

Educating Non-Citizens—Reading

In today’s world, millions of people move each year from one country to another. They leave their countries for many reasons. Some are seeking work. Others are refugees from war or civil unrest. Some are trying to escape persecution, while others are attracted to freedoms or comforts in another land. Some people want a new start in life or a chance to reunite with their families. Every nation has the right to control who crosses its borders. Very often the process of applying for legal entry into another country is long, complicated, and expensive, with no guarantee of success. While many immigrants have the time, the resources, and the connections to migrate legally, millions more face great barriers.

According to the United Nations High Commissioner on Refugees (UNHCR), more than 10 million people are “stateless” (officially without a country), and another 25 million people in 50 countries are “internally displaced persons” (IDPs)—people who have been forced to flee their homes to escape armed conflict, chaos, violence, human rights abuses, or natural or man-made disasters. Often desperate to escape such conditions, many people enter other countries illegally. Democratic societies see themselves as sharing equality through citizenship. Lacking citizenship, undocumented non-citizens raise fundamental questions for democracies about the difference between the rights of citizens and the rights of all persons in a country—particularly regarding government services. One flashpoint for this debate is public education.

The Right of a Child to an Education

In 1989, the United Nations General Assembly adopted resolution 44/25, “The Convention on the Rights of the Child.” This Convention, approved by 192 member states, spells out many human, economic, and social rights and protections for children regardless of their country of residence or origin. Article 28 of the Convention deals with education. It says in part that signatories “recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular: (a) Make primary education compulsory and available free to all; (b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child....” The Convention makes no distinction among children with

26 different kinds of legal status in a country, and each country decides for itself how to fulfill their
27 obligations under the Convention.

28 **Access to Education by Unauthorized Alien Youth in the United States**

29 According to estimates, hundreds of thousands of undocumented youth are enrolled in American
30 elementary and secondary schools; most were brought by their parents. More than 400,000 such students
31 have been in the United States for at least five years, and each year nearly 50,000 of them graduate from
32 high schools. For these children, “home” is the United States. Their friends, culture, and self-identify are
33 American. Although they do not enjoy legal status, they can attend public schools because of a decision in
34 1982 by the U.S. Supreme Court.

35 In the United States, education is not considered a “fundamental right”—that is, a right protected by
36 the federal constitution. Instead, education is a responsibility of state governments. In 1982, the Court heard
37 the case of *Plyler v. Doe*. A Texas law withheld state funds from local school districts for the education of
38 children who were not “legally admitted” into the country. It also authorized local school districts to not
39 enroll such children. The case was brought by illegal immigrants who claimed that the Texas law violated
40 the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution, which provides that no
41 State shall “deny to any person within its jurisdiction the equal protection of the laws.”

42 By a vote of 5-to-4, the Court held that the Fourteenth Amendment protects anyone who is subject
43 to the laws of a state. Writing for the Court, Justice Brennan noted that “[w]hatever his status under the
44 immigration laws, an alien is surely a ‘person’ in any ordinary sense of that term.” The Court also held that
45 the Texas law did not have a “rational basis” for discriminating against this class of persons and that, in
46 fact, it would impose a lifetime hardship on a discrete class of children who were not responsible for their
47 status. *Plyler* ensures that every child in the U.S., regardless of their legal status, is entitled to a free public
48 education through high school.

49 **College Funding for “Unauthorized Alien” Students: The DREAM Act**

50 In 1996, Congress passed and President Clinton signed the Illegal Immigration Reform and
51 Immigrant Responsibility Act. Section 505 of this legislation restricted state educational benefits to

52 unauthorized alien students by making them ineligible for any state loans or scholarships to public colleges
53 and universities; these students were already ineligible for federal financial aid. These two policies left
54 most of these students without a chance to attend college.

55 In 2004, the “Development, Relief and Education for Alien Minors (DREAM) Act,” was proposed
56 in Congress by Senator Orrin Hatch (R) of Utah, Senator Richard Durbin (D) of Illinois, and others. This
57 policy was intended to provide undocumented high school students who wished to attend college or serve
58 in the armed forces a legal opportunity to pursue and get financial help for these goals. Qualifying students
59 had to: not have a criminal record; have entered the U.S. before they were 16 and lived in the country for at
60 least five years; and have graduated from high school or its equivalent. At present, the DREAM Act has not
61 been enacted.

62 **The DREAM Act: Supporters and Opponents**

63 Senator Dianne Feinstein (D) of California, a co-sponsor of the DREAM Act, said that “I believe it
64 is in the national interest to provide talented students who have clearly embraced the American Dream the
65 incentive to take the path towards being a responsible, contributing, law abiding member in our civic
66 society.” Advocates also believe that the DREAM Act is smart policy. Since Americans cannot expect that
67 every unauthorized non-citizen can be deported from the country, providing an education for every child—
68 citizen and non-citizen—is both wise and fair. Otherwise, these undocumented young people will grow up
69 without an education and remain on the margins of society. After all, the best way to learn about being a
70 citizen is to go to school. By receiving a publicly funded education, these young people will be encouraged
71 to become full participants in democratic life.

72 Other supporters say that education is a human right. Undocumented children did not decide to
73 enter the country by themselves—their parents made that decision. Public education for both citizens and
74 non-citizens fulfills a basic need of every person in our democracy. Education today reasonably includes
75 the opportunity to attend college for those students who are ready academically. Such a policy does not
76 create a special privilege for these youth: it levels the playing field by removing barriers that currently
77 prevent them from reaching their full potential.

78 Opponents argue that the DREAM Act sends the wrong message. They see this and other programs
79 for unauthorized immigrants as a reward for illegal behavior. Phyllis Schlafly, the founder of Eagle Forum,
80 has argued that “[t]here was no misunderstanding about what this law means, either when Congress passed
81 it or when President Clinton signed it... ‘illegal aliens are not eligible for in-state tuition rates at public
82 institutions of higher education.’” The DREAM Act will only encourage more families to enter the country
83 illegally so that their children can benefit. The result punishes citizens and mocks legal immigrants who
84 have “played by the rules.”

85 Opponents also argue that the cost of providing a college education to unauthorized aliens will
86 come at the expense of students who are citizens. “[DREAM] will place American citizens in direct
87 competition with illegal aliens for scarce slots in freshmen classes at state colleges and universities. This is
88 a massive giveaway of higher education while awarding the illegal alien students with an amnesty,”
89 according to the Federation for American Immigration Reform. (FAIR). “This massive giveaway of higher
90 education to illegal aliens comes at a time when every state university system is raising tuition and cutting
91 education benefits.”

92 Opponents also say that the supporters of the DREAM Act fundamentally misunderstand what has
93 always been a central purpose of American public education: preparing young people for citizenship.
94 Investing public dollars to teach people who are not citizens would be wasteful and foolish. Ultimately,
95 every country provides its citizens with special benefits and privileges over non-citizens. Public higher
96 education is one such benefit of citizenship.

Name: _____ Period: _____ # _____

Educating Non-Citizens

Directions:

1. Read – Educating Non-Citizens. Annotate using the Annotation Guide and take notes as you read the document.
2. When you finish annotating, answer the following Reflection of the reading
3. After you reflect upon what you read-Explain if you agree or disagree with the arguments made for or against the central question and REMEMBER TO EXPLAIN WHY.
4. Finally, PREPARE for the Discussion: What is your thesis/answer to the central question? Support your thesis with facts/evidence gathered from the reading. Try to reference the text (using line numbers).

Central Question:

Should our democracy extend government support for higher education to immigrants who - as young people - have entered the country illegally?

1. What is the analytical question asking? - Re-write the question in your own words.
2. What terms in the question need to be defined? (Democracy)- Define

#1 Reflection of READING...

I'm a little confused about...

The big idea inherent in this case seems to be...

The most interesting claim the author made was...

I'd like to talk with other people about ...

#2 Arguments to think of- Supporting or Opposing the Central Question

Arguments to Support the Question (Do you agree or disagree-Why?)

1. Education is a human right. Support for higher education for both citizens and non-citizens fulfills a basic need of every person in our democracy, especially in the 21st century when many jobs require a college education.

2. Democratic society depends on the education of every person. Since we cannot expect that every unauthorized non-citizen can be deported from our country, these undocumented young people will remain in our society. Educating them and allowing them a pathway to legal citizenship will allow them to become productive citizens who pay taxes.

3. Children most often did not decide to enter the country illegally. This decision was made by their parents. Children should not be punished for what their parents do.

4. Offering support for college education to law-abiding, unauthorized immigrant students is fair and in the best interests of the country. The best way to learn about being a citizen is to go to school. Providing unauthorized immigrant students with publicly funded education will encourage them to become full participants in our democratic society.

5. Providing publicly funded higher education does not give unauthorized alien students any special privileges. It merely removes barriers that currently prevent them from reaching their full potential.

Arguments to Oppose the Question (Do you agree or disagree-Why?)

1. Providing government support for college education for non-citizen youth is misguided. A central purpose of public education is to prepare young people for citizenship. It is foolish to spend public dollars educating people who are not citizens.

2. Every country privileges citizens over non-citizens. In a democracy, citizens participate in the decisions of government and therefore receive special benefits such as the right to vote, to travel in and out of the country freely, and to receive public support for higher education.

3. Government support for higher education is an allocation by citizens of limited public resources. Providing unauthorized alien students with a college education means less money for other programs that benefit legal immigrants and citizens.

4. While children are not responsible for the decisions of their parents, our democracy is responsible for meeting only their basic human needs. Our democracy does not owe unauthorized immigrant children a college education.

5. People should not be rewarded for illegal behavior. Providing government support for college education to unauthorized alien students will only encourage more families to enter our country illegally so that their children can benefit. Taxpaying citizens subsidize the education of people who broke the law.

#3 *Should our democracy extend government support for higher education to immigrants who - as young people - have entered the country illegally?*

Socratic Seminar Worksheet

Claim: the argument you make/the point you prove during the Socratic Seminar based on the reading

Supporting idea #1:

Line #/Evidence:

Supporting idea #2:

Line #/Evidence:

Supporting idea #3:

Line #/Evidence:

Supporting idea #4:

Line #/Evidence:

Supporting idea #5:

Line #/Evidence:

**(Pick out 3 main points you would like to address in the discussion-
reference the line numbers)**

Point 1)

Point 2)

Point 3)

Discussion Rubric for The Dream Act

	4 Excellent	3 Good	2 Could be Better!	1 Unacceptable
Preparation	<ul style="list-style-type: none"> All reading is complete prior to beginning of discussion Annotating Complete Student has completed all assigned work prior to discussion, demonstrating a great deal of thought and effort <i>Discussion Packet</i>	<ul style="list-style-type: none"> All reading is complete prior to beginning of discussion Annotating Complete Student has completed all assigned work prior to discussion <i>Discussion Packet</i>	<ul style="list-style-type: none"> All reading is complete prior to beginning of discussion Annotating Incomplete Student has completed most of the assigned work prior to discussion <i>Discussion Packet Incomplete</i>	<ul style="list-style-type: none"> Reading is not complete Missing Annotating Work is not complete <i>Discussion Packet not done</i>
Participation	<ul style="list-style-type: none"> Student contributes several times to each topic, but allows others to contribute to the discussion, too. (TEXT-BASED) 	<ul style="list-style-type: none"> Student contributes at least two time to the topic (Text-based) 	<ul style="list-style-type: none"> Student contributes at least one time (Text-based) 	<ul style="list-style-type: none"> Student hardly ever talks OR never gives anyone else a turn to talk
Quality of responses	<ul style="list-style-type: none"> Student uses accountable talk appropriately Arguments are well thought out and well composed. Student gives opinions or responds to group members using text evidence or other examples 	<ul style="list-style-type: none"> Student uses accountable talk appropriately Arguments are well thought out and well composed with little difficulty. Student gives opinions or responds to group members; often uses examples or text evidence 	<ul style="list-style-type: none"> Sometimes student forgets to use accountable talk Arguments not very well thought out or composed. Student often gives opinions, but rarely responds to others OR does not use evidence to support ideas 	<ul style="list-style-type: none"> Student never uses accountable talk No arguments were made or arguments were not well thought out or composed. Student sometimes gives opinions, but never responds to others
Respect and Manners	<ul style="list-style-type: none"> Student always listens while others are speaking and looks at them Student provides feedback, asks follow-up questions, and gives compliments Student often helps those who are struggling Student is courteous and polite at all times 	<ul style="list-style-type: none"> Student always listens when others are speaking Student sometimes gives feedback or asks follow-up questions Student occasionally helps those who are struggling Student is almost always polite and courteous 	<ul style="list-style-type: none"> I can't tell if this person is listening, but he/she looks like he/she is Student usually just answers the questions; does not respond to what others say Sometimes student forgets to be polite 	<ul style="list-style-type: none"> Student sometimes writes notes, reads, or spaces out when others are speaking Student says rude or inappropriate things to others
Reflection	<ul style="list-style-type: none"> -Student demonstrates personal discussion strengths and weaknesses -Reflection shows thorough thoughtfulness and has supporting details and examples of deeper learning. -All parts of the reflection are complete and well done. -Student established strong clear goals for future learning and discussions based on the areas where they need to make more progress 	<ul style="list-style-type: none"> -Student identifies most discussion strengths and weaknesses -Reflection shows thoughtfulness with some details and examples of learning -The reflection is complete -Student established goals for future learning and discussions 	<ul style="list-style-type: none"> -Student identifies some discussion strengths and weaknesses -Reflection shows some details and examples of learning -The reflection is incomplete -Student established some goals for future learning and discussions 	<ul style="list-style-type: none"> -Student did not identify discussion strengths and weaknesses -Reflection lacks or is missing details and examples of learning -The reflection is not complete -Student did not establish goals for future learning and discussions

Name _____ Period _____ # _____

Socratic Seminar Analysis (after discussion)

Should our Democracy extend government support for higher education to immigrants who- as young people- have entered illegally?

1. How often did you participate and did your comments use text-based evidence?

2. Self Assessment

Taking a position on a question	5	4	3	2	1
Using evidence to support a position or presenting factual information	5	4	3	2	1
Drawing another person into the discussion	5	4	3	2	1
Asking a clarifying question or moving the discussion along	5	4	3	2	1
Highlighting and marking the text with questions/commentary	5	4	3	2	1

3. Did you gain a better understanding of the Dream Act from the seminar- Be specific?

Which number best describes your understanding of the focus issue? [circle one]

1 2 3 4 5



NO DEEPER MUCH DEEPER
UNDERSTANDING
DEEPER

MUCH

UNDERSTANDING

3. Did your view on the Dream Act change due to this discussion? In what ways- Be specific?

4. What is your goal for the next discussion we have?

5. Explain at least one point/argument from the debate that you had not thought of before and "made you think" (You do not have to necessarily agree with the points/arguments)

Additional comments.

Socratic Seminar-Peer Observation Guide

After you have made observations, evaluate your partner's discussion skills. On a scale of 1-5, with 5 being the highest, how well did your partner do at the following?

Peer Observation:

_____ **Made at least two relevant (text-based) statements/ Provide Examples**

Evidence -1 _____

Evidence-2 _____

_____ **Tactfully challenged the accuracy (what line did you find that on) or clarity of statements made by others in a civil manner**

Evidence/Example: _____

_____ **Built upon or invited the of others to the discussion**

Evidence/Example: _____

_____ **Used Accountable Talk (I would like to disagree, - Accountable Guide)**

Evidence/ Example: _____

_____ **Student actively listened to all the points and pieces of evidence addressed in the conversation**

Evidence/Example: _____

Recommendations/Notes:

Discussion Skills: (Speak loudly/clearly, stay on topic, interrupt others, monopolize the discussion/ air-time, side-conversations, responded appropriately)

Positive-One thing the student did well or the best 😊: