Case Story:  
How the Bell Policy Center Helped Stop the State of Colorado from Asking School Children about their Nationality

Since the late 1800s, undocumented migrant workers and immigrants in the United States have been a source of occasional controversy and political debate. Although the federal government sets immigration policy, candidates for state or local office sometimes try to win votes by appealing to voters' sentiments on these issues.

Numerous immigration-related bills were introduced in 2006 during the regular session of the Colorado General Assembly. They proposed various ways of reducing illegal immigration in Colorado, or at least reducing the suspected costs of immigration borne by other workers and taxpayers. In addition, the legislature held a special session in July devoted to immigration, where roughly 40 immigration-related bills were introduced.

Among the immigration bills introduced that year was House Bill 06-1062. If enacted into law, that bill would have required public schools to require each child to document their country of citizenship, using a birth certificate, a passport, or a Social Security card. If the child did not produce the right documents, they would be required to verbally state their country of citizenship, or say that they were unable to document their citizenship. Each school district would be required to compile aggregate statistics on the children's responses, and report those statistics to the State Board of Education by October 10, 2006.

The bill was introduced by Rep. Jim Welker, a Republican representing District 51 in Larimer County. The bill was referred to the House Committee on State, Veterans, and Military Affairs, where a hearing was held on February 21st. Among the groups submitting written or oral testimony was Rich Jones, Director of Policy and Research for the Bell Policy Center in Denver.

The Bell Policy Center is a nonprofit corporation exempt under §501(c)(3) of the Internal Revenue Code. Its programs of research and advocacy serve the organization's goal of assuring opportunities for all Coloradans, especially opportunities for education, economic success, and good health. A separately incorporated Bell Action Network is exempt under §501(c)(4), which allows that corporation to engage in unlimited lobbying as a nonprofit social welfare organization. The Bell Action Network is the “advocacy and organizing arm of the Bell Policy Center,” tracking specific bills and budgetary issues in Colorado.

In his testimony, Jones argued that collection of citizenship data from school children would have a chilling effect on some students’ enrollment in school, especially if some of their family members were not legal residents. He argued that the chilling effect was contrary to a U.S. Supreme Court ruling in 1982 against exclusion of children from school “who could not establish that they had been legally admitted into the United States.” Other witnesses opposing HB 06-1062 included Connie Kowal of the Colorado Association of Bilingual Educators, Phil Fox of the Colorado Association of School Executives, and Richard García of the Colorado Statewide Parent Association.

The Committee continued discussion of the bill that evening after receiving testimony, and then voted on it. The bill failed on a tie vote to win a favorable to recommendation from the Committee to the full House. Then, the Committee voted 6 to 5 to “postpone indefinitely” further consideration of the bill. Thus, advocates opposing the bill prevailed, and Walker’s bill died in committee.
Lessons for Nonprofit Advocates

1. Federal policy can trigger policy debates at the state and even local levels. Be aware of all of the levels and branches of government that might be considering policy issues relevant to your cause.

2. Nonprofit advocates can help shape policy debates and outcomes by providing testimony to legislative bodies. If the testimony is provided in response to a written request from the legislative body, it is not considered lobbying and thus is not subject to federal spending limits.

Adapted from Denver Post articles (July 2006) and the Bell Action Network.

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