



# English Language Learners and Public Education in Utah

  
**FAIR**

A REPORT BY ERIC A. RUARK, DIRECTOR OF RESEARCH  
FEDERATION FOR AMERICAN IMMIGRATION REFORM



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## Executive Summary

Utah has been one of the fastest growing states over the last three decades. Contributing to this growth has been a fast rising foreign-born population, including illegal aliens. As a result, there has been a rapid increase in the number of Limited English Proficient (LEP) students enrolled in Utah's public schools. This number of LEP students in Utah has risen at a much faster rate than overall public school enrollment and in 2011 comprised over 9 percent of the student population in the state. However, the growth has not been spread evenly throughout the state. Reflecting the concentration of the foreign-born population, half of all LEP students in the state attend school in just three districts: Granite, Ogden, and Salt Lake City.

The rapid increase in students who struggle to comprehend and communicate in English is a fiscal burden for Utah taxpayers, and one the federal government has done very little to alleviate. Exacerbating the situation is the welcoming environment that Utah has taken in recent years towards illegal aliens, whose children are much more likely to require LEP instruction. The money that the state of Utah spends to teach students basic English-language skills depletes the resources available to fund educational programs for all other students.

LEP students in Utah, as across the United States, consistently lag behind the general student population and perform poorly on standardized tests. As LEP students continue to struggle academically, it is likely that significantly more taxpayer money will continue to be diverted away from other programs to fund the instruction of non-English language speakers. With substantial budget cuts being made at the state and local levels, it is important to ask the question: What impact is the cost of LEP education having on the quality of education for the children of native-born Utahns?

This study includes the following findings:

- Between 1980 and 2010, the foreign-born population in Utah increased from 3.5 percent to 8.1 percent of the state's overall population.
- Utah has the eighth fastest growing LEP population in the United States.
- The Census Bureau estimates that 13 percent of Utah residents between the ages of 5 and 17 speak a language other than English at home.
- The Utah State Office of Education identified 53,219 LEP students statewide in the 2010-11 school year, 9.2 percent of the total student population enrolled in the state's public schools.

- The estimated cost of LEP education in Utah was \$436,301,808.
- Half of the LEP populations in Utah are in three school districts: Granite (15,921), Ogden (3,133), and Salt Lake City (7,179).
- The cost of LEP education in the Granite School District in 2010-11 was \$122.3 million. In the Ogden School District the cost in 2010-11 was \$28.5 million. In the Salt Lake City School District the cost was \$72.7 million.
- The federal government provided funds to cover just over 1 percent of the cost of LEP education in Utah.

## Introduction

Immigration policy is set by the federal government, but the consequences of this policy are felt most profoundly at the local level. By allowing more than one million legal immigrants into the U.S. each year and failing to enforce laws against illegal immigration, the federal government has caused the foreign-born population of the United States to rise rapidly over the last several decades, putting severe strains on our ability to accommodate this population.

Nowhere is the impact of the federal government's failed immigration policies more clearly evident than in the nation's public schools. In areas where immigration levels are high, public schools must cope with a larger percentage of students who need remedial instruction in English. The bulk of the funding necessary to support these students comes not from the federal government but is paid for with state and local money, often from property taxes levied at the city or county level.

Historically, students lacking English-language skills were concentrated in urban schools in traditional immigration "gateway" cities.<sup>1</sup> More recent immigration patterns, however, have brought large numbers of immigrants, both legal and illegal, to rapid-growth regions across the United States, and their children into public schools that are ill-equipped to accommodate students with little or no English-language skills.

Immigrants and their children are responsible for 80 percent of the total increase in the U.S. population, between 2000 and 2010, according to the Center for Immigration Studies.<sup>2</sup> Public education systems in many areas are struggling to accommodate this growth, and rising enrollment due to immigration is likely to continue for many more years. The Pew Hispanic Center has projected that the number of school-age children in the United States will increase by 5.4 million between 2005 and 2050 and "all of this growth will be composed of children of immigrants."<sup>3</sup> Many of these children will require special English language instruction at a great cost to American taxpayers.

Mass immigration is also putting strains on school systems beyond intensive English language instruction. Class sizes grow larger, schools become overcrowded, and the quality of education for all children deteriorates. Schools in areas that have experienced a surge in illegal immigration also have to provide services for students from low-income families, such as free and reduced lunches, or interpretation and translation services for parents who do not speak English.

## Immigration in Utah

The United States has seen tremendous population growth in recent decades. Between the 1980 and 2010 Censuses, the total population of the United States grew by 82 million persons, or by 36 percent, spurred overwhelmingly by a rise in the foreign-born population of 26 million and their approximately 40 million U.S.-born children. The foreign-born population in the United States is more than two and a half times larger than it was three decades ago, and now comprises 13 percent of the population.<sup>4</sup>

Utah's population growth rate has been well above the national average. What was once a sparsely populated state has become one of the nation's fastest growing, behind only Nevada and Arizona in rate of population growth since 2000.<sup>5</sup> Since 1980, Utah's population has increased by 90 percent and its foreign-born population by 341 percent. Between 2000 and 2010, Salt Lake City was the sixth fastest growing city in the United States.<sup>6</sup>

Much of Utah's growth is due to the fertility rate in the state, the highest in the United States.<sup>7</sup> Utah also has the highest percentage of its population under the age of eighteen at 31.2 percent compared to the U.S. average of 23.7 percent.<sup>8</sup> Correspondingly, Utah has a disproportionately high number of school-age children among its population.

The overwhelming majority of Utah's population is concentrated in three metropolitan areas. Salt Lake City (1,145,905), Ogden-Clearfield (555,437), and Provo-Orem (541,710) account for 80 percent of Utah's total population, and account for 87 percent of the state's foreign-born population.<sup>9</sup> In 1990, the Immigration and Naturalization Service (INS), the precursor to the Department of Homeland Security, estimated the illegal alien population in Utah at 15,000. FAIR's estimate of Utah's illegal alien population in 2010 was 100,000, 45 percent of the state's overall foreign-born population.<sup>10</sup> The Pew Hispanic Center estimated the illegal alien population in Utah at 110,000 in 2010.<sup>11</sup>

### Population Growth in Utah

	Total Population	Foreign-Born Population	Foreign-Born % of Total
1980	1,461,037	50,451	3.5%
1990	1,722,850	58,600	3.4%
2000	2,233,169	158,664	7.1%
2010	2,763,885	222,638	8.1%

Source: U.S. Census Bureau

The rapid growth in Utah has attracted a large number of foreign workers. The share of foreign-born in the workforce in Utah increased by 55 percent between 2000 and 2010, according to the Migration Policy Institute.<sup>12</sup> Many of the jobs created in Utah, as is typical of rapid growth areas, were in the construction and service industries, and a good proportion of these new jobs were

### Utah Illegal Alien Population—2010

FAIR	100,000
Pew Hispanic Center	110,000

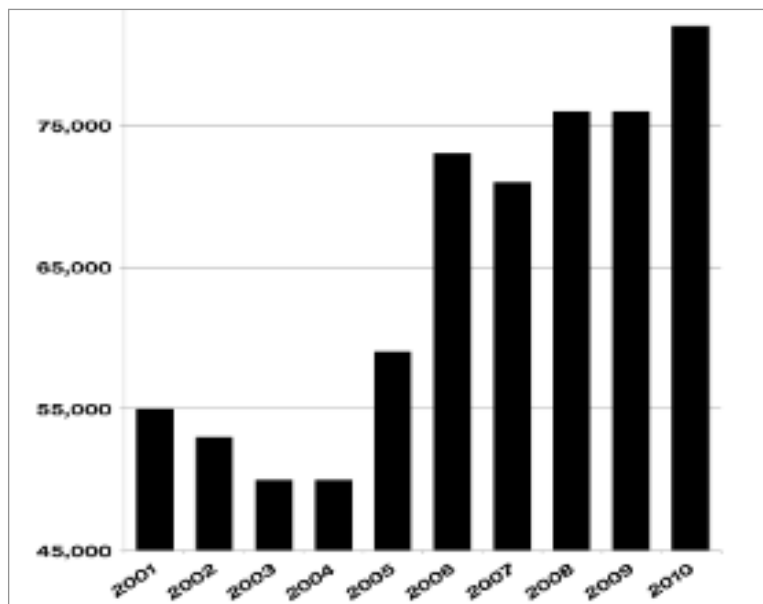
filled by illegal alien workers, estimated to be 71,400 in 2010.<sup>13</sup> Despite research showing that “Utahns have become increasingly concerned about growth in the state and its impact on their quality of life,” state leaders have done little to address these concerns, and have actually encouraged illegal immigration to the state.<sup>14</sup>

Utah does have an anti-sanctuary law (Utah Code 76-9-1006) that mirrors federal code (8 U.S.C. 1373) and prevents jurisdictions in Utah from restricting or limiting the enforcement of federal immigration law. However, this law has no enforcement mechanism and, with the federal government refusing to enforce immigration law, Utah’s anti-sanctuary provision is effectively moot. Further, the passage of HB 116 in 2011, known as the Utah Immigration Accountability and Enforcement Act, has sent an unambiguous message that illegal aliens are welcome in the state of Utah. HB 116 is scheduled to go into effect on July 1, 2013 and it establishes a state guest worker program in which Utah will grant “legal” residency as guest workers to certain illegal aliens residing in the state, a scheme that is without question unconstitutional and will not survive a court challenge if it goes into effect. However, in the meantime it serves as a magnet for illegal immigration, which goes virtually unchecked as state and federal officials refuse to enforce immigration law.

A consequence of Utah’s surging foreign-born population is a steadily increasing proportion of the state’s residents who speak languages other than English. Illegal aliens and their children are much more likely to have limited English proficiency (LEP) than legal immigrants and their children, and the increase in Utah’s illegal alien population has caused Utah’s LEP population to grow by 41 percent from 2000 to 2010.<sup>15</sup> Utah has the eighth fastest growing LEP population in the nation.<sup>16</sup> According to the Census Bureau, half of Utah’s foreign-born population is LEP, and 82,000 children in Utah live in households that speak a language other than English, representing 13 percent of all children of that age in the state.<sup>17</sup>

### Children, Ages 5 to 17

#### SPEAKING A LANGUAGE OTHER THAN ENGLISH AT HOME



Source: American Community Survey

“...AN [ILLEGAL ALIEN] STUDENT IS LIKELY TO BE AN ENGLISH-LANGUAGE LEARNER (ELL) AND IS LIKELY TO BE FROM A LOW-INCOME FAMILY.<sup>18</sup>

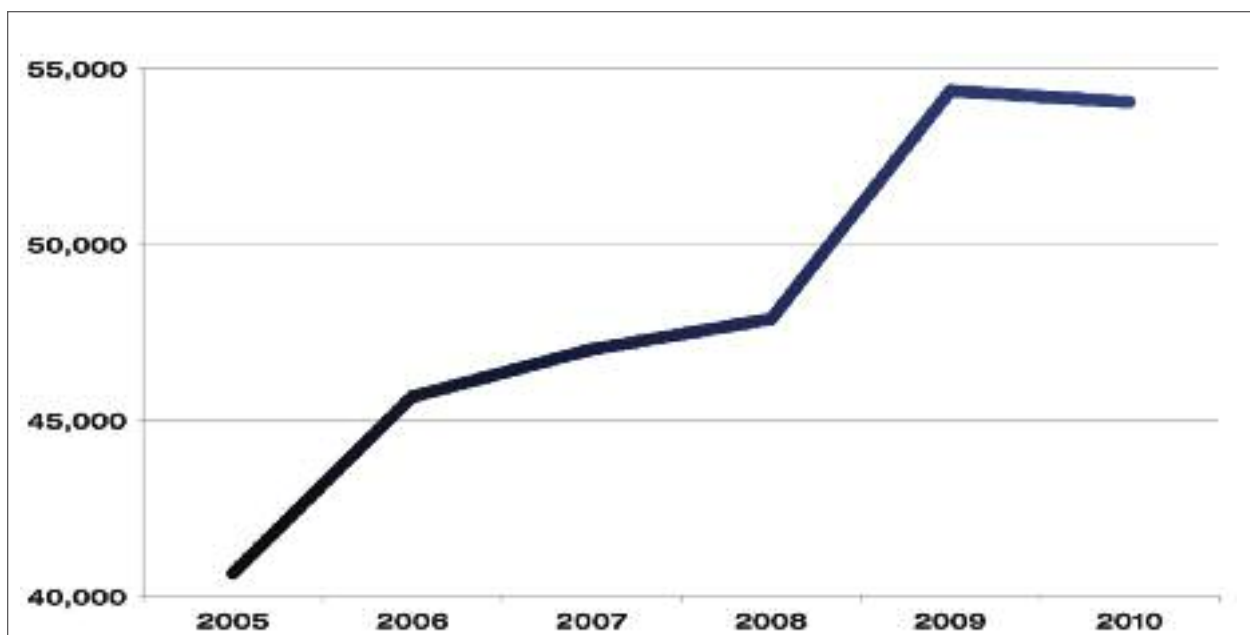
— REPORT TO THE UTAH LEGISLATURE

## LEP Enrollment

With the growth of the foreign-born population, public schools must concentrate considerable resources on teaching students who lack basic English skills. And because the poverty rate of immigrants, particularly illegal aliens, is much higher than for citizens, schools must also accommodate other needs, such as free and reduced cost lunches, and outreach programs for parents who do not speak English.<sup>19</sup> The money spent on education in Utah makes up half of the state’s total annual budget.<sup>20</sup> The amount of money spent on LEP education and the related costs is a heavy burden for Utah taxpayers.

Overall, enrollment in Utah public schools has skyrocketed in recent years. Just between the 2007-08 and 2009-10 school years, Utah schools grew by 25,000 students, and the state projects that the student population will grow by another 50,000 by 2015.<sup>21</sup> Retiring State Superintendent Larry K.

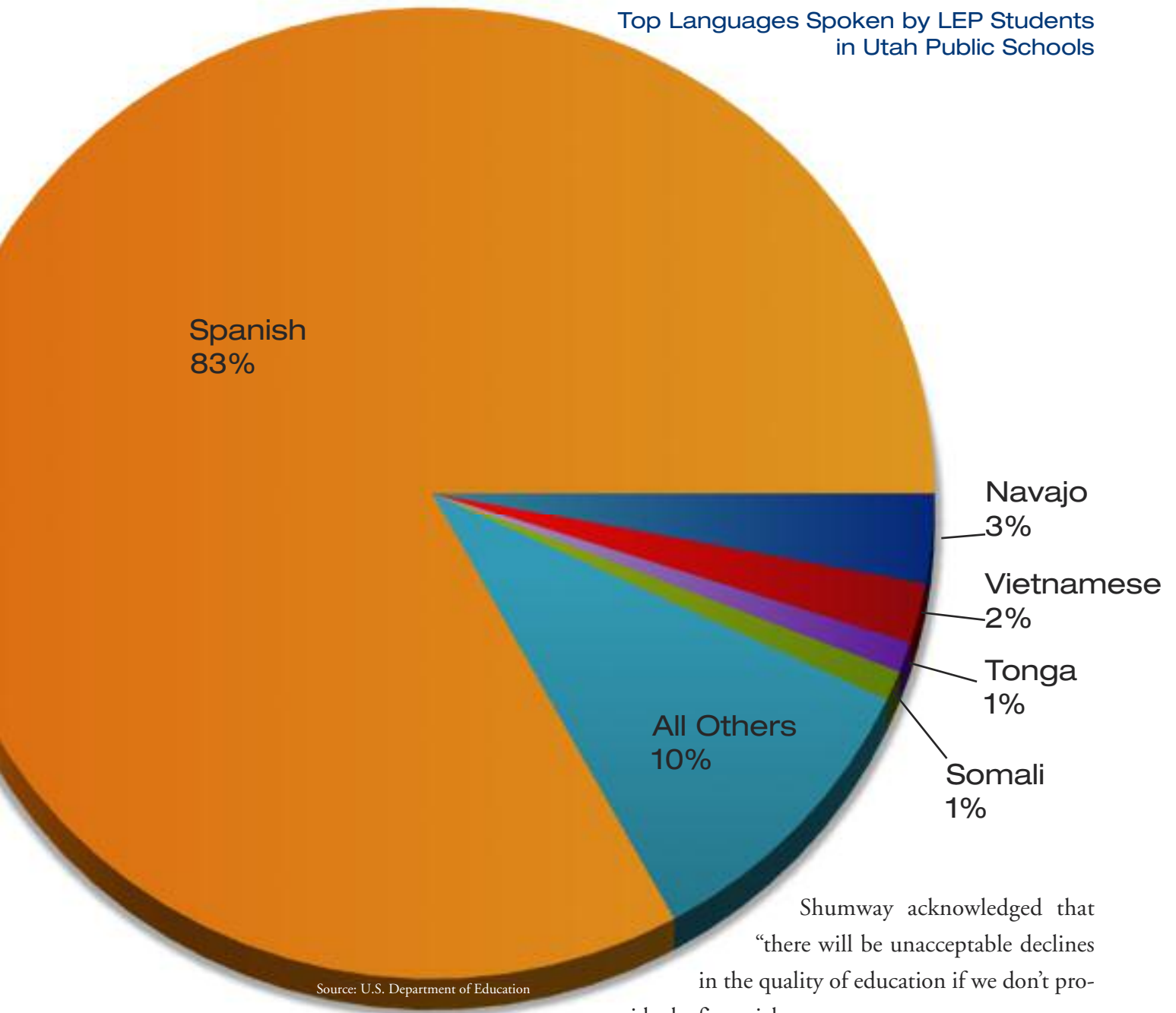
### LEP in Utah Public Schools



Source: Utah State Office of Education, Annual Measureable Achievement Objectives Yearly Reports



Top Languages Spoken by LEP Students in Utah Public Schools



Shumway acknowledged that “there will be unacceptable declines in the quality of education if we don’t provide the financial resources necessary to support our children in their schools,” yet the state has state has decreased its education spending since 2008 by 8.1 percent.<sup>22</sup> The Granite School District cut its budget by \$28.5 million in 2010, and the Salt Lake City District reduced per pupil spending by almost \$400.<sup>23</sup> With many of the new students unable to speak English, educational costs will continue to rise rapidly, and as the state and local school districts struggle to raise more money through taxes or other sources of revenues, difficult decisions will have to be made about where scarce resources will be allocated.

## Determining LEP Spending in Utah

The Utah legislature funds LEP education under the Alternative Language Program through block grants to public schools, including charter schools (which are counted together as one district) based on the number of students receiving services.<sup>24</sup> Local districts also provide funding for these programs, though most do not set aside enough specific funds to cover the cost of LEP education, which means additional money must be taken from the general education fund. This is not a situation unique to Utah, though in states like Utah with a rapidly growing LEP student population, the under-funding of LEP programs creates many more challenges for school administrators and teachers.

Education experts have long realized that the cost of educating a student who is not proficient in English far exceeds the amount actually allocated for LEP education. For over a decade, studies have attempted to more accurately portray the cost of LEP education. In 2004, a Government Accountability Office (GAO) report found the average cost of LEP education to be:

*10 to 100 percent over usual per pupil costs; for students living in poverty (independent of ELL programs), the corresponding range of estimates is 20 to 100 percent. Bringing students characterized by both poverty and limited English proficiency up to average levels of achievement could potentially increase average costs by a larger amount — perhaps 30 to 200 percent over average per pupil costs.<sup>25</sup>*

A 2001 study prepared by the Maryland Commission on Education, Finance Equity, and Excellence, the so-called “Thornton Commission,” which has become a model for future studies, found that the added cost of “adequately” educating English-language learners was equal to the base cost per student. In other words, it costs twice as much to teach an LEP student as it does an English speaking student.<sup>26</sup>

In August 2006, an educational consulting firm that had participated in the Thornton Commission study in Maryland issued a similar report for Nevada, entitled “Estimating the Cost of an Adequate Education in Nevada.” This report found that the average additional cost of educating an LEP student in Nevada was 75 percent of the base cost per student, though the cost did vary by district.<sup>27</sup>

In 2007, a study commissioned by the Utah Legislature was published estimating the costs of providing public education to illegal aliens. The report provided a range for the fiscal year 2006 of between \$54.9 million and \$85.5 million. The report did not include the U.S.-born children of illegal aliens who were enrolled in public schools. The report simply divided the expenditures allocated to LEP education and programs for low-income students among the estimated number of illegal alien students, who were assumed to be using these services, and added these costs to the per pupil base cost.<sup>28</sup> This re-

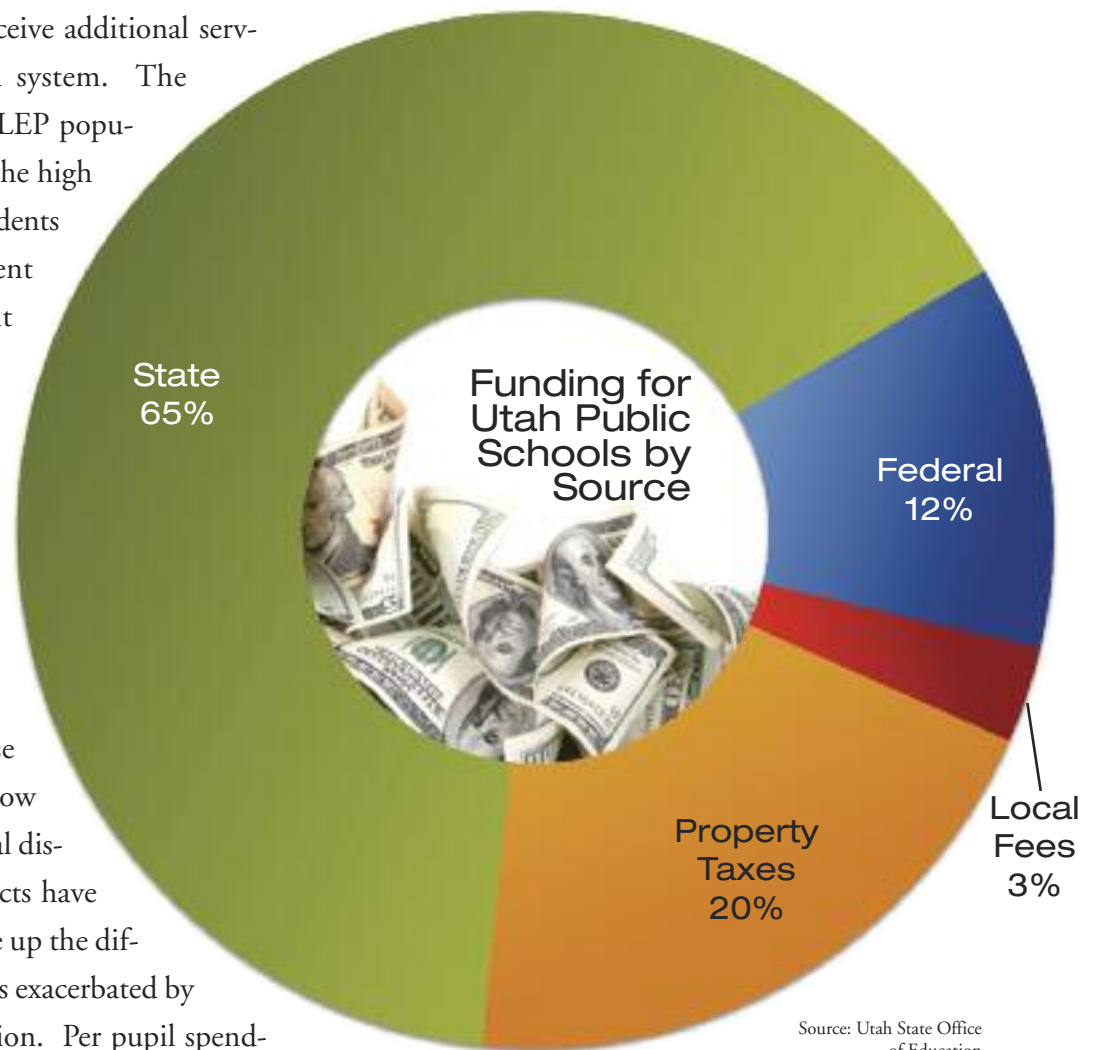
sulted in an estimate of 10-12 percent additional cost of educating these students. However, because the true cost of LEP education to the state and local school districts is generally much higher than the money allocated for it, the report's estimated LEP costs are very likely considerably lower than the true costs.

Several factors must be taken into consideration when estimating the cost of LEP education in Utah. Unlike the 2007 commission's report to the Utah Legislature, this study includes all LEP students, not only those who are illegal aliens. But like the commission's report, and in-line with other research, we assume that illegal aliens students, and U.S.-born students of illegal alien parents have a much greater likelihood of being enrolled in LEP classes. We also take into account research that has found that LEP students are more likely to come from low-in-

come families and receive additional services from the school system. The rapid increase in the LEP population, coupled with the high percentage of LEP students in the overall student population makes it likely that Utah is devoting considerable resources to LEP students.

Most of the direct funding for LEP education comes from the state and these funds are well below what is needed by local districts, and local districts have not been able to make up the difference, with shortfalls exacerbated by the continuing recession. Per pupil spending in Utah is the lowest nation and it is unlikely that

Utah is spending comparably more than other states on LEP education.<sup>29</sup> While the added costs will be above the 10-12 percent estimated in 2007 for Utah LEP students, they will likely be lower than the



50-100 percent additional cost estimate other studies have found nationwide. An important consideration is the clear indication that Utah does not adequately fund LEP students since most school in Utah reported in a survey that “they did not have sufficient money to meet the needs of LEP students.”<sup>30</sup>

### LEP Education in Utah Public Schools 2010–2011

Total Enrollment (includes charter schools)	576,335
LEP Enrollment	53,219
LEP as Percentage of Student Population	9.2%
LEP Cost Per Pupil	\$8,288
Cost of LEP Education	\$441,079,072
Federal Title III Funds	\$4,777,664
<b>Total Cost of LEP Education</b>	<b>\$436,301,408</b>

Source: Utah State Office of Education

Based on the current data, including FAIR’s own research into LEP costs, a conservative estimate of the cost of LEP education in Utah is 30 percent of the base cost of per pupil spending. This may vary somewhat by district, but the cost throughout the state will be close to that amount. Using the 2010-11 statistics from the Utah Department of Education for per pupil spending of \$6,375, the additional cost per LEP student would be \$1,913, resulting in a total cost of \$8,288.<sup>31</sup> In 2010, the U.S. Department of Education allocated \$4,777,664 to Utah for Title III education, which funds LEP programs.<sup>32</sup> This amounts to just over 1 percent of the state’s LEP costs. The total cost of LEP education paid for by taxpayers in Utah for the 2010-11 school year was \$443,130,720.

## Where are Utah’s LEP Students?

Half of Utah’s LEP student population is concentrated in just three school districts, Granite, Ogden, and Salt Lake City, and these districts have very high proportions of LEP students in their student bodies. While other districts, such as Kane and San Juan, may have very high percentages of LEP students, the total LEP population is comparatively low. This is not to minimize the impacts in these districts, but this report is focused on the districts in the major population centers of Utah, and where most of the education dollars are spent by the state.

## LEP Enrollment by District 2010–2011

<b>District</b>	<b>LEP</b>	<b>Total</b>	<b>% LEP</b>
Alpine	2,881	66,044	4.4%
Beaver	86	1,566	5.5%
Box Elder	434	11,187	3.9%
Cache	755	15,409	4.8%
Canyons	2,309	33,469	6.9%
Carbon	67	3,458	1.9%
Daggett	0	168	0.0%
Davis	3,495	66,019	5.2%
Duchesne	222	4,448	5.0%
Emery	102	2,359	4.3%
Garfield	39	925	4.2%
Grand	145	1,510	9.6%
Granite	15,921	68,573	23.2%
Iron	312	8,483	3.7%
Jordan	2,914	49,729	5.9%
Juab	0	2,286	0.0%
Kane	316	1,176	26.9%
Logan City	853	6,133	13.9%
Millard	256	2,826	9.1%
Morgan	5	2,437	0.2%
Murray	436	6,500	6.7%
Nebo	1,278	29,136	4.4%
North Sanpete	149	2,419	6.2%
North Summit	42	978	4.3%
Ogden	3,133	12,568	24.9%
Park City	400	4,351	9.2%
Piute	18	305	5.9%
Provo	2,285	13,376	17.1%
Rich	0	484	0.0%
Salt Lake City	7,179	23,960	30.0%
San Juan	868	2,912	29.8%
Sevier	135	4,533	3.0%
South Sanpete	207	3,038	6.8%
South Summit	116	1,433	8.1%
Tintic	0	220	0.0%
Tooele	697	13,439	5.2%
Uintah	127	6,683	1.9%
Wasatch	588	5,089	11.6%
Washington	2,212	25,671	8.6%
Wayne	9	567	1.6%
Weber	1,025	30,347	3.4%
<b>Charter Schools Total</b>	<b>1,205</b>	<b>40,121</b>	<b>3.0%</b>
<b>Total</b>	<b>53,219</b>	<b>576,335</b>	<b>9.2%</b>

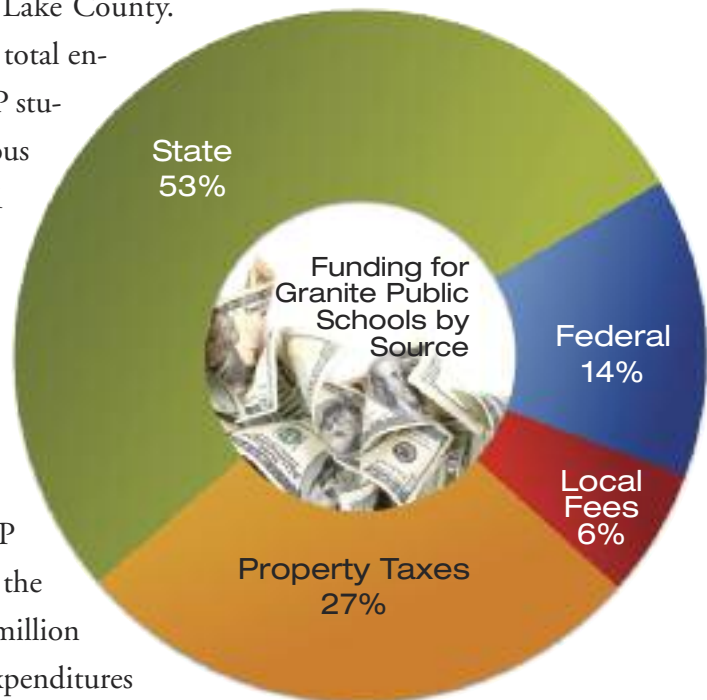
## Granite School District

ALTERNATIVE LANGUAGE PROGRAM [WWW.GRANITESCHOOLS.ORG](http://WWW.GRANITESCHOOLS.ORG)

“TASK DESCRIPTION: TO IMPLEMENT A PROGRAM OF INSTRUCTION FOR LEP STUDENTS WHICH ACCOMPLISHES THE FOLLOWING OBJECTIVES: TO DEVELOP THE ENGLISH LANGUAGE PROFICIENCY OF LEP STUDENTS, TO ENHANCE COGNITIVE AND ACADEMIC ACHIEVEMENT OF LEP STUDENTS IN THE CONTENT AREAS; TO MEET GRADE LEVEL AND GRADUATION REQUIREMENTS; TO PROVIDE ON-GOING TRAINING FOR TEACHERS IN EFFECTIVE TEACHING STRATEGIES FOR INSTRUCTION TO LEP STUDENTS; AND TO ENHANCE PARENTAL/COMMUNITY INVOLVEMENT IN THE CHILD’S EDUCATIONAL EXPERIENCE.”<sup>33</sup>

Thirty percent of LEP students in Utah are enrolled in the Granite school district, which is located in northern Salt Lake County.

LEP students account for 24 percent of the total enrollment in that district. The number of LEP students in Granite has doubled over the previous decade reaching 16,345 in the 2010-11 school year. Granite received approximately \$1.5 million from the federal government and a grant of \$2.2 million from the state from which to apply to several programs, including LEP education, which it administers through its Alternative Language Program.<sup>34</sup> The total estimated cost for LEP education in the Granite School District for the 2010-11 school year is estimated at \$122.3 million dollars, 30 percent of the total education expenditures for that district. There was an additional \$296,565 allocated



to ELL Family Literacy Centers to “communicate with parents who are not proficient in English.”<sup>35</sup>

### LEP Education in Granite Public Schools 2010–2011

Total Enrollment	68,573
LEP Enrollment	15,921
LEP as Percentage of Student Population	23%
LEP Cost Per Pupil	\$7,777
Cost of LEP Education	\$123,817,617
Federal Title III Funds	\$1,496,110
<b>Total Cost of LEP Education</b>	<b>\$122,321,507</b>
<b>Percent of Total Education Budget</b>	<b>30%</b>

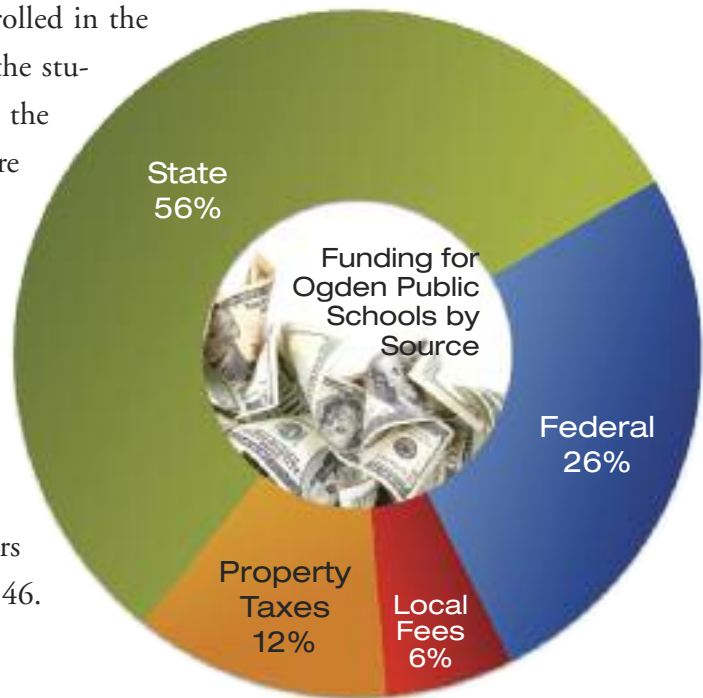
Source: Utah State Office of Education and Granite School District

## Ogden School District

ALTERNATIVE LANGUAGE SERVICES [WWW.ODGENSD.ORG](http://WWW.ODGENSD.ORG)

“IN ORDER TO PREPARE LIMITED ENGLISH PROFICIENT STUDENTS TO FUNCTION IN A GLOBAL SOCIETY, THE OGDEN CITY SCHOOL DISTRICT WILL PROVIDE THE NECESSARY SERVICES TO ENSURE EQUAL ACCESS [SIC] TO ALL EDUCATIONAL OPPORTUNITIES.”<sup>36</sup>

Six percent of LEP students in Utah are enrolled in the Ogden school district, yet a full quarter of the students enrolled in district schools are LEP. In the 2010-11 school year 3,133 out of 12,568 were classified as LEP. The Ogden district received a \$462,000 grant from the state to offset LEP costs, and there were no Title III federal funds recorded in the budget. The cost to educate LEP students in that district is estimated at \$28.5 million, also a quarter of the overall education budget. Ogden funded English Language Learner Family Literacy Centers through a block grant from the state of \$73,346.



### LEP Education in Ogden Public Schools 2010–2011

Total Enrollment	12,568
LEP Enrollment	3,133
LEP as Percentage of Student Population	25%
LEP Cost Per Pupil	\$9,092
Cost of LEP Education	\$28,485,236
Federal Title III Funds	\$0
<b>Total Cost of LEP Education</b>	<b>\$28,485,236</b>
<b>Percent of Total Education Budget</b>	<b>24%</b>

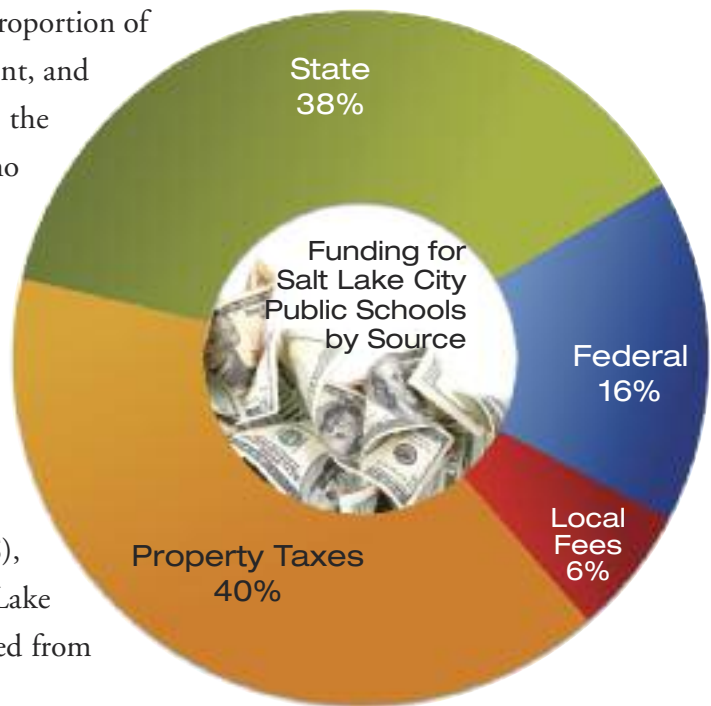
Source: Utah State Office of Education and Ogden School District

## Salt Lake City School District

ALTERNATIVE LANGUAGE SERVICES [WWW.SLCSCHOOLS.ORG](http://www.slcschools.org)

GOAL: "TO PROVIDE [ALTERNATIVE LANGUAGE SERVICES] AND QUALIFIED STAFF TO ASSURE EQUAL OPPORTUNITIES FOR LIMITED ENGLISH PROFICIENT STUDENTS TO PERFORM AT THE SAME ACADEMIC LEVELS AS THEIR ENGLISH-SPEAKING PEERS AND ATTAIN HIGH SCHOOL GRADUATION."<sup>37</sup>

The Salt Lake City District had the highest proportion of LEP students in Utah in 2010-11 at 30 percent, and contained 13 percent of all LEP students in the state. Salt Lake City also had 237 students who were identified as LEP but whose parents decided not to enroll them in LEP classes. 7,179 students were reported as receiving LEP services in 2010-11 at a cost of \$73,441,170. There were no Title III funds recorded in the 2010-11 Salt Lake City budget, though \$1.6 million was allocated under the Alternative Language Services (ALS), which administers LEP education in Salt Lake City. 745,000 of the ALS budget was received from the federal government.<sup>38</sup>



### LEP Education in Salt Lake City Public Schools 2010–2011

Total Enrollment	23,960
LEP Enrollment	7,179
LEP as Percentage of Student Population	30%
LEP Cost Per Pupil	\$10,230
Cost of LEP Education	\$73,441,170
Federal Title III Funds	\$745,288
<b>Total Cost of LEP Education</b>	<b>\$72,695,882</b>
<b>Percent of Total Education Budget</b>	<b>28%</b>

Source: Utah State Office of Education and Salt Lake City School District

\* Reported in the annual budget under the Alternative Language and Indian Education Programs



## LEP and Academic Performance

The cost of funding LEP education in Utah is immense, but the results are less than stellar. Even though the four year graduation rate for LEP students has risen nearly 30 points since 2008, it is still only at 45 percent, over 30 percentage points below the state average for all students.<sup>39</sup> The four year graduation rate is lower than the drop-out rate for LEP students, which is 52 percent, 13 points higher than the drop-out rate for the next highest student cohort (Hispanic/Latino, 39%). The graduation rates for LEP students in the three highest LEP districts are Granite 32 percent (65% for all students), Ogden 53 percent (61% total), and Salt Lake City 38 percent (62% total).<sup>40</sup>

Statewide, 37 percent of LEP students were classified as having “attained proficiency” in 2010, which is above the set target, but a mere 27 percent were classified as “making progress,” well below the goal of 35 percent. This indicates that the number of LEP students attaining proficiency in coming years is likely to decline.

LEP students perform poorly on Criterion Reference Tests (CRT), required for all public school students to test their mastery of the Utah core curriculum, even though they can benefit from special language accommodations on the tests.<sup>41</sup> On the 2010 CRTs, only 36 percent of LEP students passed the language arts test, compared to 85 percent of native English speakers. On the mathematics test only 30 percent of LEP students passed, compared to 71 percent of native English speakers. The results of the science CRT were even worse, 18 percent of LEP students passing compared to 73 percent of their native English-speaking peers.<sup>42</sup> This represents a decrease in LEP student performance on all CRTs over the previous two years, while overall passing rates have increased.<sup>43</sup> The results for the districts are in the table below:

District	LANGUAGE ARTS				MATHEMATICS			
	Grades 3-8		Grades 10-12		Grades 3-8		Grades 10-12	
	LEP	ALL	LEP	ALL	LEP	ALL	LEP	ALL
Granite	43%	70%	29%	80%	38%	64%	14%	46%
Ogden	43%	64%	42%	73%	29%	51%	9%	40%
Salt Lake City	51%	73%	43%	76%	48%	67%	16%	49%

\* Results for science CATS unavailable by district.

An LEP student generally spends several years in the program, requiring high levels of spending and keeping overall student performance low.<sup>44</sup> Even after many years in the public school system, LEP students score consistently lower in reading and mathematics with the gap growing larger in the upper grades, as evidenced by the Utah CRT results. A 2008 study by the National Clearinghouse for Eng-

lish Language Acquisition, which is funded by the U.S. Department of Education, found a noticeable “achievement gap” between native English speakers and students whose first language is not English, “even after these [LEP] children have spent five or six years in U.S. schools.”<sup>45</sup>

The high percentage of LEP students in Utah, and their poor academic performance, must be considered a significant factor in the state’s failure to meet federal guidelines for student performance, and any attempt to improve upon this performance must confront the impact that the LEP student population is having on educational quality in the state and plan for its likely continuance well into the future if it continues to encourage additional illegal residents.

## Charter Schools in Utah

Seven percent of Utah’s students attend charter schools and that number is growing fast. In 2010-11 there were 78 charter schools operating in Utah with an enrollment of approximately 40,000, with a waitlist of 10,000.<sup>46</sup> This is up from just six charter schools and 3,900 students who attended in the inaugural year in 1999.<sup>47</sup> Charter schools together are considered as one separate school district, making it the fifth largest district in the state.<sup>48</sup> Charter schools are public schools and subject to most of the same requirements. Charter schools are funded on the same level as other public schools but are more heavily reliant on state funding to make up for local property taxes that do not fund charter schools within the district boundaries.<sup>49</sup>

The proliferation of charter schools in Utah may exacerbate the problem of LEP education and funding in public schools in Utah. Thirty-five percent of LEP students are enrolled in charter schools in just two institutions, the Dual Immersion Academy (Salt Lake County) and Freedom Academy (Utah County). If this is indicative of a larger trend, the result will be a large number of charter schools with very few LEP students and high concentrations of LEP students in a few charter schools. Non-charter schools may also see an increasing proportion of non-English speaking students.

**Utah Charter School Enrollment 2005–2010**

	Total	LEP	% LEP
2005	9,348	53	0.6
2006	18,010	122	0.7
2007	21,042	473	2.2
2008	26,690	644	2.4
2009	33,445	924	2.8
2010	39,444	1,025	2.6

It is too early to make any definitive determination about the relationship between charter schools and LEP education, but the early trend indicates that it is resulting in a form of linguistic segregation. Such a scenario would create a situation where already inadequate resources are diverted away from schools with low LEP populations to schools with high concentrations of LEP students, since the cost of LEP education is much more expensive. Or, schools with high concentrations of LEP students will be deprived of the necessary funding.

## Conclusion

The Pew Hispanic Center has estimated that the number of school-age children of immigrants nationwide will reach 17.9 million by the year 2020, and will account for all of the growth in the K-12 student population after 2005.<sup>50</sup> It is difficult to estimate how many of these students will require LEP education, but the recent trend strongly suggests that the percentage of students in U.S. schools who lack proficiency in English will continue to rise. By 2020, the children of immigrants are estimated to make up 30 percent of the total U.S. child population and the number of second and third generation children who are in LEP classes is predicted to increase substantially.<sup>51</sup>

Utah is an example of how LEP students impact school spending and how LEP students fare poorly in their struggle to achieve proficiency in core subjects. The impact that a large influx of LEP students into a particular school district has on the native-born children there requires further study. Is the quality of public school education in America suffering from the growing numbers of immigrant children who do not speak English? Are we widening the already substantial gap between the haves and the have-nots as more affluent families pull their children out of public schools and enroll them in private or charter schools where academic standards are significantly higher?

The growth of the LEP population is not inevitable. Because the rise in the LEP population correlates with the rise in the immigrant population, particularly illegal aliens, the impact on schools can be diminished by overall reductions in immigration and better enforcement of current immigration law. Research clearly shows that illegal aliens and their children are more likely to lack English proficiency. Unsecured borders and lax interior enforcement by the federal government is compounded by states like Utah that offer themselves as “sanctuaries,” in effect illegally harboring illegal aliens. Federal and state policy decisions have contributed to the presence of almost 54,000 students in Utah public schools who struggle to comprehend English.

Though the children of legal immigrants do not have as great an impact on LEP expenditures, excessive levels of government-sanctioned immigration nonetheless have a significant impact on local governments, which are forced to provide basic education and remedial language instruction to children entering their public schools. The disconnect between immigration policy and its effect on vital social institutions must be acknowledged and addressed. State and county education officials can do a much better job of quantifying the cost of LEP education, and assessing the impact these students have on the quality of education for the general student population.

Educators should also be focused on how best to prepare the native-born student population for college or for entry into the U.S. workforce. Those native-born students who have only a high school education are especially hard-hit in today's job market because they are the ones directly competing against, and often losing low-skilled jobs to, illegal aliens. Those who go on to college are facing increased costs and competition for a limited number of seats at American universities, and college graduates are facing calls for the admission of greater numbers of skilled foreign workers.

Most of all, policymakers at all levels need to examine the effect of mass immigration on our most important social institutions. While the problems affecting America's educational system are numerous and well-documented, the added burdens imposed by our failed immigration policies and local sanctuary ordinances exacerbate already formidable challenges. The struggle of Utah public schools represents a prime example of the disservice such federal and local policies impose on the taxpayers who support overburdened schools and the children they are trying — and all too often, failing — to educate.

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