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Educators try to stay out of immigration debate

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It's never made sense to state Sen. Dick Elliot, D-Myrtle Beach, that state schools must educate the children of illegal immigrants.

Elliot co-sponsored a recent state Senate resolution asking the governor to block illegal immigrants from access to state social services.

"I have grave reservations about them taking space in our classrooms," Elliot said. "If they come in a school system, obviously it's going to impact the cost of the educational system. It's going to take more teachers. We're going to have to build more school buildings.

"It's going to impact our schools."

In 1982, the Supreme Court ruled in Plyler v. Doe that all children -- including those of illegal immigrants -- have the right to a free education.

That ruling was integrated into the admission guidelines for public schools.

Ask any educator at Arcadia Elementary School about whether it should question students about their legal standing, and the answer will remain the same:

"We're not into politics."

That's sure to be what principal Chuck Bagwell will say. At his school, 50 percent of the 270 elementary students are Hispanic, many of which are immigrants.

But Bagwell wouldn't ask if they were legal residents, even if the law allowed it.

"Our job is simply education," Bagwell said. "Immigration is a legislative issue or a political issue. We educate any child that lives in this attendance area.

"We don't ask."

The Ruling

After the Plyler v. Doe ruling, a "don't ask, don't tell" policy came into play, forever changing how state school systems discern who enters a school and who doesn't.

The case presented to the Supreme Court held a Texas education law under scrutiny.

There were revisions in that state's education laws in 1975 that allowed Texas to withhold state funding for students who weren't legal residents of the U.S.

The court found this to be a violation of the Fourth Amendment.

Danielle R. Holly-Walker, an assistant professor of law, researches education law and policy at the University of South Carolina Law School in Columbia. She said Plyler v. Doe confirmed that every U.S. resident, including illegal immigrants, had certain rights.

"Basically it says that no state shall deprive any person of constitutional rights," Holly-Walker said. "Texas tried to argue that when it (the Constitution) said 'persons,' its not meant to include undocumented aliens.

"The Supreme Court rejected that. An alien or whoever is legally here is still a person, and they're still given constitutional rights."

Once that education law was struck down, the U.S. Department of Education applied the ruling in its departmental guidelines, prohibiting student screenings for immigration papers, contact with the Immigration and Naturalization Service or requiring proof of legal residency for school admission.

Meanwhile, non-English speaking students in public schools increased dramatically.

In 2001-2002 there were about 6,100 non-English speaking students in South Carolina schools.

Today more than 12,000 students speak 57 different languages other than English, according to Jim Foster, a spokesperson at the state Department of Education.

Catherine Neff, an overseer of programs for English for Speakers of Other Languages (ESOL) at the state Department of Education, said that just because a student is unable to speak fluent English, that doesn't imply the child is an illegal resident.

Many children of illegal parents were born in America, making them legal citizens. The child's native language may be the dominant form of communication in the home, so that child may have to learn English in an ESOL program.

Regardless of the child's legal standing or English proficiency, the premise of the ruling was that all children deserve an education, Neff said.

"The kids are not making that decision to be illegal," Neff said. "It's good for the community that all of the kids are in school.

"That makes sense to me for sure."

Rules and Enforcement

State schools are no longer able to ask for proof of U.S. residency from parents enrolling their children in school.

Requesting a copy of the parent's green card or visa is also prohibited.

U.S. Representative Bob Inglis, R-S.C., said that it's not the school's responsibility to screen residency status.

"We already ask too much of the schools," Inglis said. "We don't need to add another task to their already complicated tasks."

Showing proof of residency could be as simple as providing a social security number, visa or birth certificate, but Inglis said that those things are too simple to fake.

"It's very easy to get a fraudulent green card," Inglis said. "Producing a fraudulent birth certificate could be just as easy."

Dr. Elaine Lacy, the director of research at the USC Consortium for Latino Immigrant Studies, said falsifying documents is growing more common, but allowing illegal immigrants to enroll in public schools was a wise decision.

"What you're doing is investing in the future," Lacy said. "We need to stop and recognize that we're taking advantage of that population (of Hispanics). We expect them to be productive for a minimum wage, yet we want to deny them (an) education."

Inglis said the school districts shouldn't be expected to play the role of an immigration agency.

"Immigration control and enforcement is the responsibility of the federal government," Inglis said via e-mail. "We shouldn't ask the schools to do what we're failing to do."

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