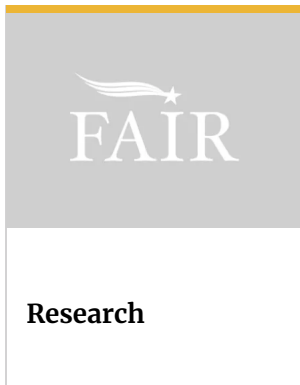


The Elephant in the Classroom: Mass Immigration Imposing Colossal Cost and Challenges on Public Education

September 14, 2022



A FAIR Research Report | [Click here for the PDF version of this report](#)

September 2022

Summary of Findings

Public school districts across the United States continue to suffer under a massive unfunded mandate imposed by the federal government: the requirement to educate millions of illegal aliens, the school-age children of illegal aliens, and unassimilated/unvetted refugees, all at taxpayer expense. Further adding to this burden are millions of students from legal immigrant families admitted into this country despite being unable to fluently speak English. FAIR estimates that it currently costs public schools just over \$78 billion to serve this burgeoning population based on data from 2020. The struggle to fund programs for students with limited English proficiency (LEP) represents a major drain on school budgets as they redirect resources away from American citizens to support English learner programs for this cohort.

Currently, 5.1 million students – or more than 10 percent of all students in American public schools — are designated as LEP. Despite this, only 370,000 of teachers hold the proper certifications to adequately educate them, according to the U.S. Department of Education. It is estimated that at least 76,000 additional teachers are needed to properly educate this cohort over the next 5 years. Currently, more than 100,000 instructors are acting as LEP teachers despite lacking the proper certification.¹

The lack of necessary teachers and infrastructure to educate this population has hindered the performance of LEP and non-LEP students

alike and has severely stunted the ability of the children of new immigrants to assimilate into American culture. As a result, the children and grandchildren of immigrants in America today are finding far less educational and economic success than they did in the past.²

Since the most recent cumulative data on this subject comes from 2020, it's important to keep in mind that, unless otherwise noted, the figures detailed within this report do not take into account the massive surge of legal and illegal immigration into the United States since President Biden took office.

Scope of the Problem

Based in large measure on the 1982 Supreme Court ruling *Plyler v. Doe*, school districts must fully accommodate the children of illegal aliens as well as the children of lawfully present migrant families. This largely unfunded mandate on states generated an acute need for educators capable of teaching LEP students and has made it difficult and expensive to keep schools properly staffed. Since illegal alien families are virtually all low earners who pay little to no taxes, the cost of educating these students falls almost entirely on the shoulders of American citizens and lawfully present immigrants.³

The federal government only provides 7.9 percent of public school funding.⁴ The rest comes from state and local resources, split roughly down the middle. For LEP programs, however, Congress contributes barely 1 percent of the cost despite the federal requirement for states to educate the children of illegal aliens.

With new migrants flooding school systems due to unchecked immigration policies in the United States and school budgets not proportionally rising to accommodate this influx, local districts are feeling the squeeze. Furthermore, many of these students not only lack basic English-speaking skills but also come from locations that offered subpar education, if any at all, in all subjects. Because of this, already overwhelmed and underpaid teachers are facing additional strain and student performance is unsurprisingly lagging.

Despite a significant growth in public school enrollment, the decade after the Great Recession saw some of the most catastrophic budget cuts to public school districts in recent history. In 2015, 29 states provided less overall state school funding per student than they did in 2008.⁵

The general consensus was that between 2016 and 2025, schools would be able to fully recover from these cuts. However, the unexpected COVID-19 pandemic resulted instead in further cuts to the education system. Approximately 570,000 education-related jobs were slashed nationwide during the height of the pandemic, and most school districts have not fully recovered financially or academically.⁶

Increased immigration places a strain on school resources for three primary reasons: 1) new migrants have not contributed federal, state, and local taxes to the public school system for a

significant period of time prior to their children enrolling, and thereby don't offset the cost of education deficits. 2) According to the U.S. Census Bureau, the poverty rate for new migrant families is more than 60 percent higher than it is for native-born families.⁷ 3) New migrant families often do not speak English well. Even though the average new migrant family does not contribute enough in taxes to cover the cost of their children's education, their schooling costs significantly more than the education of the average public school pupil.

These might not be significant issues if migrant families went on to earn more than native-born families in the long term, but this is not the case. The overall median income for migrant families is roughly \$2,500 less than native-born families, so the initial drain on school resources is not adequately recovered in the long run.⁸

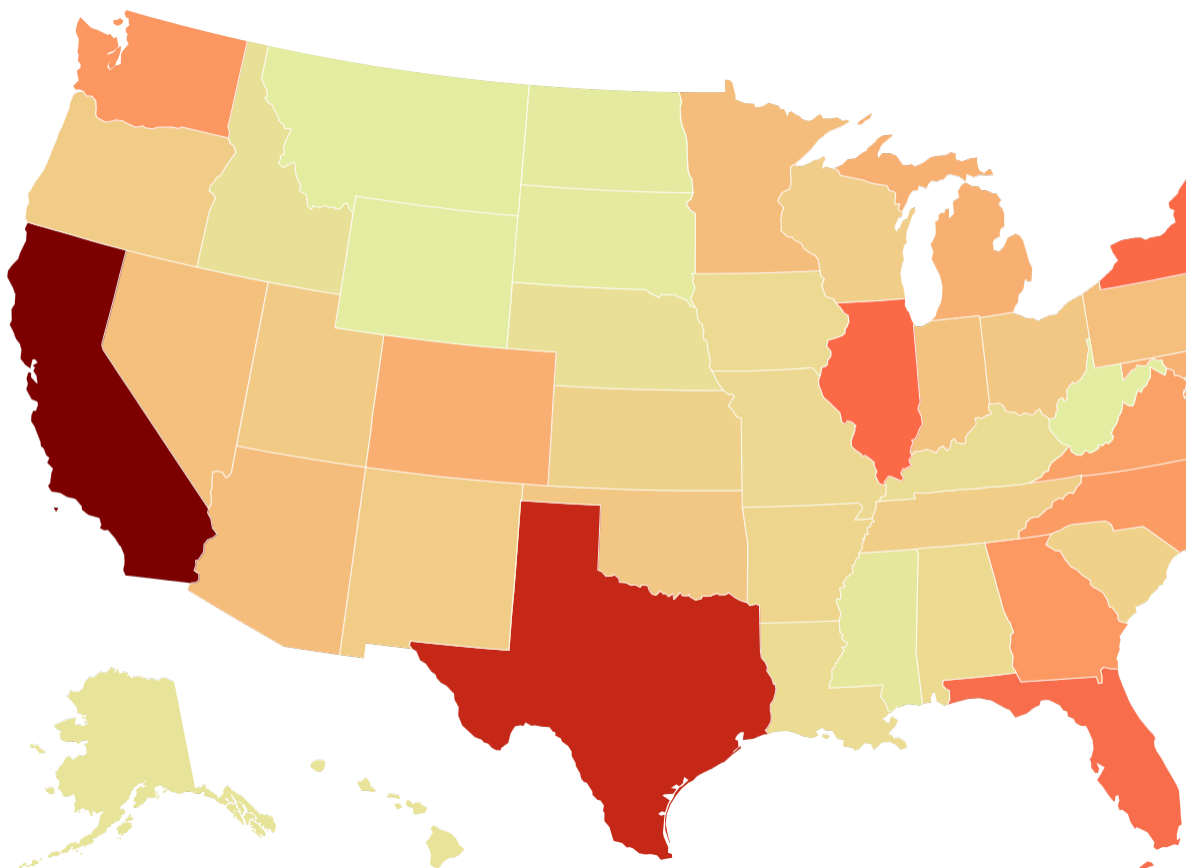
So, as more and more migrants move to the United States (legally and illegally) and enroll their children in public schools, the strain on school resources is only growing. Additionally, as noted previously, there is already a severe shortage of teachers who are properly qualified to teach LEP students. Because of this, there is little evidence that schools will be able to appropriately handle the additional influx of new students triggered by the multiple immigration crises facing the United States. Considering that public schools typically release full enrollment and performance data 1-2 years after the conclusion of each school year, it could be some time before we know the full adverse impact of the Biden Administration's failed immigration policies.

Cost To Taxpayers

Nationwide, LEP students cost taxpayers just over \$78 billion annually. Virtually the entirety of this cost, 99 percent, is borne by taxpayers at the local and state levels. The cost to educate LEP students has swelled by \$18.8 billion since 2016. This massive increase is primarily due to an increase in the total number of LEP students, as well as large increases in associated education costs.

This fiscal impact is felt well beyond states that share a border with Mexico. In fact, 14 of the 17 states spending more than \$1 billion on LEP programs in 2020 don't border Mexico: Colorado, Illinois, Washington, Virginia, Georgia, Massachusetts, Michigan, Minnesota, Florida, New Jersey, North Carolina, Washington, New York and Maryland.

Total Number And Cost Of LEP Students in the United States



Source: FAIR Estimate • [Get the data](#)

All but 9 states now have more than 10,000 students designated as LEP, and 26 states have more than 50,000 LEP students. California and Texas now exceed 1 million LEP students. In every state, the number of LEP students has increased over the past decade.

Furthermore, since the release of this data, legal admissions into the country have surged beyond pre-pandemic levels, and the Biden administration released more than 2 million illegal aliens freely into the country with little risk of deportation. While the majority of illegal aliens encountered at the border are single males, there has been a marked increase in the number of unaccompanied alien minors (UAMs), as well as family units. So the true cost of educating the children of illegal aliens is almost certainly significantly higher at this point in time, and will only continue to increase until the self-inflicted crisis at the Southern Border is resolved.

Special Focus: The Use of COVID-19 Relief Funds for LEP Students

The COVID-19 pandemic impacted LEP students particularly hard. Most LEPs do not have an English-speaking home environment to maintain their limited skills during periods of online schooling. As a result, school districts across the country were burdened with dedicating millions of dollars of COVID-19 relief funds to special bilingual/LEP programs that do not serve the general

student population.

Throughout the pandemic, three different relief packages were passed by Congress (ESSER I and II, and ARP ESSER) awarding grants to schools to address the impact of pandemic shutdowns.⁹ These programs provided local schools with around \$189.5 billion, an unprecedented level of federal spending, for various programs. The ARP ESSER funds for education, totaling \$122 billion, specifically require states to set aside 5 percent, and districts 20 percent, of the received funding for “most affected students”, specifically mentioning LEPs multiple times.¹⁰ In practice, this means a huge allocation of limited funds to LEP students.

Many districts spent large chunks of discretionary relief funding on services specifically for LEP students. Fairfax County Public Schools, for example, spent \$2,681,449 of ARP funds on LEP-specific services with no relevance to the general student population.¹¹ The same is true for dozens of other school districts as well.

Educating the Children of Illegal Aliens

A significant number of the students in the United States designated as LEP are the children of illegal aliens. Increases in the fiscal and social costs associated with these students should be classified as almost entirely preventable, as the growing illegal immigrant population in the United States is the result of flawed immigration policy, non-enforcement of existing laws, and weak border security.

As of the 2020 school year, FAIR estimates that 4.8 million public school students – or roughly 6.5 percent of the total U.S. enrollment – are the children of illegal aliens or are illegal aliens themselves.

Additionally, between FY 2017-2021, the Office of Refugee Resettlement (ORR) released 265,000 UAMs into the country.¹² Most of these (minus the small number who are not yet old enough to attend school) were enrolled in a public school system. This cohort entered the United States without any parent or legal guardian, and are typically placed with a non-immediate family member or even a foster home. Therefore, 100 percent of the costs associated with their education falls on law-abiding citizens and legally present migrants.

Not all children of illegal aliens are designated as LEP, but most will fall into this category, as it’s estimated that only 7 percent of illegal alien households speak English as their primary language at home. Furthermore, only 25 percent of all illegal aliens can speak English at a proficient level.¹³

Based on these figures, at least 3.6 million children of illegal aliens qualify as LEP, and therefore likely cost taxpayers approximately \$55.0 billion, a majority of the total LEP costs across the nation. The education of non-LEP children of illegal aliens cost taxpayers approximately \$15.8 billion, meaning it costs U.S. taxpayers approximately \$70.8 billion to educate the children of illegal aliens.

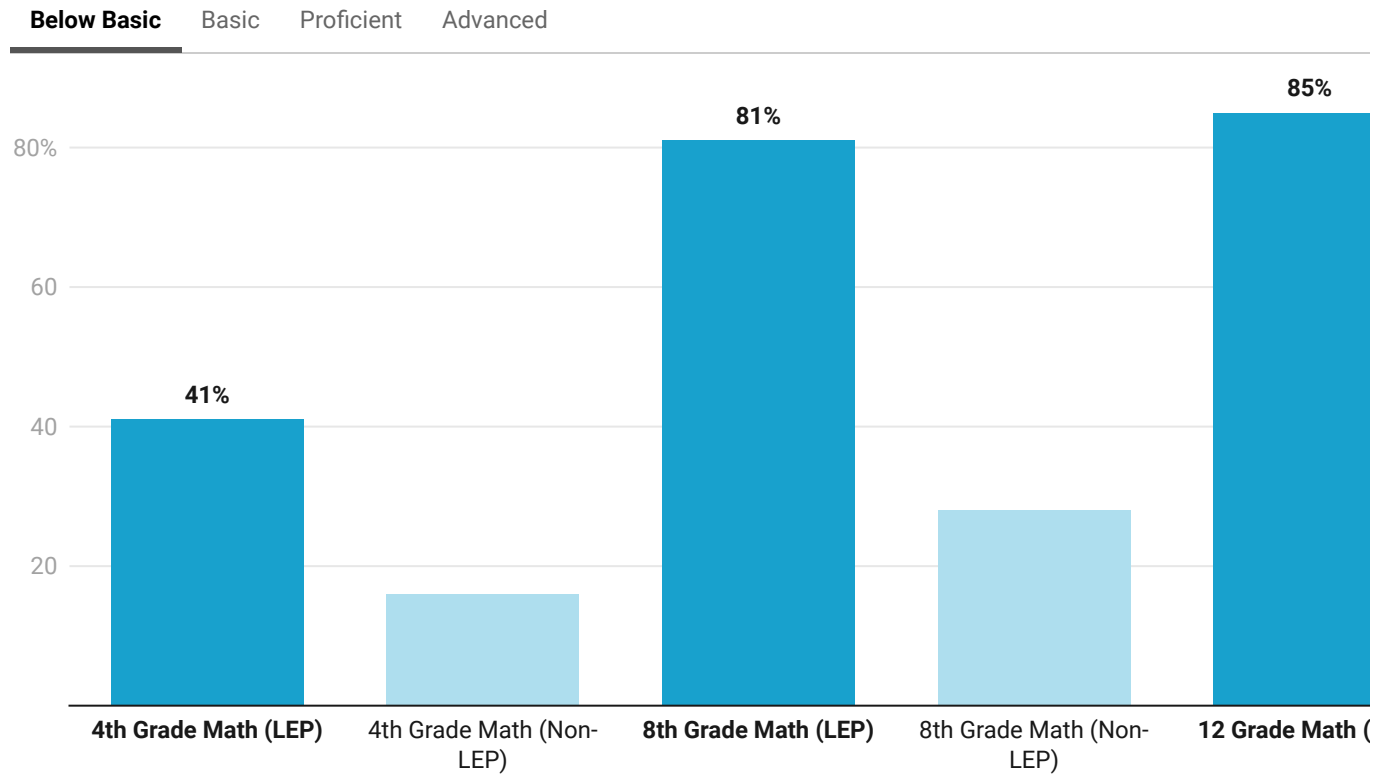
Impact on Performance Metrics

Despite the high costs to educate LEP students, American schools have almost nothing to show for the time and money invested by taxpayers. By every possible measure, LEP students develop poorly over time and across all subject areas. Ill-designed and expensive LEP programs soak up scarce school funding, while the students they are designed to help miss benchmarks and hold back their peers.

The National Assessment of Education Progress (NAEP) grades student achievement using four categories; Below Basic, Basic, Proficient, and Advanced.¹⁴ Only Proficient and Advanced mean that the student actually has a solid grasp of the subject being tested. In 2019, the NAEP classified just 15 percent of LEP fourth-graders as Proficient in mathematics, and only one percent as Advanced (their English-fluent counterparts achieved 35 percent and 10 percent respectively). Even worse, only 9 percent of LEP fourth-graders were Proficient or Advanced in reading, with just 25 percent achieving Basic reading skills and a shocking 65 percent holding a below Basic understanding of the subject. Ultimately, this means that over 90 percent of LEP fourth-graders cannot read well enough to succeed long-term in American schools. One would expect reading skills to lag for this cohort, but only 10 percent of LEP students meeting basic reading expectations is alarming.

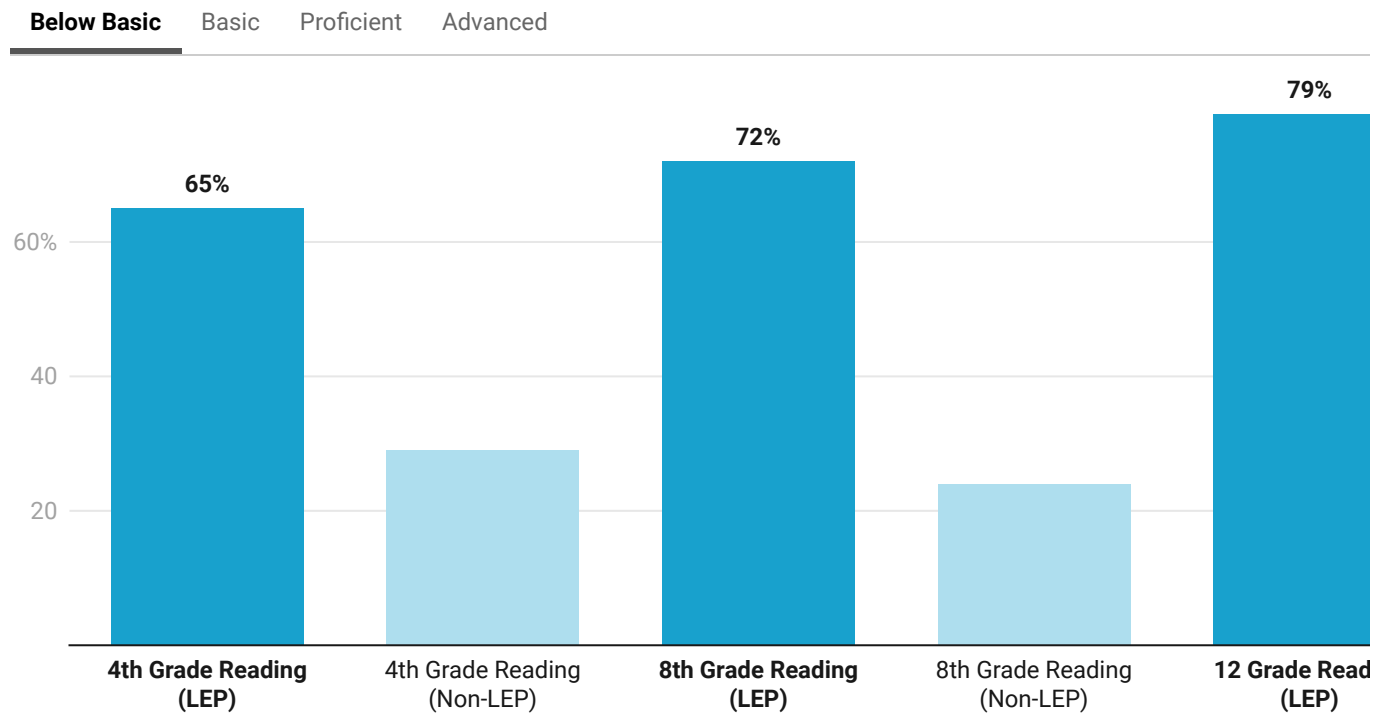
Education “progress” is hardly a good name for what’s occurring in our schools, because even compared to the dismal fourth-grader scores, achievement craters for older LEP students. Only 4 percent of LEP 8th graders and 3 percent of 12th graders exhibited a Proficient understanding of reading or math in 2019, and more than 80 percent had essentially no grasp of either subject. Every evaluation since the NAEP was first administered in 1998 has shown that the percentage of LEP 8th and 12th graders reading at Advanced levels (compared to expectations) rounds to zero. Older LEP students have failed to meet even the most basic academic standards for decades despite ever-increasing attention and funding. Schools are not designed to handle students who simply cannot comprehend the material taught. In these situations, administrators and teachers often feel pressure to ignore cheating or just pass failing students in order to pad testing statistics, avoiding negative scrutiny at the cost of integrity.¹⁵

Academic Performance of LEP Students Versus Non-LEP (Math)



Source: National Assessment of Educational Progress • [Get the data](#)

Academic Performance of LEP Students Versus Non-LEP (Reading)



Source: FAIR Estimate • [Get the data](#)

Educators have actually needed to create new terms to describe the deep-rooted patterns of underachievement among older LEP students. “Long-Term English Learners” (LTELs), as defined by the National Education Association (NEA), are LEP students who get “stuck” without English proficiency despite years of education in the USA.¹⁶ These students generally have a GPA below 2.0 and cannot write fluently in any language. The NAEP statistics reflect this trend; LEP students fall farther behind academically as they age, unable to cope with the demands of high school. Nationwide, around a quarter to half of LEP students become LTELs, with over sixty percent in states like California and Texas.^{17 18} According to the NEA, LTELs are generally from immigrant households speaking a non-English language at home, creating a multigenerational barrier to effective communication and learning.¹⁹ This lack of progress made by migrant students demonstrates why it’s so important for immigrant families to fully assimilate into the culture and customs of the United States, including learning English and ensuring their children do the same.

The low academic performance of LEP students is reflected in appalling graduation rates. For example, only 43 percent of LEP pupils in Louisiana, 38 percent in New York and 32 percent in Arizona graduate on time.²⁰ Furthermore, just because someone graduates, there is no guarantee that schools were holding them to acceptable standards. Across the country, educators are lowering graduation requirements and making it harder to fail classes. For example, Oregon passed a 2021 law removing a requirement that students demonstrate basic math and reading skills to graduate high school.²¹ In New York State, it is easier than ever to graduate from a public high school, but the results are tragic: the City University of New York, which absorbs a large proportion of New York City public school students, requires almost 80 percent of freshmen to take remedial courses offering basic skills that should have been taught in high school.²²

Case Studies

Localities and states provide approximately 99 percent of the funding for LEP programs. Thus, while the overall national picture is crucial, it is equally important to examine these programs at the local level to truly appreciate their impact and cost. The following section highlights the challenges faced by several public school districts throughout the country.

Fairfax County, Virginia

Located in Northern Virginia, Fairfax County is a populous suburban community abutting Washington, D.C. With almost one out of three residents being foreign-born, it has one of the highest immigrant population shares in the country.²³ This is reflected in the Fairfax County Public Schools (FCPS) student body. FCPS has boasted that it “serves students from 204 countries who speak more than 200 different languages at home.”²⁴ In Fiscal Year 2020, the number of LEPs was 35,310, or 18.7 percent of the total enrollment. The FCPS LEP budget was \$95.4 million, up from \$93.9 million in FY 2019.²⁵

Despite the fact that it costs 20 percent more to educate an LEP student in Fairfax County (significantly more than the national average), their graduation rates are still significantly lower than the overall rate for the county (72.5 versus 93 percent).²⁶

Once the COVID-19 pandemic hit the U.S., causing school shutdowns and shifts to remote learning, these performance gaps were also exacerbated. Even though this impacted all pupils to some degree, LEP students were disproportionately impacted.²⁷ LEPs and non-English-speaking parents required additional attention, outreach, and resources.²⁸

Montgomery County, Maryland

Like Fairfax County, Montgomery County is an affluent suburban area neighboring the nation's capital with a high cost of living and a third of its inhabitants having been born outside of the U.S.²⁹ It also has a high number of LEP students enrolled in its public schools (17 percent of the total student body) and a large budget of \$80 million to support them. As in most other localities, LEP students are significantly underperforming when compared with non-LEP students, whether in terms of reading, mathematics, or graduation rates.³⁰

Since mass illegal immigration is the greatest – albeit not the only – source of LEP program growth, it is important to point out that illegal alien crime also has a detrimental impact on schools and local communities. This has been especially true in Montgomery County. In 2015, county officials raised concerns that the brutal Central American gang MS-13 was recruiting new members within Montgomery County Public Schools in the context of a spate of gang-related murders in Montgomery County and Northern Virginia.³¹ In October 2019, security at Albert Einstein High School in North Kensington had to be increased due to fears of possible MS-13 retaliation.³² In February 2020, Montgomery County police arrested two MCPS students – both of whom were young adults – for raping two female students, who were both 11 years old. The men were 20-year-old Jonathan Coreas-Salamanca, an illegal alien from El Salvador, and 19-year-old Honduran Ivan Reyes Lopez.³³ Such crimes undeniably have a negative social impact and also create additional costs for the local communities.

Buffalo, New York

Buffalo is the third poorest city in the U.S. and is also a major refugee hub.³⁴ According to one article, “[o]ver the past two decades, more than a quarter of the refugees who came to the state of New York arrived in Buffalo’s Erie County” from such countries as Burma, Somalia, and Iraq.³⁵

While foreign-born individuals represent ten percent of Buffalo’s population, LEP students make up 17 percent of the students enrolled in the Buffalo Public School (BPS) system.³⁶ BPS’s 2020 LEP budget was \$20.4 million, up dramatically from \$12.9 million in 2018.³⁷ Despite LEP students receiving 20 percent more funding per-pupil than non-LEP students, their graduation rates were dismal: 33 percent versus 69 percent for non-LEPs before the pandemic.³⁸

As a local news outlet points out, “Many of those [LEP students] also came with little to no formal literacy skills in their native language, along with complex social and psychological needs from their traumatic journey to the United States. Some arrived at such a late age that they are considered ‘dropouts’ once they age out of school at 21 with no diploma.”³⁹ Pandemic remote learning in 2020 and the arrival of Afghan refugees in 2021 only added to the challenges and

placed greater demands on Buffalo Public Schools.⁴⁰

Indianapolis, Indiana

Of the approximately 23,000 students enrolled in the Indianapolis Public Schools (IPS), 22 percent are LEPs (the foreign-born population is 9.7 percent of Indianapolis' total population). It costs the IPS 14 percent more to educate an LEP student than the average English-speaking student.⁴¹

As teachers admitted to the *Indianapolis Star*, "it can take double or even triple the amount of time for an English learner student to do assignments compared to their classmates who are native English speakers."⁴²

Given growing legal and illegal immigration, the stress placed by LEP programs on local resources is only expected to grow both in Indiana's capital city and the state at large. In the spring of 2022, one Indiana news outlet pointed out that "[t]he number of students learning the English language in Indiana is growing and schools are feeling the impact." That is because the foreign-born school-age population requiring LEP services is growing very rapidly: "Across Indiana, there are nearly 78,000 students called 'English Learners' who receive lessons in both English and Spanish. The number of English learners in Indiana schools has increased by almost 27,000 from six years ago." According to a number of teachers, some of the students enrolled in the LEP program arrive with no primary education and with limited literacy in their own native language.⁴³

The Growing LEP Crisis in New York City

In July 2022, when several thousand illegal migrants were being relocated from Texas to sanctuary cities in the Mid-Atlantic, New York City's Democratic mayor, Eric Adams, warned that "our schools are going to be impacted, our healthcare system is going to be impacted, our infrastructure is going to be impacted." Despite these concerns, his city still offers a litany of taxpayer-funded benefits to the newly-arriving illegal aliens, including expensive hotel rooms, healthcare coverage, and free phones. The city also plans to enroll approximately 1,000 young illegal aliens in its public schools.⁴⁴ Most of these new students will require LEP services. Within the city's five boroughs, the percentage of LEPs in public schools ranges from 7 percent in Staten Island to 16.4 percent in the Bronx.⁴⁵

While Mayor Adams was certainly correct that the influx of new illegal alien youths will negatively impact the city's public schools, he incorrectly accused state governors of creating the crisis instead of calling upon the Biden Administration to secure the border and enforce American immigration laws.

Recommendations

Secure the Border + Enforce our Immigration Laws

With the United States facing an unprecedented crisis at the Southern Border since President Biden took office and began systemically ending all enforcement of our immigration laws, the country's interior is paying the price. Local schools have been forced to absorb tens of thousands of new students every month, most of whom are designated as LEP. Even more difficult, these schools have no warning of when these new students will arrive and therefore are unable to plan or budget for their education. This is a major reason for the inefficient systems and severe teacher shortages that were thoroughly detailed in this report.

Securing the border and enforcing our laws will stem the tide of illegal immigration into the country, therefore offering school districts a desperately needed break from the ever-growing stream of new students entering the country. Easy reforms include:

- Re-implement the Migrant Protection Protocols, which drastically reduced asylum abuse at the Southern border. President Biden formally ended the program on June 1, 2021. As a result, apprehensions at the Southern Border surged into historically unprecedented territory and have remained there ever since.⁴⁶
- End Catch-and-Release. One of the first actions of the Biden administration was to re-implement the Obama-era practice of releasing apprehended illegal aliens into the country's interior instead of detaining them (as the law requires) until it was determined if they were subject to removal from the country. In an unprecedented move, the administration even started releasing illegal aliens into the country without a notice to appear before an immigration judge.⁴⁷ The prospect of being freely released into the country with little risk of deportation is a huge draw for more illegal immigration.
- Re-implement Rapid Processing Programs. Before it was stalled by activist courts until former President Trump left office, these programs provided expedited processing of certain aliens arriving in the United States. These aliens all received due process as required by the law and, if appropriate, were placed in immigration court proceedings within days with the goal of rapidly hearing and resolving their cases instead of letting them remain in limbo for years. Re-instating this program would deter future illegal immigration and help lighten the massive backlog of immigration cases that currently exists.
- Secure the Border. Another move made by the Biden administration immediately upon taking office was to end construction of the Southern Border Wall.⁴⁸ Not only was there a resulting increase in illegal border crossings, but also illegal aliens, human smugglers, and cartel members started using the construction access roads as a highway system into the United States with little effort by the administration to stop them.⁴⁹ Walls work. When an effective border wall was constructed in the late 1990s along the southern border in the San Diego Sector, apprehensions decreased by 80 percent almost immediately.⁵⁰ Other areas that constructed effective border walls have experienced similar success.

Overtun *Plyler v. Doe*

The Supreme Court's decision in *Plyler* is currently interpreted to require that states educate illegal aliens and the children of illegal aliens, regardless of tax contributions from their families. Since federal money only covers approximately 1 percent of education costs for LEP students, this decision created one of the largest unfunded mandates ever enacted by the U.S. government. Free

education, like welfare handouts, is attractive to illegal aliens. And, since illegal alien families operate at a significant net financial burden to taxpayers, this means that citizens and lawful migrants pay for the entirety of their education.⁵¹

Local taxpayers should not be required to pay for the education of individuals who are in the country only because the federal government failed (or is willfully declining) to enforce our immigration laws. The opinion in *Plyler* incorrectly asserted that removing free education for illegal aliens would fail to disincentive illegal immigration into the country, and therefore the state of Texas couldn't claim that taxpayer cost was a "compelling reason" to withhold state funds from educating illegal aliens.⁵² On the contrary, there is ample evidence that shows that when states or the federal government offer new benefits to illegal aliens – including education benefits – there is a corresponding surge in additional illegal immigration.

States and localities should examine their education costs to determine the impact of illegal immigration on their ability to properly educate citizens. States, local school districts, and even some families may find that they have standing to file a federal lawsuit based on the damages that are attributable to illegal immigration. Such lawsuits, as they progress, could lead to an eventual clash in the U.S. Supreme Court over some of the wrongly decided issues raised in *Plyler*.

Based on the facts, *Plyler* was incorrectly decided and should therefore be overturned, or at least reformed. States should not be forced by the federal government to allocate local taxpayer funding to provide benefits to illegal aliens. Instead, if the Federal government deems it inappropriate for states to require that the families of illegal aliens pay tuition in order for their children to receive a public education, then Congress should allocate federal funding to states to cover such a mandate.

Amend the William Wilberforce Trafficking Victims Protection Reauthorization Act

Originally designed to protect victims of human trafficking from possibly falling back into the hands of cartel members and smugglers, the 2008 Wilberforce Trafficking Act had honorable intentions that have since been hijacked as an avenue to resettle hundreds of thousands of UAMs inside the United States. This act must be reformed in a manner that allows the United States to process UAMs and reunite them with their families outside the U.S. in an expedited manner while simultaneously protecting victims of human trafficking. Additionally, it should be reformed to treat all UAMs equally regardless of their country of origin. FAIR recommends reforms like those included in the Protection of Children Act of 2015, which would have closed the loopholes in the original act preventing the reunification of UAMs with their parents or relatives residing in their home country.⁵³

End Chain Migration

Chain Migration occurs when an immigrant sponsors other family members for admission, who can then sponsor their family members, and so on...⁵⁴ The current chain migration policies in the United States do not require migrants to speak English, exhibit any ability to assimilate into the country, or possess occupational skills that are currently needed in the United States. Failure to

learn English is the entire reason for the LEP crisis facing our public school system. Replacing chain migration with a merit-based system, such as that proposed by the RAISE Act, would go a long way in solving this crisis by favoring immigrants who have the skills needed to succeed and contribute to the U.S. economy, including at least basic English proficiency.⁵⁵ While the RAISE act would not specifically require that the children of immigrants be fluent in English, situations where a parent fluently speaks English but their children do not are quite rare.

Methodology

Unless otherwise mentioned, all figures and estimates are current as of the end of the 2019-2020 school year. Most data regarding public education in the United States runs approximately two years behind the current term, therefore it is difficult to make reliable estimates any newer than two years old.

To calculate the cost of LEP students in the United States, we analyzed the total cost per pupil in each state as listed by the U.S Census Bureau.⁵⁶ We then estimated the additional cost of educating LEP students by randomly sampling the LEP-related budgets of dozens of school districts across the United States, weighting for district size, type, and cost of living.⁵⁷ We then applied these cost assessments to the LEP student totals in each state as reported by the National Center for Education Statistics, again weighting for variances in cost of living and education costs.^{58,59}

The proportion of public school students who are the children of illegally present parents was calculated by applying historical assumptions from Pew Research regarding the percentage of public school students who have an unauthorized head of household, and then reconciling that percentage with FAIR's assessment of the illegal alien population as of the end of 2020.^{60,61}

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