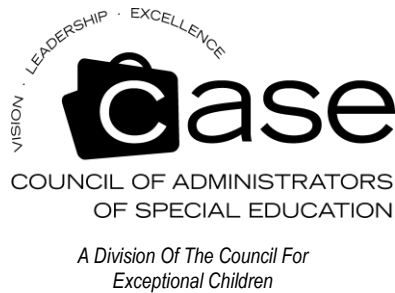


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DATE

Sent via Electronic Submission at <https://www.regulations.gov/docket?D=USCIS-2010-0012>

Samantha Deshommnes, Chief
Regulatory Coordination Division, Office of Policy and Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
20 Massachusetts Avenue N.W.
Washington, DC 20529-2140

RE: DHS Docket No. USCIS-2010-0012, RIN 1615-AA22, Comments in Response to Proposed Rulemaking: Inadmissibility on Public Charge Grounds

Dear Ms. Deshommnes:

The Council of Administrators of Special Education (CASE), the largest group of special education administrators in the country with close to 4000 members, submits the following comments in response to the October 10, 2018 notice by the Department of Homeland Security (“the Agency”) of its proposed rule setting forth new “public charge” grounds for inadmissibility. *CASE strongly opposes the proposed rule, as it will diminish children’s access to adequate nutrition, reliable health care, and stable housing.*

For close to a century, U.S. immigration law has used the term “public charge” to mean a person primarily dependent on the government for subsistence. The proposed rule vastly expands this definition to include individuals who simply receive *one* of the enumerated nutrition, health care, or housing benefits. The public charge designation has a profound effect on immigrant families, meaning that it can bar an individual from entry to the U.S. or disqualify an applicant from legal permanent residency (“LPR”). By attaching extraordinary immigration penalties to such a wide range of vital benefits, the proposed rule would cause families to forego food, health, or housing benefits out of fear that receiving them would jeopardize the legal presence and family unity provided by a visa or LPR status. This will have a direct and harmful effect on children’s wellbeing.

Special education administrators regularly engage with families around issues related to student attendance, enrollment, health, and wellness. Many of our members serve as homeless liaisons, and work in conjunction with families utilizing Medicaid services. Our members serve students and families who come to school without breakfast, miss class because of an untreated illness, or go absent as their families move from place to place. Both CASE and our members know the obstacles they face. The proposed rule would only worsen these students’ chances of academic success.

The proposed regulation details that accessing Medicaid services could jeopardize a child's path to permanent residency even though they qualify for these services legally, which would impact over one in ten children in this country. Children in immigrant families who have health insurance are more likely to have a primary medical provider and receive regular health care visits. They're also less likely to have unmet care needs. Further, research demonstrates that such coverage, which is mainly available through Medicaid, increases high school graduation rates.

While the proposed rule includes exceptions for services funded by Medicaid but provided through the Individuals with Disabilities Education Act (IDEA), it is unclear how this carve-out would work in practice. Children with special needs cannot and do not receive Medicaid for educational services alone. We believe that families will be fearful of their children participating in any Medicaid services. Many of our members are already reporting that it is difficult to receive parental consent for Medicaid services in the school setting.

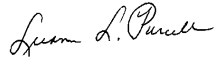
If school districts have additional children with unmet health care needs due to lack of Medicaid and have fewer students for whom they can bill for services, school districts will instead need to use local funds to cover the costs of Medicaid-reimbursable services. This will put enormous strains on district budgets given the fact that Medicaid accounted for almost \$4 billion in funding across the country in 2015. Further, without Medicaid, families will be forced to delay doctors' visits, skip immunizations, and forego prescriptions. Forced choices like these sicken entire classrooms and learning falls behind.

The proposed regulation would also hinder children from accessing nutrition assistance through the Supplemental Nutrition Assistance Program (SNAP). One in four children in America have at least one immigrant parent and if these families fear jeopardizing that family member's path to citizenship, they may avoid getting this critical food subsidy that children need. As a result, students in affected homes may not have access to proper nutrition outside the school and may not come to school ready to learn. With more than 30 million children across the country currently accessing these services, we recognize that if they are unable to access nutritious food at home in the evenings and on weekends, they will not be able to come to school ready or able to learn. This may result in additional students requiring intervention and special education services adding stress to a special education and student support system that is already significantly understaffed.

This proposed regulation would deter eligible immigrant families from seeking much-needed housing and homelessness benefits. If families opt out of housing opportunities and become homeless, families will experience increased housing instability, likely driving up homeless rates, increasing housing mobility, or both. In turn, districts will be required to provide specific educational services for immigrant children under the McKinney-Vento Act to ensure that homeless children are able to continue to attend school. The loss of federal housing assistance will increase the risk of students living in unsafe, overcrowded, and unstable housing. Housing instability, coupled with other stressors, results in high levels of parental stress that can harm children's cognitive development and lower educational attainment (Sandstrom & Huerta, 2013). Schools across the country are already struggling to implement the tenets of the McKinney-Vento Homeless Act, particularly the transportation requirements, because of the lack of federal funding associated with the program. As a result, our members report spending considerable local dollars to ensure that any and all homeless children have their educational needs met at school.

CASE believes that all children deserve the fundamental security provided by adequate food, health care, and housing. It is only with such supports in place that students can meaningfully engage at school and reach their greatest potential. **For the above mentioned reasons, CASE strongly urges the Agency to withdraw the proposed rule in its entirety.**

Sincerely,



Dr. Luann Purcell
Executive Director

Sandstrom, H., & Huerta, S. (2013). *The Negative Effects of Instability on Child Development: A Research Synthesis* (Vol. 3, Low-Income Working Families, Rep. No. 3). Washington, DC: Urban Institute. doi:<https://www.urban.org/sites/default/files/publication/32706/412899-The-Negative-Effects-of-Instability-on-Child-Development-A-Research-Synthesis.PDF>