

# **FOREIGN STUDENTS FACE PUBLIC HIGH SCHOOL TUITION IMMIGRATION LAW DIRECTS DISTRICTS TO CHARGE**

San Jose Mercury News (California)

DECEMBER 22, 1996 Sunday MORNING FINAL EDITION

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**Section:** FRONT; Pg. 1A

**Length:** 1232 words

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## **Body**

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Most of them don't know it yet, but the nation's public school systems will no longer be accepting tens of thousands of foreign students and they'll be charging many others tuition.

An obscure amendment to the sweeping new immigration law that quietly took effect Nov. 30 requires unaccompanied foreign students who come to the United States on F-1 student visas to pay tuition if they attend public high schools.

The new law bans foreigners from obtaining the student visas to attend publicly funded adult-education schools, as well as public elementary schools. And foreign students who attend public schools in grades 7-12 can stay only 12 months.

Pushed through Congress this year by Sen. Dianne Feinstein, D-Calif., the amendment is aimed at discouraging wealthy Asian parents from sending their kids to American schools at taxpayer expense. It's expected to have an immediate impact in California cities such as Cupertino, Fullerton and Irvine with growing numbers of "parachute kids" - the sons and daughters of wealthy parents from Taiwan, Hong Kong and other Asian countries who send their children unaccompanied to American public schools known for their excellence.

The law does not affect students whose parents have legally immigrated to the United States.

School districts have reacted with a combination of dismay and confusion to the Feinstein amendment. An informal survey of local school districts indicated that most didn't know about it.

Even the state Department of Education - which often sends districts advisories on new federal laws - didn't get a copy of the amendment until a week ago.

"I heard the rumor about tuition in October, and it was only last week that a friend of mine in Southern California sent me a copy of the bill," said Janet McCormick, the department's deputy general counsel.

The law raises intriguing questions for districts, most of which don't know how to charge tuition because they haven't had to do it before. The law requires foreign students to pay "the full, unsubsidized per-capita cost" of educating them.

"We called our Department of Education and received nothing in the way of guidance," said Ken Stichter, assistant superintendent for the Fullerton Joint Union High School District, which has hundreds of parachute kids. "This whole thing runs contrary to the practice of free public education."

An ironic twist

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Another interesting twist is that foreign students who come to this country legally will be forced to pay tuition, but, because of previous court decisions, students here illegally won't pay anything.

As a result, the new law is expected to rekindle some of the arguments spawned by Proposition 187, the successful 1994 California ballot initiative intended in part to keep undocumented immigrants out of public schools. Some school officials worry that the law will force them to scrutinize immigration documents - something most have resisted.

"All the same questions that came up with 187 are beginning to appear again," said Randy Okamura, a trustee of the Fremont Union High School District, which covers Cupertino and surrounding cities.

Students who attend private schools won't be affected by the legislation. The law also won't affect most foreign-student programs that depend on J-1 cultural-exchange visas, such as those run by the American Field Service and Rotary International. But more informal student exchanges using the F-1 visa - for example, a Polish-American family that wants to bring in a Polish student for a year - will be affected. The student's parents or sponsor will now have to pay tuition or, in the case of an elementary school student, see the student barred from obtaining a visa.

It is difficult to determine how many parachute kids live in the United States. A 1990 UCLA study, which looked at visa applications, estimated that there were 40,000 Taiwanese parachute kids, aged 8 to 18, living in the United States. Smaller numbers had come from Hong Kong and South Korea.

No idea of numbers

The U.S. State Department issues about 400,000 F-I visas annually at overseas embassies, but a high percentage of those are for college and university students. Because it was never really an issue before, neither the State Department nor the INS has ever kept track of what percentage are given to public school students.

Supporters of the law say the Feinstein amendment addresses a serious issue that has received little public attention outside of Southern California.

Most of the so-called parachute kids live with uncles, aunts, grandparents and other relatives - and end up thriving in their new schools.

But a small minority live with paid guardians or even other students, and some have ended up getting arrested for prostitution, drug possession and other crimes. Desperate for companionship and attention, some have turned to ethnic gangs.

Chinese-American leaders in Southern California have been in the forefront of a movement to stem the tide of parachute kids. And police chiefs in Southern California last year asked Feinstein to help stop the trend, spokeswoman Susan Kennedy said.

"It's also a fairness issue to U.S. taxpayers," Kennedy said. "Public schools should be for U.S. residents."

Police and school officials in Cupertino say the problem of parachute kids is less severe in the northern part of the state. Still, many are worried that it might spread.

Fremont Union's Okamura said he was concerned about the impact of such students on school overcrowding, since Cupertino schools have taken on an almost mythical status in Asia, particularly Taiwan.

Schools big attraction

"Our schools are advertised in foreign countries," Okamura said, referring to a practice employed by real estate agents to attract Asian home buyers.

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Many Asian parents see diplomas from top-notch American ***schools*** like those in Cupertino as tickets to a good U.S. university. The parents also like the electives and ***school*** activities their children are exposed to, and the chance to learn English quickly in an environment that isn't as competitive as most Asian ***schools***.

But Asian-American community leaders have spotted a dark side to the phenomenon.

"The concern I have is unsupervised kids coming over here and staying with non-relatives," said Cupertino resident Ben Liao, president of the Asian-American Parents Association. "We try to get the parents motivated - and it's very difficult to talk to parents if they're not here."

"Then they don't have anyplace to go, so they stay at their apartment and create some problems," Liao said. "This might not be a big concern right now and I don't think it's very pervasive. But it's getting serious."

The ***law***'s inapplicability to illegal immigrants stems in part from a 1982 Supreme Court ruling that allowed undocumented children to attend Texas ***public schools*** without paying ***tuition***.

It was that court decision that quickly nixed the provision in Proposition 187 that banned undocumented immigrant children from attending ***public schools***. But the Feinstein amendment, which hasn't been challenged in court, appears to be on firmer legal footing because unlike under 187, the state has not been asked to go into the ***immigration***-control business.

"It's the federal government who gets to say who comes in and under what conditions," McCormick of the education department said.

## Notes

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### DETAILS OF THE NEW ***LAW***

A provision of the sweeping ***immigration law*** signed by President Clinton in September bars the government from issuing F-1 ***student*** visas to attend ***public*** elementary ***schools*** and publicly funded adult education programs. ***Foreign*** secondary ***school students*** are allowed to come here for 12 months, but they must pay ***tuition***. Here are some other provisions of the ***law***:

\* It is up to the ***schools*** to determine the ***tuition***, defined in the ***law*** as the "full, unsubsidized per capita cost" of education.

\* ***School*** attendance while as a ***student*** under another visa status - including living in the country as an undocumented immigrant - does not count toward the 12-month limitation.

\* Foreigners who obtain F-1 visas and then break the ***law*** by attending an elementary ***school***, adult education program or secondary ***school*** without paying ***tuition*** will be barred from entering the United States for five years.

\* ***Foreign students*** attending ***schools*** under F-1 visas now will not be sent back. The new ***law*** applies only to ***students*** issued visas since the ***law*** took effect Nov. 30.

Source: U.S. State Department

## Classification

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Language: ENGLISH

**Subject:** ***PUBLIC SCHOOLS*** (94%); ***FOREIGN STUDENTS*** (92%); EDUCATION SYSTEMS & INSTITUTIONS (92%); ***STUDENTS*** & ***STUDENT*** LIFE (91%); PASSPORTS & VISAS (90%); ***IMMIGRATION*** (90%); PRIMARY & SECONDARY EDUCATION (90%); ***TUITION*** FEES (90%); LEGISLATION (89%); EDUCATION DEPARTMENTS

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(89%); **SCHOOL DISTRICTS** (89%); PRIMARY **SCHOOLS** (78%); CHILDREN (78%); EDUCATION  
ADMINISTRATION (78%); **HIGH SCHOOLS** (78%); US STATE **IMMIGRATION LAW** (77%); US FEDERAL  
GOVERNMENT (77%); CAMPAIGNS & ELECTIONS (74%); CONTINUING EDUCATION (73%); CORPORATE  
COUNSEL (72%); ILLEGAL IMMIGRANTS (72%); REFERENDUMS (72%); SECONDARY **SCHOOLS** (71%);  
LAWYERS (70%); LITIGATION (66%); DECISIONS & RULINGS (63%); **LAW** COURTS & TRIBUNALS (50%);  
BALLOTS (50%)

**Industry:** **PUBLIC SCHOOLS** (94%); EDUCATION SYSTEMS & INSTITUTIONS (92%); PRIMARY &  
SECONDARY EDUCATION (90%); PRIMARY **SCHOOLS** (78%); **HIGH SCHOOLS** (78%); CORPORATE  
COUNSEL (72%); SECONDARY **SCHOOLS** (71%); LAWYERS (70%); AFFLUENT MARKET (68%)

**Person:** DIANNE FEINSTEIN (56%)

**Geographic:** CALIFORNIA, USA (94%); UNITED STATES (94%); ASIA (71%)

**Load-Date:** October 23, 2002