



# Limited English Proficiency Enrollment and Rapidly Rising Costs

by Jack Martin, Director of Special Projects

## ■ Introduction

The number of students in special English classes is rapidly rising during a period when overall public school enrollment in kindergarten through high school education is slightly declining. Over the ten-year period up to 2005, the number of students registered in Limited English Proficiency (LEP) programs increased by more than 1.2 million students. That was an increase of more than 38 percent and took the total number of students in these programs to nearly 4.5 million persons. Over the same period, total enrollment nationwide dropped by nearly half a million students — a one percent decline.

These programs to assist non-English speakers adapt to the educational environment in public schools are costly to local taxpayers and an added fiscal burden at the national level. In addition, expenditures on these remedial programs may absorb resources that otherwise would be available for native-English speaking students.

The upward trend in LEP enrollment parallels the upward trend in the illegal immigrant population. We estimate that there are more than 3.5 million children of illegal immigrants in K-12 public school classes. While public schooling may not be denied to the children of illegal immigrants under the *Plyler v. Doe* ruling of the Supreme Court in 1982 — based on an interpretation of the Equal Protection Clause of the Fourteenth Amendment — the additional costs of providing English language instruction was not addressed by that ruling. As such, it remains an open issue as to whether a school system has discretion to restrict LEP enrollment to only students who are U.S. citizens and legal residents.

## ■ Costs of LEP Instruction

The cost to the taxpayer of English language instruction programs in public schools is considerable. Most of the expenditures are at the state level, but there is also federal support in Title III of the No Child Left Behind legislation which provides grants to schools and/or school districts with 150 or more LEP students. Expenditures and enrollment in the state programs vary widely among the states including some as recently as 2000 that had no LEP program, which makes an estimate of total expenditures on these programs difficult. In addition, funding comes from different sources; federal, state and local.

Published data suggest that state expenditures may range from \$290 per student (Idaho — 2007) to \$711 per student (Tennessee — 2007).<sup>1</sup> A similar higher level of \$674 per student is reported for Minnesota (2006). In the case of Tennessee, the reported local share of the funding program amounts to an additional expenditure of \$487 per LEP enrollee. The state also has adopted a grant for the 2007-08 school year of \$14.9 million to increase the number

of teachers and translators working in the program. The combination of the state and local expenditures amount to about \$1,200 per student without including the supplemental appropriation.

Using an arbitrary estimate of \$1,000 per student, would suggest that state and local expenditures nationwide may be greater than \$4 billion per year for the nearly 4.5 million students in these programs. Federal outlays in the Title III program amount to another \$90 per student, adding an additional \$400 million to the cost to the taxpayer. In addition, there are other federal grant programs that add further to the cost of remedial English instruction.

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Not all of the students enrolled in these programs are immigrants or children of immigrants, although most likely are. In some areas where there are large Native American populations, some students in LEP programs come from that population. For example, in Idaho, the second largest language category in that state's program is Shoshone. However, the native language of more than 74 percent of the students in LEP programs in the state is Spanish. It is also probable that some of the students in these programs will be the children of legal immigrants or persons on extended nonimmigrant visas. Nevertheless, there is no other change in the flow of foreigners into the country other than the flow of illegal immigrants that would explain this surge in LEP enrollment. Thus, a large majority of the expenditures on LEP students is likely a cost that can be attributed to the children of illegal immigrants, whether or not these children were born abroad or in the United States.

### ■ The Enrollment Pattern Varies by State

Because each state determines the criteria for establishing LEP programs, the scope of the program will vary among the states and may vary within a state over time. The No Child Left Behind legislation has established some minimum criteria for participation in the federal support funding that may lead to greater standardization over time.

The data collected by the U.S. Department of Education on LEP enrollment show some volatility that clearly is due to changing program eligibility standards in some states rather than significant swings in the size of the student population. For this reason, this study uses a three-year average enrollment comparison to moderate some of the data volatility. The data on enrollment change covers an eleven-year period (1994-95 school year to the 2004-05 school year). To moderate the volatility in the enrollment data — because of program design changes, in this study we have used an average enrollment over three years at the beginning (1995-97) and end (2003-05) of the period. That has the effect of reducing the amount of change over the period.<sup>2</sup> Nevertheless, when comparing the LEP enrollment with the overall student enrollment, the same averaging technique has been applied to both data sets.

The data collected by the U.S. Department of Education show increases in LEP program enrollment in all but six states and the District of Columbia over this ten-year period. Meanwhile 36 of the states and the District of Columbia had declining overall student K-12 enrollment. All of the states that had declining LEP enrollment also had declining overall enrollment with the sole exception of Alaska.

Eight states had LEP enrollment increases of more than 200 percent. They were Arkansas, Colorado, Georgia, Indiana, Kentucky, North Carolina, South

Carolina and Tennessee. The pattern of rising illegal immigration in the South is clearly replicated in these data. In an additional 11 states, LEP enrollment more than doubled over the ten-year period. Those states were Alabama, Delaware, Iowa, Kansas, Minnesota, Missouri, Nebraska, Nevada, New Hampshire, Virginia and West Virginia. It is noteworthy that neither of the above two categories of rapid growth in the LEP enrollment include any of the states with the largest estimated illegal alien populations. This is because they already had the largest LEP student populations at the beginning of the period. At the beginning of the period, California, New York, New Jersey, Texas, Illinois and Florida accounted for nearly three-fourths (74.9%) of the nation's LEP enrollment. But, just as the illegal immigrant population has spread over the past decade and reduced the share residing in these six states, the share of the LEP enrollment in the six states fell to 69 percent over the eleven-year period. This was not because LEP enrollment had fallen in these states (except slightly in New York) — it rose by nearly 650,000 students — but rather it was due to the fact that LEP enrollment was rising much more rapidly in other states.

### ■ The Greatest Impact States

As noted above, the states that have traditionally had the largest populations of immigrants — both legal and illegal — have also had the largest numbers of LEP program students. The following data show the top ten states for enrollment in the 1995-97 period, in the 2003-05 period, and the rate of change between the two periods. Half of these states had rates of enrollment increase higher than the national average rate of 38 percent, and half had lower or negative rates of change.

Eight additional states had LEP average enrollment for the 2003-05 period greater than 50,000 students. Those were (in descending order of size): Michigan, New Jersey, Nevada, Virginia,

| State       | LEP<br>95-97 | LEP<br>03-05 | % Change |
|-------------|--------------|--------------|----------|
| California  | 1,322,714    | 1,596,534    | 20.7%    |
| Texas       | 483,123      | 658,287      | 36.3%    |
| Florida     | 156,809      | 291,163      | 85.7%    |
| New York    | 242,865      | 232,845      | -4.1%    |
| Illinois    | 113,076      | 174,626      | 54.4%    |
| Arizona     | 87,970       | 149,763      | 70.2%    |
| Colorado    | 27,104       | 89,424       | 229.9%   |
| Washington  | 53,961       | 70,346       | 30.4%    |
| N. Carolina | 19,472       | 67,125       | 244.7%   |
| New Mexico  | 77,909       | 63,590       | -18.4%   |

Oregon, Georgia, Minnesota and Massachusetts. With the exception of New Jersey, Georgia and Massachusetts, each of these additional states also had a rate of growth in LEP enrollment that was higher than the national average.

The states that have the largest shares of their overall K-12 enrollment that is composed of students in LEP classes shows a somewhat different line-up.

| State      | Enrollment<br>03-05 | LEP<br>03-05 | Share |
|------------|---------------------|--------------|-------|
| California | 6,247,136           | 1,596,534    | 25.6% |
| New Mexico | 319,969             | 63,590       | 19.9% |
| Nevada     | 384,704             | 61,454       | 16.0% |
| Alaska     | 132,492             | 20,648       | 15.6% |
| Texas      | 4,331,036           | 658,287      | 15.2% |
| Arizona    | 1,006,532           | 149,763      | 14.9% |
| Florida    | 2,389,498           | 291,163      | 12.2% |
| Colorado   | 758,699             | 89,424       | 11.8% |
| Oregon     | 552,550             | 58,064       | 10.5% |
| Utah       | 485,959             | 49,727       | 10.2% |

While California remains at the top of the list for having the most English learning students, and other Southwestern states of Texas, New Mexico and Arizona as well as Florida appear on both lists, newcomers to the top ten are Nevada, Alaska, Colorado, Oregon and Utah. Alaska’s inclusion on this list is probably influenced more by its large Native American population than the role of immigration in shaping its LEP enroll-

ment. Fourteen other states have LEP enrollment levels higher than five percent of their overall K-12 student enrollment. The enrollment shares in those states are detailed in the listing in the Annex.

**■ Illegal Immigration and LEP Enrollment**

To test the hypothesis that most of the rapidly growing LEP enrollment is due to the presence of a rapidly growing number of children of illegal immigrants, we compared the LEP enrollment data with our earlier estimates of the size of the K-12 public school enrollment that were done for an analysis of the fiscal outlays on educating the children of illegal immigrants.<sup>3</sup> For the comparison, states with large Native American populations, e.g., Hawaii, Alaska, New Mexico, Montana, and those with very small populations, e.g., North Dakota, Vermont, Wyoming, were eliminated.

The result was a close match-up of the estimated population of school-age children of illegal immigrants and LEP enrollment with the latter being the larger. For the 40 states in the comparison, the LEP enrollment nationally was about 20 percent higher than the estimated number of school-age children of illegal immigrants. In 25 of the states, the LEP enrollment was somewhat higher than the estimated children of illegal aliens — similar to the relationship nationally — and in ten of the states the estimate was comparable, but somewhat lower. Only in four states — Louisiana, Idaho, Minnesota and Michigan — did the size of the LEP enrollment significantly exceed the size of the estimated children of illegal immigrants (277%, 189%, 169% and 165% respectively), suggesting that our estimate of the number of children of illegal immigrants in the public school system in those states may be too low. And only in one state — North Carolina — did the comparison (60.5%) suggest that our estimate of the number of children of illegal immigrants may be too high.

**■ Conclusion**

The rapid rise of the illegal resident alien population in the United States results in a similarly rapidly growing number of students in public schools whose native language is not English and for whom education in public schooling through the secondary level is of questionable value without remedial English language instruction. That instruction represents a significant outlay to the taxpayer at the state and local level as well as an additional expense in federal outlays.

The heaviest impact falls on the states that have traditionally attracted the largest numbers of immigrants, including illegal immigrants. But the impact on the public school LEP programs is increasing more rapidly beyond the major settlement states in the same pattern that applies to illegal immigrant settlement.

Studies that we have done on the estimated fiscal impact of the illegal alien population on several states have not included an estimate of the cost of LEP instruction.<sup>4</sup> Our estimate that this instruction likely amounts to more than \$4 billion annually at the state and local level and additional sizable outlays by the federal government, demonstrates that this is in fact a significant additional expense to the taxpayer resulting from illegal immigration.

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## ■ Endnotes

- 1 "Schooling costs up for illegal immigrants," *Chattanooga Times Free Press*, August 13, 2007
- 2 For this study, the data starting point used for comparison is the average enrollment for the first three years of the enrollment data (1995-97) compared to the average of the last three years (2003-05). With an upward trend in the enrollment data, use of the three-year average will in most cases lower the rate of change over the period. This is because if the enrollment was rising evenly over the period, the average of the first three years would be equal to the enrollment in the second year (1996) and the average for the last three years would be equal to enrollment in the next to last year (2004). The difference between the two periods would then be equal to the increase over nine years rather than ten years, i.e., less increase.
- 3 Martin, Jack, "*Breaking the Piggy Bank: How Illegal Immigration Is Sending Schools into the Red*," FAIR, June 2005.
- 4 The "Costs of Illegal Immigration..." series is available at [www.fairus.org](http://www.fairus.org) for the states of Arizona (2004), California (2004), Texas (2005), Florida (2005), New York (2006), New Jersey (2006), and Illinois (2007).

# Appendix

| State          | Enrollment        | LEP'03-'05       | Share       |
|----------------|-------------------|------------------|-------------|
| Alabama        | 730,868           | 13,058           | 1.8%        |
| Alaska         | 132,492           | 20,648           | 15.6%       |
| Arizona        | 1,006,532         | 149,763          | 14.9%       |
| Arkansas       | 454,774           | 15,934           | 3.5%        |
| California     | 6,247,136         | 1,596,534        | 25.6%       |
| Colorado       | 758,699           | 89,424           | 11.8%       |
| Connecticut    | 576,374           | 25,331           | 4.4%        |
| DC             | 117,701           | 5,112            | 4.3%        |
| Delaware       | 68,974            | 4,288            | 6.2%        |
| Florida        | 2,389,498         | 291,163          | 12.2%       |
| Georgia        | 1,520,990         | 56,449           | 3.7%        |
| Hawaii         | 182,245           | 14,693           | 8.1%        |
| Idaho          | 252,180           | 19,314           | 7.7%        |
| Illinois       | 2,039,634         | 174,626          | 8.6%        |
| Indiana        | 1,011,280         | 27,760           | 2.7%        |
| Iowa           | 480,585           | 14,540           | 3.0%        |
| Kansas         | 450,145           | 24,674           | 5.5%        |
| Kentucky       | 639,189           | 8,548            | 1.3%        |
| Louisiana      | 731,734           | 7,463            | 1.0%        |
| Maine          | 205,558           | 3,027            | 1.5%        |
| Maryland       | 853,151           | 26,694           | 3.1%        |
| Massachusetts  | 979,902           | 50,281           | 5.1%        |
| Michigan       | 1,724,591         | 62,363           | 3.6%        |
| Minnesota      | 835,797           | 54,650           | 6.5%        |
| Mississippi    | 492,923           | 3,916            | 0.8%        |
| Missouri       | 898,611           | 14,460           | 1.6%        |
| Montana        | 148,352           | 6,967            | 4.7%        |
| Nebraska       | 313,144           | 15,171           | 4.8%        |
| Nevada         | 384,704           | 61,454           | 16.0%       |
| New Hampshire  | 207,313           | 3,087            | 1.5%        |
| New Jersey     | 1,380,710         | 61,661           | 4.5%        |
| New Mexico     | 319,969           | 63,590           | 19.9%       |
| New York       | 3,187,462         | 232,845          | 7.3%        |
| North Carolina | 1,283,371         | 67,125           | 5.2%        |
| North Dakota   | 107,524           | 5,808            | 5.4%        |
| Ohio           | 1,813,516         | 23,199           | 1.3%        |
| Oklahoma       | 618,923           | 34,427           | 5.6%        |
| Oregon         | 552,550           | 58,064           | 10.5%       |
| Pennsylvania   | 1,812,164         | 39,914           | 2.2%        |
| Rhode Island   | 157,901           | 10,722           | 6.8%        |
| South Carolina | 683,488           | 12,096           | 1.8%        |
| South Dakota   | 125,268           | 4,214            | 3.4%        |
| Tennessee      | 962,800           | 17,887           | 1.9%        |
| Texas          | 4,331,036         | 658,287          | 15.2%       |
| Utah           | 485,959           | 49,727           | 10.2%       |
| Vermont        | 99,160            | 1,154            | 1.2%        |
| Virginia       | 1,190,981         | 59,360           | 5.0%        |
| Washington     | 1,015,306         | 70,346           | 6.9%        |
| West Virginia  | 280,839           | 1,644            | 0.6%        |
| Wisconsin      | 875,305           | 35,281           | 4.0%        |
| Wyoming        | 85,019            | 3,459            | 4.1%        |
| <b>Total</b>   | <b>48,204,329</b> | <b>4,372,204</b> | <b>9.1%</b> |



Federation for American Immigration Reform

1666 Connecticut Avenue, NW | Suite 400 | Washington, DC 20009 | (202) 328-7004 | (202) 347-3887 (fax) | [info@fairus.org](mailto:info@fairus.org) | [www.fairus.org](http://www.fairus.org)

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