

## Alabama immigration law doubles Latino student absentee rate, targets Supreme Court ruling

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In the weeks since Alabama's hotly contested law requiring public schools to track immigration status went into effect, school attendance in the state has been erratic and withdrawals have spiked. But the authors of the measure, one of a bundle of provisions designed to crack down on illegal immigration, insist the intent wasn't to drive students from schools.

They have bigger plans.

Michael M. Hethmon, general counsel for the Immigration Reform Law Institute and author of the provision, [told the New York Times](#) the law was designed to target a 1982 Supreme Court decision that deemed turning illegal immigrants away from public schools unconstitutional. In the case, [Plyler v. Doe](#), judges shot down a Texas statute that denied education funding to illegal immigrants because it would impose "a lifetime hardship on a discrete class of children not accountable" for their immigration status. The court also noted the state had not presented evidence to prove providing free education to illegal immigrants was causing substantial harm.

Alabama's law, which has been temporarily blocked, is designed to gather this evidence, Hethmon said.

"The toughest question has been obtaining reliable — and I mean reliable for peer-reviewed research purposes — censuses of the number of illegal alien students enrolled in school districts," he said. "That information could be compared with other sorts of performance or resource allocation issues."

Under the provision, Alabama primary and secondary schools are charged with ascertaining the immigration status of incoming students using a birth certificate or other official document. Schools are then required to record the information and pass it on to the State Board of Education, which will prepare an annual report and "contract with reputable scholars and research institutions" to determine the costs of educating illegal immigrants — fiscal and otherwise.

Since the 1987 ruling, several laws attempting to deny illegal immigrants access to education have been overturned. Alabama's measure is different, Hethmon said, because no one is actually barred from attending school and the data is not passed on to law enforcement.

Critics aren't buying the argument.

The week after the law went into effect, the absentee rate for Hispanic children doubled, [Politico reported](#). Following [reports of increased race-related bullying](#), Justice Department officials in Alabama recently started monitoring schools.

"This seems to be really a transparent attempt at a pretext to try to justify discriminatory law," said Lucas Guttentag, a professor of immigration law at Yale Law School and senior counsel of the Immigrants' Rights Project of the American Civil Liberties Union. "The idea that they're somehow going to collect this data and show anything that's conceivably relevant is a fantasy."

He pointed out that, in Plyler v. Doe, the state's failure to show illegal immigration's impact on schools was just one factor in the decision. It is unlikely the studies would have any impact on the Supreme Court decision, he said.

Either way, legal experts are predicting the immigration law, labeled by both critics and supporters as the nation's toughest, is headed to the Supreme Court, [according to Fox News Latino](#).

"It really offers the Supreme Court a broad canvas to reshape what being an immigrant in the United States means," said Foster Maer, an attorney in New York with LatinoJustice, which is challenging the law.

Some have compared the situation to the civil rights era of the 1950s and '60s. Back then, Alabama Gov. George Wallace stood in the schoolhouse door to block racial integration, said Richard Cohen, president of the Southern Poverty Law Center. "Today we have a different stand in the schoolhouse door. We have efforts to intimidate children who have a constitutional right to go to school."

Proponents maintain, though, the law has nothing to do with race.

Comparing the immigration law to the civil rights battle is an attempt to "make racism a cottage industry," said Republican Sen. Scott Beason, one of the law's sponsors.

"Why are we getting all the publicity?" said Republican Gov. Robert Bentley, who supported the law and signed it into effect. "I think it has to do with Alabama's past and the perception that people have of Alabama over the years that don't live in our state and really don't recognize the amount of progress we've made in Alabama over the last 50 to 60 years."

<http://www.deseretnews.com/article/700193646/Alabama-immigration-law-doubles-Latino-student-absentee-rate-targets-Supreme-Court-ruling.html?pg=2>