive Responsibility of the Federal Government? *Publius* (25) 3, 71-85.

Stein, Dan. (1995). Entitlements for Undocumented Aliens: Is California's Proposition 187 Constitutional? *ABA Journal*, February 1995, 43.

United States. General Accounting Office. (2004). Illegal Alien Schoolchildren: Issues in Estimating State-by-State Costs (Report to the Chairman, Committee on the Judiciary, House of Representatives). GAO-04-733, June 2004.

United States. General Accounting Office. (2001). Public Education: Meeting the Needs of Students with Limited English Proficiency (Report to Congressional Requesters). GAO-01-226, February 2001.

Young, Donald. (1927). Immigration Law Enforcement. *The Scientific Monthly* (24) 5, 439-447.