

MINUTES OF THE SENATE EDUCATION COMMITTEE

The meeting was called to order by Chairman Dwayne Umbarger at 1:35 p.m. on February 11, 2004 in Room 123-S of the Capitol.

All members were present:

Committee staff present:

Debra Hollon, Legislative Research
Theresa Kiernan, Office of the Revisor of Statutes
Judy Steinlicht, Committee Secretary

Conferees appearing before the committee:

Reginald Robinson, President/CEO Kansas Board of Regents
Elias Garcia, Kansas Hispanic Affairs
Melinda Lewis, ElCentro, Kansas City
Sister Therese Bangert, Kansas Catholic Conference
Kristian Guzman, Student, Hadley Middle School, Wichita
John Martellaro, President, Kansas Families United for Public Education
Andrea Pardo, Student, Wyandotte High School, Kansas City
Leo Casados, Democratic Hispanic Caucus
Don Whitten, Concerned Citizen
Susan Tully, Federation for American Immigration Reform
Paul Degener, Concerned Citizen
Connie Morris, Concerned Citizen

Others attending:

See Attached List

Hearing on Sub HB2145--Postsecondary educational institutions, resident tuition and fees for noncitizen students

Chairman Umbarger opened hearings on **Sub HB2145** and asked each conferee to limit the time of their testimony to 2-3 minutes each because of the number of conferees wishing to speak.

Reggie Robinson, President & CEO of the Kansas Board of Regents, reported that the Board supports the concept of expanded educational opportunity that **Sub HB2145** provides. The legislation would work to enhance opportunity for students to attend one of the state's institutes of higher education. The state needs a highly educated workforce if it is to remain competitive and reach its full potential. (Attachment 1)

Elias L. Garcia, Executive Director, Kansas Advisory Committee on Hispanic Affairs, spoke in support of **Sub HB2145**. Mr. Garcia pointed out that this bill sets eligibility criteria and does not provide for any monetary subsidy. Mr. Garcia said this bill is about a vision that recognizes that native Kansas' populations are significantly in the decline and that if Kansas communities are going to maintain the quality of life they have in the past, they must successfully adapt non-native populations in their mainstream. The challenge for Kansas policy makers and communities is to collectively embrace a vision that factors in the tremendous resources of human capital in the immigrant community and convert it into societal assets that will ultimately benefit Kansas. (Attachment 2)

Melinda K. Lewis, Director of Policy Advocacy and Research, ElCentro, Inc. supports **Sub HB2145**. She would like to clear up the misconceptions that this bill would give immigrant students advantages over U.S. students. It will not give financial aid or free college tuition to the immigrant students, but allow them to pay in-state tuition rates. **Sub HB2145** concerns students in Kansas who have not yet become permanent residents by the time of their high school graduation. They are students that live in and have gone to school in Kansas for at least 3 years, they are bilingual and bicultural, they plan to stay in the U.S., but have not yet received their citizenship. Their families have been waiting for years for the U.S. Citizenship and Immigration Services to process their paperwork. These students can go to college now, but under the current law, they would have to pay out-of-state tuition which most of them cannot afford. (Attachment 3)

CONTINUATION SHEET

MINUTES OF THE SENATE EDUCATION COMMITTEE at 1:30 p.m. on February 11, 2004 in Room 123-S of the Capitol.

Sister Therese Bangert, Kansas Catholic Conference spoke in favor of **Sub HB2145**. Sister Therese told the committee that care for children is central to the ministry of the Catholic Church, which includes care for the immigrant and refugee children. The church joins the voices of those young persons and their parents that this legislation will impact, and urges the committee to recommend this bill to the full Senate for passage. ([Attachment 4](#))

Student, Kristian Guzman, told the committee that his parents crossed the border without a visa and people call him illegal and tell him to go back to Mexico. His younger brother & sister were born in the U.S. and he calls this his country. He wants to be a legal citizen and go to school to become a space engineer. He was able to go to Washington and visit with Repr. Tiahrt and Senator Brownback about supporting a bill similar to **Sub HB2145**. ([Attachment 5](#))

John Martellaro, President of Kansas Families United for Public Education spoke in favor of **Sub HB2145**. The children that will benefit from this bill are children of parents who are residents of this state, who work and pay taxes. These are children that have achieved the graduation requirements of a Kansas high school in spite of the high educational standards and the poverty in which most of these young people live. A deeper reason is that these young people in Kansas love freedom, they are working hard, against great odds, to embrace the American dream. ([Attachment 6](#))

Andrea Pardo, a senior at Wyandotte High School in Kansas City, Ks., told the committee she had been studying hard to get good grades to go to college. Andrea came to the U.S. with a visa and did not understand, write or read English when she came to the U.S. Since 10th grade she has learned to understand, read & write English; she is fourth from the top in her senior class out of 230 students, and she does not have the assurance that she will be able to go to college. She is planning to stay in the U.S. and wants to continue her education and be a role model in her community. ([Attachment 7](#))

Leo Casados, Vice-Chair, Democratic Hispanic Caucus, told the committee that the intent of **Sub HB2145** is not only reasonable, but the right thing to do. Mr. Casados said with our President's "No Child Left Behind" and our Governor who has made education the number one priority of her administration, it only stands to reason that this legislature would support this bill to facilitate and support the educational endeavors of our leaders. Hispanics are the youngest and fastest growing population in the U.S. and are the largest minority population in the U.S. Education is the key that connects all people and communities. **Sub HB2145** will give the Hispanic youth an opportunity to succeed and Mr. Casados urged passage of the bill. ([Attachment 8](#))

Donald Whitten, a concerned citizen, from Wamego, Kansas spoke in opposition of **Sub HB2145**. Mr. Whitten's concern is the "careless manipulation of the immigration policy by yielding to the demands on behalf of the illegal immigrant and sympathizers." He feels passage of **Sub HB2145**, "granting illegal immigrants privileges not accorded the American citizen is erroneous." He believes the whole immigration issue has become a financial strain on the public, throughout America. He believes an individual entering the U.S. illegally, is by law, a criminal and that they should be deported. He also believes those who are aiding and abetting a criminal should be charged with such actions. ([Attachment 9](#))

Susan Tully, Mid-West Field Director, Federation for American Immigration Reform (FAIR) spoke in opposition to **Sub HB2145**. She believes the bill puts the state of Kansas in the position of aiding and abetting, encouraging and enticing illegal aliens to come and remain in Kansas in violation of Federal law. She believes the bill requires U.S. citizens and legal immigrant students to compete with aliens for a seat in Kansas universities and colleges. She believes the bill requires the citizens of Kansas to pay a subsidy to people who have no legal standing to even be here and if enacted will force law abiding citizens to pay a subsidy to lawbreaking foreigners who can't even vote. She believes the bill keeps illegal aliens out of the review of the Dept. of Homeland Security by way of the SEVIS tracking program. Ms. Tully believes legislation should be considered that would require all universities and colleges within Kansas to enroll only students who are citizens or those who have legal immigration status. ([Attachment 10](#))

W. Paul Degener, concerned citizen, spoke against **Sub HB2145**. Mr. Degener doesn't understand how we can reward illegal aliens who are breaking the law with a "financial windfall" when the citizens of the

CONTINUATION SHEET

MINUTES OF THE SENATE EDUCATION COMMITTEE at 1:30 p.m. on February 11, 2004 in Room 123-S of the Capitol.

U.S. are expected to obey all Federal and State laws. The federal government already mandates that states provide a secondary education and health care to these immigrants which creates a tax burden on citizens throughout the country. (Attachment 11)

Concerned citizen, Connie Morris, spoke in opposition to **Sub HB2145**. She stated that endorsing illegal behavior is a disgrace. It is the parents who chose to cross an international border; they placed their children's lives in jeopardy, not the Kansas taxpayers. She believes the children of the illegal immigrants should be assisted in returning to their country, where they could spread the knowledge they obtained in America. (Attachment 12)

Time did not allow for all proponents to speak. Testimony in support of **Sub HB2145** is being provided as written. These are from Jim Edwards, KASB (Attachments 13) and Mark Desetti, KNEA. (Attachment 14)

Written testimony in favor of **Sub HB2145** was provided by Dr. Gary George, Olathe School District (Attachment 15); Porfirio Ramirez, Admissions Counselor, Ft. Hays State University (Attachment 16); Dr. David L. Benson, Superintendent of Schools, Overland Park, Kansas (Attachment 17)

David Hanley, Secretary Treasurer, GCIY Local 560 provided written testimony in opposition of **Sub HB2145**. (Attachment 18)

Chairman Umbarger asked for a show of hands from committee members if they wanted to continue the hearing now and let the revisor explain amendments. Senator Oleen interjected that the committee had an opportunity to hear this bill last year and again today. Senator Oleen made a motion to recommended **Sub HB2145** favorably for passage. Seconded by Senator Downey. Chairman Umbarger asked for comments from other members of the committee if they wanted more time to consider the bill. Senator Vratil said he felt rushed and asked that Senator Oleen withdraw her motion so that the bill could be considered in a less hurried fashion. Chairman Umbarger said it was his desire to hold final action the first part of next week. Senator Oleen said she would be absent Monday and Tuesday and suggested a meeting at the rail today on adjournment of the Senate session. Chairman Umbarger said he would require 100% attendance if there is a meeting at the rail. It was decided to meet at the rail on adjournment or sooner if there was a break during session.

Meeting adjourned at 2:45 p.m. The next meeting is scheduled at the rail today, February 11, 2004.

(Meeting at the rail was cancelled)

SENATE EDUCATION COMMITTEE GUEST LIST

DATE - 2-11-04

<u>NAME</u>	<u>REPRESENTING</u>
Paul Nguyen	Concerned Citizen
Denise Apt	U.S.D #1500
Mark Desetti	KNEA
Jim Edwards	KASB
Andrea L. Pardo	Wyandotte High School
Kristian Gorman	Wyandotte Hadley Middle School
JOHN MARTELLARO	KS. FAMILIES UNITED FOR PUBLIC ED.
LEO CASADOS JR.	KANSAS HISPANIC CAUCUS
Raymond Rico	University of Kansas HALO
Joanira Sumaya	Washburn U. HALO - KACHA
El Yanez	KS Hispanic Affairs /
Eva Pereira	—
S. Therese Bangert	Ks. Cath. Conf.
Melinda Lewis	El Centro, Inc.
Ada L. Whitten	Citizen
John L. ...	"
John Gully	Federalist for American ...
Connie Morris	Citizen!
Mick Urban	Kansas bus Service
Tony Cellitti	" " "
Ralph Hiett	Citizens for Voters Rights
Oppose HB 2145	top, Ks.
Ed Pugh	State Senator, 1st Senate District



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Testimony Regarding Substitute for House Bill 2145 Senate Education Committee

February 11, 2004

Reginald L. Robinson
President & CEO, Kansas Board of Regents

Chairman Umbarger and members of the Committee, I appreciate this opportunity to appear before you to offer views on behalf of the Kansas Board of Regents regarding Sub. H.B. 2145 – legislation that would allow some undocumented immigrants to pay tuition at resident rates to attend the State's public universities.

My message from the Board of Regents to the Committee this afternoon is a simple, but important one. The Board supports the concept of expanded educational opportunity that Sub. H.B. 2145 represents. This legislation, if enacted, would work to enhance the likelihood that students who either graduate from Kansas high schools or earn state-issued GED certificates will attend one of the state's institutions of higher education. Given the increasingly global and increasingly competitive economic environment that confronts us, the state truly needs a highly educated workforce if it is to remain competitive and reach its full potential. Measures such as this one, which remove barriers to access, are helpful and important in that regard.

During its April 2003 meeting, the Board unanimously endorsed the position I have just expressed. And the Board also directed me to contact legislative leadership to urge interim consideration of this legislation, which has occurred.

Before the Board expressed its views on this proposal, Board staff did provide some technical assistance to a number of legislators with strong interests in this proposal. We also expressed some legal reservations about the legislation as it was originally introduced. In particular, we were concerned about the propriety of the proposal in light of the federal Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA). Under the Act, undocumented aliens shall not be eligible for any postsecondary education benefit that is given on the basis of residence within a state unless a U.S. citizen or national is eligible for the same benefit without regard to that citizen's residence in the state. We were concerned that, in its original form, Sub. H.B. 2145 flew in the face of this federal prohibition.

*Senate Education
2-11-04
Attachment 1*

The version of the bill that ultimately made its way through the Kansas House of Representatives, however, addresses the concern by removing any reliance on residency to identify those intended to benefit from the proposal. While these changes address the federal legislative concerns, they also work to expand the size of the group that would be eligible for the benefit. In its current form, the bill would provide the opportunity to pay attend our state universities at an in-state tuition rate to any students who have attended a Kansas high school for three years **and** either attained a Kansas high school diploma **or** earned a Kansas-issued GED. As a result of this change, some residents of other states, we think primarily Missouri, but likely other border state residents as well, would receive this in-state tuition benefit.

As the original fiscal note for this bill indicates, we are unable to provide reliable estimates of the number of students who might be affected by this proposal. However, with the addition of the House amendments, we were able to determine that last year there were approximately 65 students enrolled in the six state universities who pay out of state tuition even though they attended Kansas high schools at some time. Assuming that every one of those students met the requirements of the proposal, the approximate fiscal impact would be the loss of \$433,636 in tuition revenue. Presumably, however, additional students would be able to attend the institutions who were not able to do so previously, which would generate new tuition dollars.

We have considered a number of specific modifications that could help to address this “unintended beneficiary” issue. For example, the period of attendance in a Kansas school required to become eligible for this benefit could be extended from three years to five or six years. Such a change may not significantly affect the group intended to benefit from this legislation. But at the same time it could reduce the size of the unintended beneficiary class, thus reducing the adverse fiscal impact on the state’s universities.

Again, the Board is pleased to **strongly endorse this legislative effort.** I will be happy to address any questions members of the Committee have at this time. Thank you, Mr. Chairman.

Senate Education Committee

Elias L. Garcia, Executive Director
Kansas Advisory Committee on Hispanic Affairs
February 11, 2004

Mr. Chairman and honorable members of the Education Committee, my name is Elias L. Garcia, Executive Director of the Kansas Advisory Committee on Hispanic Affairs, and I thank you for the opportunity to speak in support of sub. for HB 2145, a bill that establishes criteria for determining a student's eligibility for in-state tuition and fees at Kansas post-secondary educational institution.

AS we proceed with this debate, it is of prime importance to note that all sub. For HB 2145 does is set eligibility criteria, it does not provide for any monetary subsidy, it is not a set aside, a preference, nor does it incorporate any guarantees of success to its targeted population i.e. immigrant students whose residency documentation is incomplete. This bill is ONLY about OPPORTUNITY and "Opportunity" is an age-old American value that sets us apart from every other country in the world. Hard-work, sacrifice, perseverance, believe in the future and opportunity will come your way - that is the American way and that is what substitute for HB 2145 is all about.

Sub. For HB 2145 is also very much about our future and having a vision for Kansas, a collective vision that is inclusive of all its resident populations and embraces the cultural diversity that abounds within its borders. Its about a vision that recognizes that native Kansas' populations are significantly in the decline and that if Kansas communities are going to maintain the quality of life they have enjoyed in years past, then, they must successfully "absorb", "adapt", "assimilate" and "integrate" non-native populations into their local mainstream. Populations that will one day soon replenish, if not replace, the contributions to local, state, and national, economies, tax bases, social security coffers, etc. that heretofore been supported in large part by the (aging) native Kansas populations.

Ladies and Gentlemen, Kansas demographic studies signal a very disconcerting trend in our states population that merits our undivided attention. Perhaps this is best illustrated by Graham County, as it leads the nation in percent of population depletion . Other Kansas demographic data show that total child population declined in 66 Kansas counties (63% Kansas counties). Twenty seven counties (26%) have less than one thousand children and 79 (75%) other counties, the number of children younger than age of 5 has decreased.

Conversely, Kansas Hispanic populations, doubled between 1990-2000 (U.S. Census Data). The increase in the Kansas Hispanic Child population is more than twice the rate of the increase for the nation as a whole (heaviest concentration in ages Birth to 9). In 13 Kansas counties (12%) more than 20 percent of the child population is Hispanic.

So what does all this population data mean? Well, one can conclude that throughout the state of Kansas, native Kansas populations are and will continue to experience a rise in death rates, a drop in birth rates, and zero population growth. On the other hand, the Hispanic population will continue its tremendous rate of growth due in large part to tremendous birth rates, low death rates, and active influx in immigration. This data also suggests that Hispanics will reside in Kansas for many years to come.

Honorable members of the Committee, Hispanics and Latinos permeate the fabric of our American culture and our influences, talents and leadership are felt in all sectors of our society. Perhaps our most striking contribution is in the area of labor and our sweat equity -- Latinos / immigrants represent 34% of all domestic workers, 23% of farmers and fisherman, 21% of assembly-line workers and 18% of service industry labor. Perhaps the quote from the national president of the Chamber of Commerce best exemplifies the importance of the Latino presence in

*Senate Education
2-11-04
Attachment 2*

the U.S. when he said, "... if all immigrant Latino labor were to pack up and go home, the U.S. would have to shut down..."

The challenge for Kansas policy makers and communities alike is to collectively embrace a vision that factors in the tremendous resource of human capital that is the immigrant community and convert it into societal assets that will ultimately benefit the whole of Kansas. This is not a unique concept as Georgia and Georgia State University (attach'd) most recently awarded 4 full tuition scholarships to 4 undocumented Latino youths (all with a 4.0 gpa). Across this country, states like Georgia are beginning to see the tremendous potential of the Latino and immigrant community and that potential is in this room today and resides throughout the state of Kansas. Georgia knows that today's undocumented immigrant in all likelihood will be tomorrow's productive, contributing and proud American citizens and leaders.

In closing, let me say that we have all heard the expression "Mi Casa es Su Casa", well ladies in gentlemen, letting individuals come over to your house is one thing, letting them in the door INTO your house is the next big step and quite frankly, it is the American thing to do.

Georgia State U. Gives Full Scholarships to 4 Undocumented Teens

By Daniela Montalvo

Four undocumented Latino teenagers who were leaders at their Georgia public high schools are gaining a chance to obtain a U.S. college education, thanks to full-tuition scholarships offered by Georgia State University in Atlanta. At the end of their first semester at GSU, all four, with origins in Mexico,

Honduras and Venezuela, earned GPAs of 4.0 or higher.

The students, three young women and a young man, were at the top of their high school classes. Zayra Alicia Fosse, Hispanic recruitment director of GSU, told Weekly Report.



FOSSE

All had grade point averages of 3.5 and above, outstanding SAT scores and extensive involvement in community service, especially within the Latino community.

Seven Latinos in all were recipients of GSU Goizueta scholarships this year. Their tuition is covered by the Goizueta Foundation, which was founded in 1992 by Cuban immigrant Roberto Goizueta, the late chairman of the Coca-Cola Company.

Students who lack immigration papers are ineligible for federal education loans. Even if they attend public universities in their home state, they often must pay out-of-state tuition rates. Without the scholarship, each of the four students would have had to paid more than \$72,000 in tuition. As one recipient noted, "This scholarship is a liaison between my dreams and reality."

Fosse made the point, "I would much rather educate these students and make them productive members of society. It is a small investment."

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February 11, 2004

Chairman Dwayne Umbarger
Senate Education Committee
Kansas State Capitol, 401-S

The discussion around HB2145 has sometimes been complicated; legislators and educators struggle to understand the complex immigration laws that surround these students and to interpret how these laws impact students' educational opportunities. At other times, this debate has been rather confused, with some incorrectly believing that HB2145 gives immigrant students advantages over U.S. citizens, that it provides financial aid or "free college" to undocumented students, or that it steps into federal territory by legislating immigration policy. Sometimes discussions of HB2145 have been disingenuous, lacking an honest accounting for the tax contributions of undocumented immigrants and their families or a recognition that these families fulfill the spirit of the requirements for instate tuition eligibility, if not the letter of the law post 1996. Occasionally, dialogue about HB2145 and the students it would affect has been quite short-sighted, failing to consider the long-term ramifications of having a large segment of our population that is bright and talented but uneducated. Most dishearteningly, the conversation about HB2145 has at times been mean-spirited and sad, with some attacking immigrant children as opportunistic vultures and their parents as shiftless criminals and demanding that these Kansans leave the state, and the country, in a rhetoric that defies Kansas' traditions as an open-minded, just, and inclusive place.

It is our hope that, out of these many varied discussions about this important measure and the valuable students it would impact can come not only sound public policy regarding our system of higher education but also a stronger statewide consensus to deal with such policies, in the future, in a visionary and pragmatic style that more appropriately characterizes the Kansas spirit. I hope to answer a few questions today that will enable us to move forward, as a state, and to open the door of educational opportunity to students who well deserve it and who have waited patiently for their chance to succeed.

Who are these students?

HB2145 concerns students in Kansas who have not yet become permanent residents by the time of their high school graduation. Educated in the U.S. and growing up in Kansas, these students are bilingual and bicultural, often identifying more with this country than with the country of their birth. They intend to stay in the U.S. and have much to offer. Some of these students are undocumented; others have other, nonpermanent immigration statuses that, while making it legal for their parents to work in the United States, do not qualify them for instate tuition under Kansas' current law. Many have been waiting for the U.S. Citizenship and Immigration Services (formerly BCIS, formerly INS) to process their families' paperwork for years. What they share in common as a group is their preparation for higher education, their willingness to find a way to finance higher education at instate rates, and their commitment not to let their twelve years of investment in their education go to waste as they work towards their goal of U.S. citizenship.

Why can't these students continue their educations now?

Prior to 1996 and the passage of the Immigration Reform and Immigrant Responsibility

Senate Education
2-11-04
Attachment 3

Act in the U.S. Congress, undocumented immigrant students were considered for in-state tuition similarly to lawful immigrants and U.S. citizens; if they had lived in the state for a long-enough period, they were considered Kansas residents. This changed in 1996, though, and now states cannot base eligibility for in-state tuition on residence for undocumented immigrants. In most Kansas institutions of postsecondary education, today, then, these young people are considered foreign students and required to pay out-of-state tuition. The differential tuition rates for in-state and out-of-state residents instituted by the Kansas Board of Regents serve to facilitate enrollment by Kansas residents whose families, as Kansas taxpayers have supported our public colleges and universities. These students fit that description. Regardless of their immigration status, they pay sales taxes, income taxes, property taxes, Social Security taxes, and Medicare taxes. After having overcome many obstacles to graduate from high school, including learning English and mastering academic subjects, most of these students find the financial burden of out-of-state tuition to be an insurmountable barrier. At the University of Kansas, for example, out-of-state tuition is \$8099 per year instead of \$2336 for a Kansas resident.

Can Kansas pass this law without stepping into federal jurisdiction over immigration law?

The state of Kansas cannot address immigration challenges comprehensively, as immigration policy (regulating who can come in, in what numbers, when, and how) is the exclusive purview of the federal government. However, states across the country have increasingly taken steps to address immigrant policy, determining how immigrants are received once they come to the United States and what their likelihood of success is. Currently, Texas, Utah, Washington, Illinois, New York, California, and Oklahoma allow immigrant students to be admitted as in-state residents, paying the same tuition and fees as other taxpaying resident students, provided that these students have attended school in the state for at least two or three years, depending on the state's specific legislation. Several other states, including Colorado, Nebraska, Massachusetts, Florida, Missouri, and Oregon are considering such legislation, along with Kansas, this year. And Georgia and Delaware have administratively changed procedures to accomplish the same intent as HB2145. Federal law is clear that there is no prohibition on allowing undocumented students to enroll and, if citizen students receive the same benefits, to be charged the equivalent of in-state tuition at public colleges and universities. HB2145 has been, with the assistance of the Kansas Board of Regents, carefully worded to ensure compatibility with Section 505 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

What would HB2145 mean for Kansas?

Despite impacting relatively few students, this legislation could have significant positive fiscal impact. Reducing the dropout rate, an anticipated consequence of creating greater incentives for continuing education, would save the state significantly, as it is estimated that states spend approximately \$250,000 for each dropout in supportive educational services, justice system costs, public benefits, and other costs over his/her lifetime.¹ Attainment of higher education benefits the state long after the student graduates from college, as well; a high school graduate earns only 56% of what a college graduate earns, on average, and pays far less in taxes over his/her lifetime.¹ In addition, having a highly-educated workforce will help Kansas to attract and retain quality jobs, a cornerstone of our economic development. This is an investment opportunity Kansas cannot afford to ignore.

Immigration and, in particular, undocumented immigration, are controversial and complicated forces shaping the future of our state, our communities, and our nation. These students, and their desire for an education, are neither complicated nor controversial. As they work towards U.S. citizenship, we must put aside our feelings about their parents' decision to come here and simply answer the question: "Will they be well-educated citizens or less educated ones?"

Sincerely,


Melinda K. Lewis

Director of Policy Advocacy and Research, El Centro, Inc.



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Senate Education Committee
Sub HB2145
February 11, 2004
Kansas Catholic Conference
Sister Therese Bangert

Several years ago in the Kansas City Metropolitan community a group called Partnership for Children led a campaign titled - "Is it Good for the Children?" The Partnership asked people to consider this question in their discussions and decision making.

Sub for HB2145 is about children and opportunities for unfolding their gifts - unfolding their gifts for their good and the common good.

In January of 2003, the Catholic Bishops of Mexico and the United States issued a joint statement titled: **Strangers No Longer: Together on the Journey of Hope.**

I quote from this document:

The building of community with migrants and new immigrants leads to a growing sense of solidarity. . . As leaven in the society, pastoral agents (of the Church) can be instruments for peace and justice to promote systemic change by making legislators and other government officials aware of what they see in the community. Working closely with other advocates for workers and with non-governmental organizations, the Church can be instrumental in developing initiatives for social change that benefit the most vulnerable members of the community. (#43)

The document further states the necessity of the Catholic Church being part of "... **confronting attitudes of cultural superiority, indifference, and racism; accepting migrants not as foreboding aliens, terrorists, or economic threats, but rather as persons with dignity and rights, revealing the presence of Christ . . .**" (#40)

Care for children is central to the ministry of the Catholic Church. Care for the immigrant and refugee is central to the ministry of the Catholic Church.

We join the voices of the young persons and their parents that this legislation will impact. We join the voices of informed, thoughtful educators in Kansas who believe this policy is good for the children and the state of Kansas.

We ask you to recommend this bill to the full Senate for passage.

MOST REVEREND GEORGE K. FITZSIMONS, D.D.
DIOCESE OF SALINA

MOST REVEREND JAMES P. KELEHER, S.T.D.
Chairman of Board
ARCHDIOCESE OF KANSAS CITY IN KANSAS

MOST REVEREND THOMAS J. OLMSTED, J.C.D., D.D.
DIOCESE OF WICHITA

MOST REVEREND RONALD M. GILMORE, S.T.L., D.D.
DIOCESE OF DODGE CITY

MOST REVEREND EUGENE J. GERBER, S.T.L., D.D.
RETIRED

MOST REVEREND MARION F. FORST, D.D.
RETIRED

MICHAEL P. FARMER
Executive Director

MOST REVEREND IGNATIUS J. STRECKER, S.T.D.
RETIRED

Senate Education
2-11-04
Attachment 4

Testimony for Kristian Guzman
Member of Sunflower Community Action
1528 N. Broadway, Wichita, Kansas 67214

Good morning, my Name is Kristian Guzman, I'm a Seventh grader at Hadley Middle School in Wichita. Thank you very much for allowing me to speak to you again.

Some of you have already heard my testimony but thank you for giving me the opportunity to address those who have not heard it.

I'm here to tell you why I think you should vote in favor of this bill but I know that there's a lot of people speaking here today that could probably give a better answer to that question than a thirteen year old, all I can say is that for reasons I could not control, my parents crossed the border without a visa and that means that in this country they call me "il legal" because people say I don't have a right to be here.

People say I should go back to Mexico and go to school there but my parents have worked here for almost 10 years, they bought a house in a nice neighborhood close to my school, I have a younger brother and sister who were born here and as for myself I don't know any other country than this one, this is what I call my country.

All I know is that I would like to go to school and be a space engineer but the only way I can do that is if you give me a chance. If you do that I promise that to make you proud, I promise to stay in school and do everything possible in order to reach my goal.

I've been in to Washington D.C. and met with Representative Todd Tiahrt and Senator Sam Brownback and was able to talk to them about supporting a similar bill in Congress that would make me a legal citizen. I am very happy to know that there are still people like them who understand what is like to be an immigrant and are willing to stand by us even though others may talk bad about them.

You have the power to decide what my future will be and all I can do is hope and pray that you will decide to stand by ME.

Thank you

Senate Education
2-11-04
Attachment 5

Testimony by John Martellaro, President of Kansas Families United for Public Education, on HB 2145

Today, this committee is considering whether to allow children who graduate from Kansas high schools to attend Kansas colleges at the in-state tuition rate, whether or not those children enjoy the legal privilege of American citizenship.

We are talking about young people who are residents of this state, whose parents pay taxes, and who pay taxes themselves. These are young people who have achieved the graduation requirements of a Kansas high school, which is no small feat, given our state's high educational standards and the poverty in which most of these young people live.

As President of Kansas Families United for Public Education, I have spent a lot of time over the past two years, as have many of our members, studying our state's educational system. As many of the committee members are aware, our group is a bi-partisan, volunteer organization of Kansas parents and taxpayers committed to our state's constitutional mandate to provide a suitable public education for all Kansas children.

Our research has convinced us of the value of excellent public schools such as those we have in Kansas. Great public schools do not just benefit the students who attend them, but the communities in which they exist. Education is the foundation of good citizenship, economic development, a quality workforce and property values. This is why our organization has worked so hard to persuade the legislature and the governor to provide proper funding for our schools.

But while increasing school funding to appropriate levels is our number-one issue, our organization agreed some time ago that we also needed to take a stand against those who seek to advance their own political fortunes by promoting division and fear, and trying to introduce those negative concepts into the debate over school funding. We stand for educating all children, as the constitutions of both our state, and the United States, require.

But I have an even deeper reason why I come here today to speak in favor of this bill. I am here to address a far more fundamental question. What does it mean to be an American?

In contemplating this question, one event keeps surging to the forefront of my memory. In the 1960s the United States, and the world, was embroiled in the terror of the Cold War. The entire population of the planet had to choose sides, between the totalitarianism of Soviet Communism, and the freedom embodied in the American Dream.

This conflict between two radically different views of the world was contested across the globe. One of the flashpoints of that era was the city of Berlin in Germany. In 1963, Communists surrounded and blockaded the city, hoping to break the will of the freedom-loving people who sought to maintain their ties to America and NATO.

*Senate Education
2-11-04
Attachment 6*

During this desperate time, the President of the United States, John F. Kennedy, traveled to Berlin. He went there to stand with those people. He didn't ask to see their citizenship papers. He did not care whether they spoke English. He looked into their hearts and saw a love of freedom, and the courage to pursue their version of the American dream against great odds. So he stood with them, and embraced them, and said in their language "Ich bin ein Berliner" – I am a citizen of Berlin.

Today, I can do no less. I look into the hearts of young people in Kansas who love freedom; who are working so hard, against such great odds, to embrace the American dream. It reminds me of my Irish forebears, who spoke English, and my Italian ancestors, who did not, yet both passed through the gates of Ellis Island to become full shareholders in that great American dream.

And so I have no choice but to stand with them, and embrace them, and say to you in the language so many of them speak, "Yo soy de los Estados Unidos." I am of the United States. I am an American.

I urge you to pass House Bill 2145 and show your support for the love of freedom and the American Dream. Thank you.

February 11, 2004

Chairman Dwayne Umbarger
Senate Education Committee

Through my school years I have been studying hard to get good grades and make my way to go to college. I was sure I was going to get there. Now, my desire to get a higher education is bigger than ever before because the time to graduate from high school is getting short.

However, the coming to the United States has made a radical impact in my life. My parents, brother and I came to the U.S. with a visa as I was getting ready to start high school. I didn't understand, write or read English. I had to use a dictionary for every class and stay after school to do and understand my homework. I started to translate their world, the teachers' world, to mine. I have kept on reading, writing and speaking English to finally overcome my language problems, so I can get education. I need education, because it's the way that I have been walking to reach my goals in life. I want to be an architect.

Since I came in the 10th grade, my grades show that I do my best to learn. I am at the top of the senior class, the forth out of 230, and I still don't have the assurance that I will get a post-secondary education. The tuition is just inaccessible. I can't study and work long hours to afford the high costs of education, if I don't sacrifice time that I need to study.

I have been involved in many community services, projects and activities that promote learning, leadership and volunteering. I have encouraged kids and teenagers to get education, but sometimes I wonder how I myself am going to get there if the barriers that keep me from going to college are out of my hands.

I am afraid of not achieving my dream to become an architect. I am afraid that many of my classmates won't achieve their dreams to go to college. Why are our talents invisible to many people? Why is the development of our potential is denied?

We are here, we plan to stay here, and we desperately need your support. Not next year, not in five years. We need to go to college now, because our communities need role models and the awakening of hope for many immigrant students. If I have the opportunity to go to college, I will continue to work as hard as I have in high school. I will be a source of pride to my family, my high school, and my entire community. My talents will be felt in the buildings of the future in Kansas, and in the development of future generations.

Sincerely,

Andrea Pardo
Senior, Wyandotte High School
Kansas City, KS

*Senate Education
2-11-04
Attachment 7*

Senate Education Committee

Testimony - Sub. HB 2145

Leo Casados, Vice-Chair

Democratic Hispanic Caucus

February 11, 2004

My name is Leo Casados, Vice Chair of the state wide organization Democratic Hispanic Caucus. On behalf of the Hispanic Caucus, thank you for the opportunity to speak in support sub. for HB 2145.

Ladies and Gentlemen, I would like to add our voice to the many in Kansas, not just Hispanics, who know that the intent of HB 2145 is not only reasonable, but also the right thing to do.

In an era where our President's bilingual credo is that NO CHILD SHALL BE LEFT BEHIND, and our Governor who has made Education the number one priority of her administration, it only stands to reason that this body, this legislature would also support the fundamental principle that the future belongs to our youth and act accordingly to facilitate and support the educational endeavors of our leaders of the 21st century, including Hispanics.

Since 1960's, Hispanics have been the youngest and fastest growing population in the United states and on January 22, 2003, the US Census officially declared that Hispanics are the largest minority in the United States and comprise 13 percent of the population. Population growth is but one dynamic that has been used to provide some insight into the future. Ladies and Gentlemen, given the Hispanic past, present numbers and our future growth projections, it is undeniable that the Hispanics are positioned to significantly influence the American society.

Education is the key and the bridge that connects all people and all communities. It is incumbent on members of our society and indeed this body to endeavor to eliminate all barriers toward securing a post-secondary education on behalf of those students who have earned the right to succeed! As a baby-boomer addressing my fellow baby-boomers on this respective committee, I ask you to reflect on our past and appreciate the actions of past political leaders as they enacted laws to level the playing field. Specifically, Affirmative action initiatives that not only helped me but thousands of others who, but for these initiatives, would not have had the opportunity to succeed.

Senate Education
2-11-04
Attachment 8

Again, this was an opportunity afforded me and many others and we made the most of this opportunity. That's what HB 2145 is all about, giving our youth the opportunity to succeed. Not giving them a hand-out or special treatment, all we are talking about is giving future generations of our brightest kids the chance to succeed by eliminating artificial barriers that are very unreasonable and that will have a dramatic negative effect on the future of our Hispanic children.

America is all about capital and so is the Hispanic/immigrant community. Through generations of expenditure of our human capital and sweat equity, our community is vested in yours. We are one and the same and it is incumbent on all us to bring our communities closer together, and passage of HB 2145 is one small step forward, a giant leap for Kansas mankind. I urge to support 2145 and thank you for the opportunity to speak before you today. Respectfully.....

Senate Education Committee
Chairperson Senator Umbarger
February 11, 2004

Subject: Testimony, hearing on HB 2145, Educational provision
for the immigrant student.

Chairperson Senator Umbarger, Vice Chairperson Senator Vratil,
Committee Members, and Guest.

I am Don Whitten, a constituent of the 1st Dist., represented by
Senator Ed Pugh. My concern is the careless manipulation Of the
Immigration Policy by yielding to the demands on behalf of the
Illegal immigrant and sympathizers.

The settling of America during the 19th century drew many
immigrants from foreign countries. The reasons were many,
however through their eyes they were leaving lands of
corruption, and poverty. This, they were trading for a land of
Opportunity.

The "Welcome mat" with no control was in place until the 1880s,
at which time the flow of immigration was showing a negative
impact on society.

Congress reacted in 1882 by passing the Chinese Exclusion Act,
prohibiting Chinese immigration into America for a ten year
period. This Act also banned criminals, mentally ill, retarded,
and those most likely to become public charity cases. Other than
this immigration restriction, the law was open to all. Later
this Act was extended indefinitely, and repealed in 1943.

The ending of World War 1 left Europe with many refugees
migrating to America. To stem the flow, Congress voted in the
Emergency Quota Act in 1920. This act prohibited all Japanese
immigration, while Mexico was excluded. Immigration counts went
from 110,000 in 1919 to 430,000 in 1920 to 805,000 in 1921.
Immigration policy was once again reviewed in 1929 by Congress,
resulting in limiting immigration to 150,000 per year.

Mexicans migrated to America by the thousands in the early 20s.
Coupled with the depression era, found America again looking at
the immigration policy. Congress deported many Mexicans back to
their homeland. Many of these deported had been given American
Citizenship.

Immigration policy was relaxed during World War 2. The period
1960 through 1970 the number of Latinos in America increased from
an estimated three million to nine million and an estimate of
five million being illegal.

During the 80s to present time, very little has been done to control the immigration traffic. INS's inability to control immigration of various ethnic groups is once again causing many concerns. President Bush just recently mandated one billion dollars for the health care of illegal aliens. Free education for illegal immigrants. The cost generated by illegal and card holding immigrants coupled with Social Security, health care, and welfare far out distance any positive gain to the American economy.

Our leadership accepting many demands as set forth by religious, non-religious groups, illegal and legal immigrants and various sympathetic groups and or individuals, is contradictory to the legal process. Coupled with industrial sectors, and many companies and businesses moving out of, and or out sourcing their business to foreign countries will place Kansas in a peril, never before experienced, as it will, all of America.

You have at this very time, that scenario on the Capital steps. American citizens are forced to train Mexican citizens in the manufacture or service, of a company going to Mexico. Thus placing Topeka citizens of that company out of employment, and the local economy in jeopardy. A fine "thank-you" for years of outstanding service to the Topeka community. This scenario did not just develop in Topeka, Kansas. This scenario is due to the lack of accountability of the leaders within the infrastructure of America.

The passing of HB 2145, granting ILLEGAL IMMIGRANTS privileges not accorded the American Citizen is erroneous. There are citizens still owing \$35,000 and more for higher education, struggling to pay the dept on a \$10.00 per hour job, and fortunate to be employed. Governor Sebelius is now asking those same citizens displaced by the Mexican Industrial movement (brought about by the National Treaty agreement) to finance an Educational System for the illegal Mexicans residing illegally in Kansas and throughout America. This whole immigration issue has become a financial strain on the public, through-out America.

It may not be Politically correct to interject an option at this time, however I have not been informed of a correct time.

The need to finance, and yield to the demands of the illegal immigrant and their sympathizers who ever they may be, is not the main problem, it is a derivative of the whole. The whole lies in the fact, America is dealing with an illegal immigration issue. An individual committing an illegal act, is commonly referred to as a criminal under our court of law. Therefore, an individual entering our country illegally, is by law, a criminal. For political reasons across the infrastructure of America, coddling this classification of criminal in our society, has spiraled out of control.

Legislative action must be taken at all levels of the American infrastructure to curb the disregard of present Immigration Laws. These laws need to be reviewed and revised to conform to the present requirements of America's infrastructure, industrial, and economic needs.

Once determining the status of an illegal immigrant as being a criminal, therefore the only logical move is to deport the individual criminal back to country of origin. Returning to their homeland, they could then work with the leaders of that country in establishing a government and economy geared to the needs of said country.

Industry, sympathizers, individual, or groups, including paid State Servants, State officers, and employees, found in aiding and abetting a criminal, shall be charged with such action.

To regain control of the immigration issue, will require harsh actions to bringing immigration back to conform to the present needs and economic times.

I ask, if there are other options on the table, please add these to them for consideration. Demands being made by illegal immigrants, and sympathizers have been discussed and debated time and time again. This Legislative Session is the time to bring this issue to a close, patterned on above options or similar options including the closure of all borders.

Thank-you for your consideration in the above matter.



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FAIR
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Testimony of
Susan P. Tully
Mid-West Field Director
Federation for American Immigration Reform

Presented to

Kansas State Senate
Education Committee
Hearing on Substitute HB 2145
February 11, 2004

Chairman Umbarger and committee members, my name is Susan Tully. I am the Mid-West Field Director to the Federation for American Immigration Reform (FAIR). FAIR would like to go on the record for the second time as being opposed to HB 2145. While language has been changed from the original version the intent of the bill remains the same, to grant in-state tuition, a taxpayer subsidy to people present in the United States in violation of law.

- HB 2145 puts the State of Kansas in the position on aiding and abetting, encouraging and enticing illegal aliens to come and remain in Kansas in violation of Federal Law.
- This bill requires US citizens and legal immigrant students to compete with illegal aliens for a seat in Kansas Universities and Colleges.
- This bill requires the citizens of Kansas to pay a subsidy to people who have no legal standing to even be here and if enacted will force law abiding citizens, who you were elected to represent, to pay a subsidy to lawbreaking foreigners, who can't even vote for you.

HB 2145 keeps illegal aliens who graduated from high school in Kansas out of the review of the Department of Homeland Security by-way-of the SEVIS tracking program, while all other foreign students are required to participate in it. Allowing foreign illegal aliens to attend Kansas Universities and Colleges without DHS review puts our nation at risk for terrorism. SEVIS was actually created because of a terrorist student, Eyad Ismoil, who attended Wichita State University, and became the bomber of the World Trade Center in 1993 and killed six people. A second terrorist student attended Kansas State University, Nasser Hidmi, who was arrested by Israeli authorities in an attempted terrorist bombing. More than 200 terrorists or agents of terrorist regimes and organizations received student visas to enter the United States during the last decade, how many more are in Kansas illegally?

Senate Education
2-11-04
Attachment 10

During my research to come here today, I spoke to many of the Universities and Colleges Admissions Offices in Kansas, they assured me their populations of students is higher than ever. This bill isn't about empty seats in classrooms. I was told that many times it takes 4-6 years for students to get a bachelors degree, because the classes students need to finish, are too full, and they are forced to wait. With this state facing budget deficits, this bill isn't about Kansas having too much money and its need to find ways to spend taxpayer dollars.

This bill is about illegal aliens who have broken our law and now want to attend Kansas Colleges Universities and get the Kansas taxpayers to pick up the tab for two thirds of their education. This bill is about universities and colleges who need to sell education to students, legal or illegal. After all, they get their full amount of tuition for each student, whether the student or the taxpayers pay it. (It was the universities and colleges that fought SEVIS from being mandated in 1999 and again in 2000, a tracking system which may have caught many of the 9-11 terrorists, had it not been for the university and college lobby against SEVIS.) This bill is about big businesses that hire illegal aliens, and encourage them to come here, who make big profits paying them less than Americans use to make doing those same jobs, but now the taxpayers get to supplement those low wage earners with social services, medical care, food stamps, free education K-12, and if this bill passes, subsidized college educations. This bill is about Immigration Law Attorneys and Immigrant Advocate Groups who make money by assisting illegal aliens with forms, legal needs, and educating them as to how they can manipulate US Government programs. This bill is even about the growing interest in illegal aliens by the Catholic Church whose population has grown in huge numbers because of the millions of Mexican and Latin American Catholics who have come to the U.S. illegally. Please do not accuse me of being a Catholic Church basher, I am Catholic. This bill jeopardizes this country's security. The 9-11 Families for A Secure America asked me to tell you this bill allows terrorists to hide in the sea of illegal aliens who have invaded our country. And when legislation such as this is passed, it encourages more lawlessness that will surely lead to additional acts of terror.

Pressure to pass this legislation and more like it has come from many directions. With a record 10-13 million illegal aliens in this country, solutions may seem overwhelming. Granting legalization in various forms, seems the simple answer. But as President Bush has learned since his ill-advised announcement of his proposed Guestworker Plan, Americans are not tolerating lawmakers who look the other way on illegal immigration. Polls continue to show 85-90% of Americans want illegal immigration into the United States stopped. Voters are beginning to make their voices heard and the elected officials need to pay attention.

Some elected officials are already paying attention. In Arizona a bill in the House of Representatives, HB2392 would reverse legislation that granted in-state tuition to illegal aliens. Virginia's House of Representatives passed a bill last week 71-29, which would expel illegal aliens from their colleges and universities. The bill is on its way to the Virginia Senate. (copies of news articles are attached)

Ladies and Gentleman, defeat this legislation. Consider legislation instead, that would require all universities and colleges within Kansas to enroll only students, who are citizens or those who have legal immigration status to be in the United States for educational purposes. Thank you

W. Paul Degener
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January 27, 2003

SUBJECT: Sub HB 2145 In-State Tuition for Illegal Aliens

Mr. Chairman and members of the committee, thank you for allowing me to appear before this body.

My name is Paul Degener and I reside in Shawnee County. I am here as a concerned citizen in opposition to this legislation.

I want to state that I am not opposed to controlled legal immigration policies, but there are several issues that have me puzzled.

As a retired veteran of the United States Army, I have served in and traveled through several foreign countries. As soldiers, we were constantly instructed that we were guests in those respective countries. Translation: As guests we were expected to be aware of and obey the laws and traditions of those countries.

Our legislators in Washington pass laws and we as citizens are expected to obey those laws or pay the consequences.

Our legislators here in Kansas and the other 49 states pass laws and we as citizens are expected to obey the laws of the respective states or pay the consequences.

The several local governments throughout this country pass their respective resolutions and ordinances and we as citizens are expected to obey those resolutions and ordinances.

Having said that, I just don't understand why we are here today to discuss the possibility of rewarding thousands of illegal aliens with in-state tuition at our colleges and universities. What is wrong with this picture? What is it that we do not understand about illegal? How can we justify incarcerating other lawbreakers and at the same time reward illegal aliens with a financial windfall?

It is not enough that our federal government mandates that the states provide these people with a secondary education which creates a tax burden on the citizens throughout this country. It is not enough that the federal government mandates that these people be provided with free medical treatment in our emergency rooms, an additional financial burden on citizens of this country. It isn't enough that these people are trashing the ranches of the southwest as they make their way illegally through our country. It isn't enough that these people are terrorizing our ranchers and their families of the southwestern United States. It isn't enough that these same people are suing our federal governmental agencies because they did not provide water points in the middle of the

desert as they make their way illegally to the interior of the country. And it isn't enough that they want us to provide drivers licenses to illegal aliens, which would saddle the taxpayers with another tax burden. Now there are those who would have us provide them with in-state tuition. Who gets to pick up the financial slack if this goes through? I think I can even figure this one out. We the taxpayers get to pay for it. Forget the fact that these folks are lawbreakers.

We are providing these people with everything imaginable. I think our governor missed a golden opportunity. She could have given the illegal aliens the excess state cars that are being sold out at Forbes. I am sure the taxpayers could handle one more hit to the pocketbook.

Do you know what is really sad about this? Our young men and young women sign up to serve in our military services. In many cases, do to the nature of their duty assignments, they are required to live in sub-standard conditions, and their pay leaves a lot to be desired. In the majority of the cases they will be stationed outside of the confines of the state of Kansas for an extended period of time. Their parents may still be tax paying Kansas Citizens. When these young folks return to Kansas and desire to attend KU or KSU, guess what. Because they have been out of the state, they are required to pay out of state tuition. This is outrageous, to treat our Kansas Veterans in this manner and at the same time reward illegal aliens. Disgraceful.

How soon we forget. A little over two years ago, terrorists flew jet liners into the World Trade Center and the Pentagon. Over 3,000 lives were lost. If we pass this or similar legislation, such as drivers licenses, we are not only inviting even more illegal aliens into this state, but run the risk of drawing terrorists into this state. This is untenable and cannot be tolerated.

Last year the proponents of this legislation mentioned that Senator Sam Brownback co-sponsored the so-called DREAM Act, which would change the United States Code and allow states to provide instate tuition to illegal aliens. I contacted Senator Brownback about this, and his response was amazing to me. His response was; "In other words, it leaves this decision in the hands of the states". What is amazing about this?

When our founding fathers wrote our U.S. Constitution, they envisioned a limited Federal Government. The powers granted the United States Government are spelled out in Article I, Section 8 of the United States Constitution. Of all the times I have read Article I, Section 8, I can find no reference to education. The Founding Fathers even went so far as to provide us with a Bill of Rights, the first ten amendments to the constitution. The tenth amendment states:

"Amendment X

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

Ever since the inception of the Department of Education, the federal government has been in violation of the Constitution and the tenth amendment, and all of the several states governments have been guilty of allowing the federal government to get away with it. Now, all of a sudden, Senator Brownback, Senator Hatch and all of the others who signed on to the DREAM Act are concerned about states rights. The only time these folks reference the Constitution is when it works in favor of their agenda. How about getting concerned about the sovereignty of this state and the United States?

Do you remember that little crazy guy from Texas who showed up on our radar screens in the year 1992? He said that if Congress signed on to the North American Free Trade Agreement (NAFTA), that we would hear a big sucking sound when all of our jobs went south. That little crazy guy from Texas was Right. Soon after that we had the General Agreement for Trade and Tariffs (GATT). More jobs left the country. Now our manufacturing jobs are in China, Korea, and Taiwan to name a few. Now they are working on the Central America Free Trade Area (CAFTA). The goal is to complete the job by putting into effect the Free Trade Area of the Americas (FTAA) by 2005. The Free Trade Area of the Americas will expand NAFTA to include the entire western hemisphere. We will become the European Union of the western hemisphere.

In my opinion, HB 2145 is one small contributing factor toward implementing the Central America Free Trade Area and the Free Trade Areas of the Americas. All of these factors are contributing to reducing this state and this nation to a third world status.

Along these lines, a company, which has been in Topeka for 115 years, Adams Printing, has been training Mexican to operate their machinery. This machinery and Topeka jobs are scheduled to be shipped to Mexico next month. This action will result in the loss of jobs in Topeka to Mexico.

Don't view this legislation with tunnel vision. Look beyond in-state tuition for illegal aliens. Look at what has happened, NAFTA and GATT, what is happening, CAFTA and FTAA and what could happen and how this legislation might fit into the big picture?

I sincerely hope that this legislation and any other legislation, which is designed to reward illegal aliens, is buried and that it will never again see the light of day.

Thank you for your time.

It's an honor to be standing before you today. First, I want to thank you for the sacrifices you make in order to serve fellow Kansans. You are among the highest caliber of patriots and I appreciate you.

Today I am speaking to you in opposition of ~~HB 2145~~. SB 302.

I'm Connie Morris and I am from western Kansas. My husband and I farm, ranch and own a business. I am a certified teacher in three states and have taught in public schools for nine years. I hold a Bachelor's degree in Education and a Master's degree in Leadership. I am a published author and have spoken numerous times to national audiences on a variety of topics. Currently I am involved in several public policy activities such as working for an inter-religious advisory council to the UN, working for national immigration reform laws, working to shed light on the evils of incest and abuse, and serving on the Kansas State Board of Education.

I was reared in a home filled with violence and abuse. As a 12-year old I was the repeated victim of sexual abuse and incest and have survived rape -twice. I lived for years in a school bus, without electricity or running water. My life as a child and young adult was anguishing. Yet today, by the grace of God and the greatness of my country, I am well and happy.

I share this with you to make two points:

First: At no time in my destitution was it acceptable to ignore the law in order to alleviate my circumstances.

Second: The wrong-doing of my parents, placed my life on a perilous path that I will endure forever. I paid a mighty price for the poor decisions and actions of my parents.

Allowing in-state tuition for children of illegal immigrants is wrong. The arguments and statistics I could provide are enormous and lengthy, which of course you are already aware.

But let me make a plea that you may not have considered. Endorsing illegal behavior is a disgrace to the children who have lived it. It is the greatness of our heritage to do that which is right and difficult, not easy and wrong. It is laws, rules and borders that bring order to an otherwise chaotic and sometimes evil world.

Let us teach these precious young minds the value of law, regardless of the horrific price it may demand of them. When their parents chose to steal across an international border **they** (not Kansas taxpayers) placed their children's lives in jeopardy. By living every breath in this country as a liar and thief, these parents have disgraced their children and are guilty of negligence and abuse in clearest terms. Americans are better than that. I implore *you* to be better than that.

Senate Education →
2-11-04
Attachment 12

My husband and I financially support a Latin-American child named Eduardo. I pray for Eduardo frequently; that he will be raised up to deliver his nation from the corruption that keeps his people in poverty and danger. I believe in big prayers and a big God that wants to make Latin American nations as great, if not greater than any other.

A pastor friend recently told me he agreed with my views, just as polls show that 80% of the citizenry do also, but he asked me a profound question. A question that gets to the truth of this issue. He said, "I agree, but how do we minister to them?"

We need to get the lens of this issue in focus. The debate is dreadfully skewed. We shouldn't disgrace these illegal children by turning a blind eye, but instead let us embrace them by assisting them in returning to the land of their forefathers; to a culture they cherish and a language common to their hearts. The native lands of these children could benefit greatly from the knowledge they've obtained in America. Our example of a free, representative, republic nation should be spread around the globe. Sharing this freedom and democracy is, after all, our ultimate goal, isn't it?

The scoffers laugh. 15 million estimated illegals in America today. What fool would suggest the deportation of these people?!?—even though it IS federal law to do so. Well there's not enough time to defend my thinking. But consider this... is it also too many to add to our pool of applicants for government school loans? Loans that are based almost entirely on financial need. Loans that should be reserved for the Kansas families that have spent their lives planning, praying and paying taxes.

You know the many reasons why affirmation of this bill is wrong for Kansas taxpayers. But why is it wrong for the illegal, yet innocent young adult?

One word. A strange, archaic word... Love. Let us love and respect our neighbors like we do ourselves... We require of ourselves and our children only the best behavior... to live as a law-abiding citizen.

Love them. Stand strong. Look squarely in the eyes of the world's hopeful youth. Help them right the wrong committed against them that dreadful, dark day they were hustled across our border.

Display to them the level of anguish and struggle required of us all, in order to live with integrity and honor.

I pray right now that God will grant you strength and courage as you work toward rewarding those, who despite terrific difficulties, have managed to live within the law.

Please do not reward illegal behavior. Vote against ~~HB 2145~~. **SB 302**

Thank you.

KANSAS
ASSOCIATION



OF
SCHOOL
BOARDS

1420 SW Arrowhead Road • Topeka, Kansas 66604-4024
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Testimony on **Sub. for HB 2145**
before the
Senate Education Committee

by

Jim Edwards, Governmental Relations Specialist
Kansas Association of School Boards

February 11, 2004

Chairman Umbarger and members of the Committee:

I appreciate the opportunity to appear in front of you today to support **Sub. for HB 2145**, with the proposed additions coming out of the 2003 Legislative Educational Planning Committee (LEPC).

KASB did not testify on this issue last year, as our delegate assembly had not considered the proposal. They did so at their December 2003 session and I am here today to express their full support. KASB believes that Kansas' economic future and the continued growth of our citizens depends on an education system that is not only well rounded but also never-ending.

The students addressed in **Sub. for HB 2145** are persons that have already been participants in our K-12 system for at least three-years and in most cases, could not have started the application process to legalize his or her immigration status. One provision added by the LEPC would show not only the intent to legalize this status but also a desire to reside in the state past their high school graduation.

We believe that the provisions of **Sub. for HB 2145** will not only provide for strong citizens but also workers necessary for economic growth.

I thank you for the opportunity to appear before you today and would be happy to answer any questions you might have.

Senate Education
2-11-04
Attachment 13



Mark Desetti, Testimony
Senate Education Committee
Substitute for House Bill 2145
February 11, 2004

Mr. Chairman, members of the committee, thank you for the opportunity to come before you today to support Substitute for House Bill 2145.

We support passage of this bill because it is the right thing to do for high-achieving young people.

Despite what some may say, this bill does not reward illegal activity; it does not let the children of undocumented immigrants attend our universities for free; and it is not a handout.

Children stay with their parents and that fact is no different for the children of undocumented workers than it is for your children or mine. I've moved several times since becoming a parent and it never occurred to me that my children could or would not move with me. It is no different for these children. Their parents came to the United States for a chance at a better life – same reason my family left Losine, Italy for Monongahela, Pennsylvania in 1901. Their children came with them and those children did not ask, "Are we going there legally?" They just came with their parents.

The tuition rate set in this bill is not for all of these children, only those who have attended one of our Kansas high schools for three years and graduated from a Kansas high school. They must hold a Kansas high school diploma.

Their families have been here for at least three years. They have shopped in our stores and paid our sales taxes. They have paid property taxes either directly or indirectly through their rent. Other taxes have been withheld from their paychecks. And some of these children are even United States citizens having been born in this country.

These children did not come here consciously violating our immigration laws. They came with their parents. They attended our schools. They worked hard to get the kind of grades needed to enter our universities. They deserve a chance to get a post secondary education. These young people are committed to life in this great nation.

Passage of Substitute for HB 2145 will give them a chance to live that life well. It will reward high achieving, hard working students for a job well done. It's not about how their parents came here; it's about what those kids did once they got here.

Olathe School District
Testimony provided by Dr. Gary George
February 10, 2004

Regarding House Bill 2145

Chairman Umbarger and Committee Members:

It is a pleasure to submit testimony in support of House Bill 2145. House Bill 2145 allows students whose parents are undocumented, and who graduate from a Kansas high school or have a GED and meet admission requirements, to be treated as a Kansas resident for the purpose of tuition and fees at our state colleges and universities.

The Olathe Board of Education supports this concept. We believe that this bill will create more opportunities for young people in our school district and across the state. The current law requires these students to pay out-of-state tuition and fees, which creates a major financial hurdle for many of these young people. House Bill 2145 eliminates this financial hurdle. Many of these young people speak excellent English and have gone to school for many years in our country. They want to stay here, get a college education, a job, pay taxes, and contribute to our society.

We believe House Bill 2145 is a positive step toward helping these students become contributing members of our society. We encourage the Committee to approve this bill and support it on the floor of the Senate.

Senate Education
2-11-04
Attachment 15

February 11, 2004

Chairman Dwayne Umbarger
Senate Education Committee

My name is Porfirio Ramirez, and I am an admissions counselor at Fort Hays State University in Hays, Kansas. The main focus of my job is to recruit minority students. It is very exciting for me to meet with some of Kansas' brightest. I imagine that I care as much about these students being educated as anyone. I have been given a big responsibility, and I do not plan on taking it lightly. These students are our future leaders, and I absolutely believe that they will have a great part in making this country even better.

I am writing in support of HB2145.

I am a first-generation college graduate who is the oldest of 5 children. My dad is from Mexico, and my mom is from Texas. I graduated with a Bachelor's degree in Social Work and a minor in Spanish from Southwestern Oklahoma State University. I knew from very early on that I was going to have to work hard if I planned on doing something with my life. I always knew that I wanted to go to college, but I really didn't know anything about it since neither of my parents had ever gone. Looking back at my life, statistically, the odds were stacked against me.

My reason for sharing this with you is because I have met so many Hispanic students encountering the same obstacles I encountered during my junior and senior years of high school. I have talked with students who desperately want an opportunity to receive the ever so praised college education. They want an opportunity at life and fulfilling all of their hopes and dreams. Many students can't wait for the opportunity to help their mom and dad out of poverty. They long for the day when a family vacation actually happens or the bills are paid and money for groceries isn't a burden shared by all family members. Many of these students were brought to this country by their parents at a very young age. They had no choice or opinion on that decision. In some cases, these particular students have been their schools' scholars, athletes, student government leaders and community service supporters. They have been introduced to an opportunity at life that far surpasses anything they or their parents could have ever imagined. Life, liberty, and the pursuit of happiness are what they want!

I truly believe that these students are not asking for handouts when it comes to an education; they are simply asking for a chance at the American Dream. The cost of out-of-state tuition is too high for these students to pay without financial help. The face of our country continues to evolve with so many cultures being represented. This is an opportunity for us to embrace what we pride ourselves on as a nation. The immigrant population continues to grow and from that growth an opportunity to contribute to our society in a positive way that could make a tremendous difference with it comes to education, our families, government, crime, and future leaders.

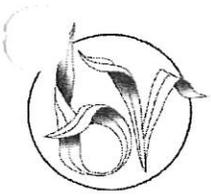
Senate Education
2-11-04
Attachment 16

I urgently ask you to consider HB2145 for the sake of the students and this country's future. It's no longer enough for the Hispanic population to be satisfied with just learning the language or finding a job just to get by. It's an entirely new generation that longs for what we all as Americans want: A chance at our dreams.

Thank you.

Sincerely,

Porfirio Ramirez
Admissions Counselor
Fort Hays State University



Blue Valley
Schools
"growing with pride"

December 16, 2003

Melinda K. Lewis
Special Projects Coordinator
El Centro, Inc.
650 Minnesota Avenue
Kansas City, KS 66101

LEGISLATIVE POSITION

The Blue Valley School District Board of Education adopted the enclosed legislative positions for the upcoming legislative session. Please note the position on *Equal Access*, which states, "Blue Valley USD #229 supports legislation intended to open Kansas universities to all students who graduate from accredited Kansas high schools as in-state residents for tuition." The Board has taken a philosophical position rather than a specific position on a particular piece of legislation. This is consistent with our legislative practices. We will support any legislative initiative to accomplish the stated objective. I believe you could include us in your list of districts supporting initiatives that you have outlined. If I can be of any further in this regard, please feel free to contact me. Good luck in the legislative session.

DR. DAVID L. BENSON
SUPERINTENDENT OF SCHOOLS

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Feb 11 2004

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Graph Communications International Union

George Tedeschi President

1900 L street, NW Washington, D.C. 20036-5080

To Senate Education Committee.

Subject House Bill 2145 Instate Tution Credits for Illegal Aliens.



*Senate Education
2-11-04
Attachment 18*

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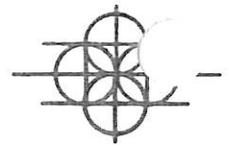
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Mr. Chairman and Committee Members

I'am a life long kansas born here in Topeka. Marred for 10 years
With two children. I met my wife Junyi while taking classes at
Washburn University. She was working for her uncle's at the
Great Wall Chinese Restaurant 1336 SW 17th street Topeka Ks.

After class I would stop pn my way home to pick up something to
Eat and talk to her while I was waiting. She was so different then
Anyone I new being from mainland China, the city of Canton in
The south I found her story of the wait just to get out of China,
Then the wait to get visa from Hong Kong to the U.S.A. amazing!
I asked her to marry me. And she said, " yes" but that I would have
To wait. You see she wanted to be a U.S. citizen first before we
Were married so know one could say anything about the reason
We were married.

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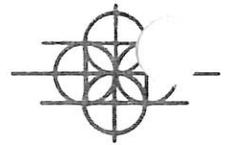
She became a citizen in 1992 and after bring her father over we where married in nov. 1993.

She went to school and work other jobs with a goal of getting away from food service low paying jobs. It was hard because there was no grant money for part time students. Only student loans W.U. was to costly and seamed out of reach so she went to vo-tech that's the Kaw Area Technical school 5724 SW Huntoon Topeka ks. 66604

With some credit hours transferring to W.U. after graduation from vo-tech she was able to get a job with a local Insurance company office . But was unable to go back to W.U. with the first of our two children born while going to school at vo-tech money was always tight we had to put it off till we could get the bills caught up. After 7 years now ghe has yet to go back to school! And we are still paying on the student loans.

For myself it has been 10 years scents going to school at W.U. between high school and when I was married I had tried going to W.U. 5 times. Every time changing my major. I just don't know what I want to be when I grow up! When I went to work for Adams Bus. Forms Dec. 7th 1984 I didn't think that I would be there 19 years 2 mo. And now with what you con see going on in The Topeka Capital-Journal It sickens me to think while our jobs are being exported to other countries illegal aliens are allowed to be imported to the U.S. and Kansas. Law makers want to give them drivers lic. And instate tution.

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It is not the fault of the Kansas taxpayer that illegal aliens have unlawfully entered the U.S. and Kansas! Why should we be punished while being forced to reward illegal aliens this will depress our wages for the few jobs that we have left, and punish Kansas workers by forcing us to subsidize tuition for the education of people who have broken the law. This bill is an Insult!

An Insult to the honest hard working tax paying, and retired taxpaying Kansas also legal aliens who waited for there chance to come to the U.S. on student visa's and went through the I.N.S. system to be citizens! We ask that you not encourage illegal aliens to come to our state but rather that you assist us proven taxpayers with education for retraining working and laid off Kansas bill of rights!

I could describe further the plight of the people that I work with and others here in Topeka but you can read that for yourself in the news paper.

Please put the Kansas taxpayers needs first ahead of illegal aliens hold the line on spending assist our Kansas citizens by not raising tax again. Kill this bill and find away for business in Kansas to survive.

Thank you
David J. Hanley
David J. Hanley



101-S