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State strips schools of \$3.5 million: District following law, it claims, by refusing to enroll immigrant

Rosalind Rossi, The Chicago Sun-Times

State Board of Education officials, led by an angry Mexican-American chairman, stripped Elmwood Park School District 401 of all state funding Thursday, saying officials there had illegally asked at least two potential students about their immigration status.

The Elmwood Park district stands to lose \$3.5 million of its \$30 million budget this year as a result of the state board's decision to "non-recognize" the west suburban district. That could threaten teacher pay, the district's attorney said.

In addition, the district was suspended from the Illinois High School Association, meaning its varsity boys basketball team can't play in the Class AA boys basketball tournament on Monday and its cheerleaders can't compete in the March 4 sectional competition.

For state board Chairman Jesse Ruiz, Elmwood Park's treatment of two kids -- one from Ecuador seeking high school admission, and another from the Czech Republic seeking to attend middle school -- struck close to home.

"As the son of a Mexican American who was here illegally for eight years, you would have denied me an education," an angry Ruiz told Elmwood Park officials during the board's monthly meeting. "You are not supposed to discriminate against any children based on any immigration status."

Immigration questions shouldn't even be asked during enrollment, he said.

Elmwood Park District 401 attorney Jack Murphy insisted the district was merely trying to follow federal immigration laws barring a person on a temporary B-2 visa from enrolling in a school.

The federal government has been cracking down on enforcement of that provision ever since some of the 9/11 terrorists got into the United States on B-2 visas and went on to illegally take classes here, said Murphy.

"I think what [state board members] have told us today is that you can't get your state money unless you violate federal laws. We think that's wrong," said Murphy, an attorney with the firm of Scariano, Himes & Petrarca.

Elmwood Park has 15 days to appeal and is hoping U.S. District Judge James Holderman will rule differently next Tuesday.

The district had been on probation since December for its admission questions as well as for barring an applicant.

A 13-year-old girl from the Czech Republic was let into Elm Middle School after she sued the district and admitted her B-2 visa had expired. That meant she was covered by a 1982 U.S. Supreme Court ruling that illegal immigrants cannot be denied a public school education, Murphy said.

But the second child, a 14-year-old from Ecuador, told the district she was here legally on a B-2 visa, so she has yet to be admitted to Elmwood Park High School, Murphy said.

State board attorney Irma Martinez Snopek said the Ecuadorian girl was "terrified" by the district's questions and fled the state.

"What we are trying to do is make sure there aren't other students out there who are sitting at home doing nothing because the district says they don't want to enroll them," Snopek said.

After the unanimous state board vote, Ruiz explained his father came to the U.S. legally to pick crops outside Milwaukee. But when the father suffered appendicitis, the farm owner wanted to "ship him to Mexico," so he fled to Chicago, where he lived illegally from 1947 to 1955, Ruiz said.

Ruiz said he was born in the U.S. after his father returned to Mexico, then came back to the U.S. legally.

Elmwood Park's actions violate a 1982 Supreme Court ruling called Plyler v. Doe, said Ruiz, a corporate securities attorney. He learned about the 1982 case during a University of Chicago law class taught by now U.S. Sen. Barack Obama (D-Ill.), Ruiz said.

The district superintendent was trying to schedule a board meeting for today to see "what can be done to rectify the sanctions," said Elmwood Park High School Principal Jim Jennings. "I'm upset and disappointed in the fact that our current students are the ones being punished," he said.

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