

ACADEMIC SENATE
of
THE CALIFORNIA STATE UNIVERSITY

AS-2158-93/AA
May 6-7, 1993

PROTECTION OF EDUCATIONAL ACCESS FOR UNDOCUMENTED ALIENS

- WHEREAS, There is proposed legislation aimed at persecuting one of the most fragile populations, undocumented schoolchildren, rather than at investing in the future of the state's own best interests by providing for their education; and
- WHEREAS, While parents may take several years to have their case processed through an often bewildering set of hearings and bureaucratic procedures, dependent children would be marginalized and their eventual inclusion in the educational system would be accompanied by the unwarranted personal and social cost of their being out of step with other categories of students their own age; and
- WHEREAS, The United States has historically welcomed people from around the world who suffer persecution for their political beliefs, for their personal dreams, and for their intellectual nonconformism; and
- WHEREAS, The U.S. Supreme Court decided in 1982 (Plyer v. Doe) that such laws are unconstitutional and not in the public interest, declaring that by "denying [undocumented children] a basic education, we deny them the ability to live within the structure of our civic institutions, and foreclose any realistic possibility that they will contribute in even the smallest way to the progress of the nation;" and
- WHEREAS, It is inappropriate for administrators and instructors in institutions at any level to be de facto agents of the Immigration and Naturalization Service, a role that would be forced upon them by some of the currently proposed legislation; therefore be it
- RESOLVED: That the Academic Senate of the California State University oppose any legislation that would deny education to undocumented aliens solely on the basis of their undocumented status and without reference to the length of time that such persons have spent in California or to their intentions to remain in the state; and be it further

(over)

RESOLVED: That the Academic Senate CSU urge the Chancellor and the Board of Trustees to oppose any legislation that would deny educational access at all levels to undocumented aliens solely on the basis of their undocumented status and without reference to the length of time that such persons have spent in California or to their intentions to remain in the state; and be it further

RESOLVED: That the Academic Senate CSU urge the State Legislature to refrain from adopting any legislation that would deny educational access to undocumented aliens solely on the basis of their undocumented status and without reference to the length of time that such persons have spent in California or to their intentions to remain in the state.

APPROVED -- May 7, 1993

3 bills target littlest illegals

SF Chronicle 3/24/93

Drive is on to keep undocumented kids out of the schools

By Susan Ferriss
OF THE EXAMINER STAFF

Politicians blaming illegal immigrants for draining California's budget are turning their sights this week on a group that civil rights advocates consider a most fragile target: undocumented schoolchildren.

The first of three new bills designed to block the children from attending at levels kindergarten through college is up for its first public test before the Assembly Education Committee on Wednesday. Written by Assemblyman Richard Moutjoy, R-Arcadia, AB149 would prohibit the use of state funds to educate children or youths who are illegal immigrants.

Legislative insiders are predicting defeat for the bill because it contradicts a 1982 U.S. Supreme Court decision that such laws are unconstitutional and not in the public interest. But both sides on the immigration debate agree the issue is not about to fade away as

Bills target littlest illegals

the battle over the true costs and benefits of immigration escalates in financially strapped California.

Anti-alien appointee dumped

Last week a provisional member of the state Board of Education suffered political fallout from Moutjoy's proposal when the state Senate refused to grant him final confirmation to the board.

Frank Light, a former agribusiness executive appointed by Gov. Wilson, was rejected after he encouraged the board to support Moutjoy's bill and uttered comments about illegal immigrants that some senators objected to.

According to a transcript of the board's legislative committee meeting of March 9, Light — former president of the raisin and fruit marketing concern Sun-Diamond Growers — told his colleagues: "This is a question of, do we take our money to pay to educate people who don't pay taxes, who take away jobs in the second-

'As a society we can't have it both ways. We can't have immigrant workers come in and pick our food and then complain about them being poor'

— Attorney Mark Silverman

ary market. . . . We have an underground economy these people are operating in . . . and it's gotten to the point where it's so far out of hand that it's a major, major crunch."

On March 10, the state Board of Education voted to endorse Moutjoy's bill. But now, after Light's ouster, at least one member is backing away from that action and saying his colleagues erred in not reviewing the bill more carefully.

"I personally am rather embarrassed by that outcome," said board member Benjamin Montoya, senior executive at PG&E. "We are in the education business, not in the immigration business."

No convincing data

Montoya said he's seen no convincing data that disproportionate amounts of state tax dollars are being used to educate undocumented children, whose numbers are unknown in California.

"I would be careful saying that illegal aliens take out more than they put in," Montoya said, adding that he's seen studies supporting arguments that illegal immigrants provide a net benefit to the economy.

San Francisco attorney Mark Silverman of the Immigrant Legal Resource Center said Light's comments "represent the ultimate hypocrisy."

Agribusiness firms, he said, have admitted a dependency on Mexican illegal immigrants and they lobbied hard for a special 1987 amnesty for illegal farm workers, and for other breaks in federal law to guarantee they could import foreign laborers in the future.

"As a society we can't have it both ways. We can't have immigrant workers come in and pick our food and then complain about them being poor," Silverman said.

To bolster the view that Moutjoy's bill would be unwise as well as unconstitutional, Silverman quotes from a 5-4 U.S. Supreme



ASSOCIATED PRESS/1983

Assemblyman Richard Moutjoy's bill would stop state-funded schooling for illegal alien children.

Court decision in 1982 stemming from a Texas case: "By denying (undocumented children) a basic education, we deny them the ability to live within the structure of our civic institutions, and foreclose any realistic possibility that they will contribute in even the smallest way to the progress of our nation."

Moutjoy determined

Moutjoy said he thinks the current U.S. Supreme Court is more conservative and would reverse that decision today, perhaps interpreting public education as a benefit rather than a right.

"I won't let this be buried in this (education) committee," Moutjoy said, vowing to take his proposal to the Assembly floor.

Assemblyman Mickey Conroy, R-Orange, recently proposed a separate bill that would prohibit undocumented youths from enrolling in college or other postsecondary public education classes. It is not yet scheduled for its first committee hearing.

Another new bill, proposed by Bill Morrow, R-Carlsbad, would attempt to conduct "a census" of undocumented children by requiring that educators ask the legal status of pupils.

A recent Los Angeles County study, Moutjoy told The Examiner, showed that more than \$1 billion (or 23 percent) of that school district's funding in 1991-92 was spent on "illegal aliens and their children."

In fact, the study claims that only 5.7 percent of that \$1 billion was spent on undocumented pupils. Using rough estimates, the report claims that the rest of the \$1 billion was spent on legal immigrant children or American-born children of undocumented adults.

The Mexican-American Legal Defense and Education Fund, or MALDEF, will testify against Moutjoy's bill Wednesday, contending it makes scapegoats of immigrants, fails to address root causes of illegal immigration, and lends itself to discrimination against ethnic minority children.

"We're trying to take the moral stand, the right stand," said San Francisco MALDEF attorney Martha Jimenez. "We're trying to address all the forces at large in the world. Some of these people are political refugees. Others are truly coming for the dream. The children, in particular, don't have a choice in this."

BILLS AIMED AT UNDOCUMENTED KIDS

Proposed legislation that would affect children who are illegal aliens in California:

Assembly Bill 149

► **EFFECT:** Would prohibit use of state funds to educate undocumented schoolchildren from kindergarten through college. Intent is to block undocumented children from attending public school. The U.S. Supreme Court in 1982 ruled such laws unconstitutional.

► **STATUS:** Bill goes before Assembly Education Committee Wednesday.

► **SPONSOR:** Richard Moutjoy, R-Arcadia.

Assembly Bill 1801

► **EFFECT:** Would prohibit any person who is not a lawful resident from enrolling in postsecondary public education.

► **STATUS:** Not yet scheduled for committee hearing.

► **SPONSOR:** Mickey Conroy, R-Orange.

Assembly Bill 1968

► **EFFECT:** Would require educators to inquire about legal status of pupils when they enroll in public schools. Part of bill that would have required educators to draw up lists of undocumented pupils was dropped because of constitutional concerns.

► **STATUS:** Not yet scheduled for committee hearing.

► **SPONSOR:** Bill Morrow, R-Carlsbad.

ATTACHMENT TO:

AS-2158-93/AA

Legislators Wrangle Over Aid to State's Immigrant

SF Chronicle 4/1/93

By Ann Bancroft
Chronicle Correspondent

Sacramento

A battle is shaping up in the Legislature over nearly two dozen bills to impose restrictions and service cuts on undocumented immigrants in education, health care, housing, job training and workers' compensation benefits.

The bills have been introduced piecemeal in a year when Governor Wilson has blamed much of the state's continuing financial distress on the costs of providing services to immigrants.

"This is a hot-button issue, and a lot of people are angry out there," Assemblywoman Delaine Eastin, D-Union City, said yesterday before voting against a bill to deny funds for educating undocumented immigrant children.

The measure was defeated in the Assembly Education Committee after hours of emotional testimony on both sides, but the panel voted to give the bill another chance of passage.

Backers of the anti-immigrant measures claim they are necessary to stem mushrooming costs as the state enters a third year of near-bankruptcy.

"We're in a crisis," said Assem-

blyman Richard Mountjoy, R-Monrovia, author of five of the measures. "Our schools are overcrowded, our county hospitals are overcrowded. California is facing up to \$10 billion shortfall in the budget, and yet we use our precious tax dollars to reward those who ignore the law."

But a growing number of opponents are saying the proposals are racist, unconstitutional and economically unsound.

Taken together, the bills would prohibit local sanctuary laws, require proof of citizenship or legal status to obtain a drivers' license and prohibit enrollment of undocumented students in state colleges.

Employment agencies and job training services would be required to verify the legal status of anyone using their services, and undocumented workers would be denied workers' compensation benefits.

One bill would authorize the use of National Guard troops to patrol the U.S.-Mexican border and allow the guard to arrest those suspected of violating immigration laws. Others would restrict Medi-Cal funds.

Physicians, nurses and educators yesterday joined several Democratic lawmakers opposed to the bills, charging they would put doc-

tors and teachers in the position of acting as INS agents and would threaten the lives and futures of productive workers.

"Immigrants have become the fashionable scapegoats," said Assemblyman Richard Polanco, D-Los Angeles, recalling that Irish, Italian and Chinese immigrants were once blamed for economic and social problems. "Unfortunately the bashing of immigrants is back with us, stronger than ever."

Senator Art Torres, D-Los Angeles, said opponents of the measures "risk making martyrs" of the bills' authors, most of whom are Republican, at a time when public sentiment against immigrants is building to a frenzy.

"Why in the world would you deny someone medical care?" added Assemblyman Louis Caldera, D-Los Angeles. "We're going to open ourselves up to millions of dollars in liability because we are not going to establish the (legal status) until long after treatment is denied."

Marin County emergency room physician Larry Bedard said a ban on all nonemergency treatment of undocumented persons would be cruel and costly, forcing undocumented immigrants to go without treatment until expensive and life-

threatening emergencies arise. The bill would put into law emergency regulations by the Department of Health Services that prohibit Medi-Cal financing for non-emergency treatment of undocumented immigrants, beginning April 12.

Mountjoy accused opponents of "trying to obscure the issue" by implying the bills apply to all immigrants, rather than just undocumented, or "illegal" persons.

"The U.S. has the most liberal immigration policy of anywhere in the world, but we do have an immigration law," Mountjoy said. "If

you allow that law to be broken ... you're a country in anarchy."

In financially strapped Los Angeles schools alone, Mountjoy said, \$367 million is spent each year on educating undocumented immigrant children, and an additional \$667 million is spent on educating children of undocumented immigrants who were born in the United States and are therefore citizens.

"Once we get that tidal wave pushed back to our borders, your (financial) problem recedes," Mountjoy said at yesterday's emotional committee hearing. "It would be

my hope that through this type of legislation, entire families would go back to where they came from."