



## **The Fight for *Plyler* Is the Fight for All Students' Rights**

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### **STATEMENT FOR THE RECORD**

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Events of the past months—particularly the last few [lethally violent weeks in Minnesota](#)—have centered undocumented and immigrant-origin students and their families in the public mind. As we read of children being detained [at or near schools](#); parents snatched from their cars in [school drop-off lines](#), at [bus stops](#), and en-route to [graduation ceremonies](#); and attendance of immigrants and non-immigrants alike dropping substantially in districts across the country, it's abundantly clear that heightened, chaotic immigration enforcement activity is also a threat to children's educational opportunities—regardless of where they or their parents were born.

Meanwhile, the development of the policies and services that provide for their education have been compartmentalized and siloed. The design of curricula, programs, and teacher training need to be informed by civil rights-oriented processes—like ensuring equity of access to schools and classes and safe transportation routes to and from campus—and vice versa. It's in moments of crisis like the one we face today where we pay the greatest price for the lack of collaboration and integration across all facets of educational life.

And just as education policy must be treated holistically, we must also acknowledge that threats to one part of life at school is a threat to every single student. It is imperative that policymakers, advocates, and education leaders understand that attacks on immigrant students endanger millions of students regardless of status, as well as public education writ large. It's past time that we took on the fight for immigrant students head on. A crucial way we can do so is to invoke and shore up one of education's most crucial legal protections: *Plyler v. Doe*.

### **Establishing the Education Rights of Undocumented and Immigrant-Origin Students**

Even after the Civil Rights Act was passed in 1964 to ensure equal education regardless of race, color, religion, sex, or national origin—codifying the protections stipulated in *Brown v. Board of*

*Education* (1954)—it was not entirely clear how fully its anti-discrimination protections applied to immigrants and their children. At least, that’s what the Texas Legislature believed when it [amended its education laws in 1975](#) to deny undocumented students free enrollment in their public schools and withhold state funds from districts that educated them.

In 1977, after the Texas Legislature moved to exclude undocumented students in state law, the [school board in Tyler Independent School District implemented a policy](#) charging undocumented students \$1,000 annually to attend school. For many immigrant families across the state of Texas, [of which there were many](#), this was an impossible expense. As a result, several Mexican families, represented by the Mexican American Legal Defense and Educational Fund (MALDEF), bravely filed a lawsuit against the state of Texas, and the case, now known as *Plyler v. Doe*, rose all the way to the U.S. Supreme Court.

In short, the plaintiffs argued that the state of Texas could not discriminate against undocumented students by denying them the free public education they provided U.S. citizens and lawful resident children. Further, they argued that undocumented students were protected under the [Fourteenth Amendment’s Equal Protection Clause](#), which guarantees equal protection of the law for “any person within [a state’s] jurisdiction.”

After hearing arguments from both sides, the Supreme Court ruled in a 5–4 decision in 1982 that the State of Texas had violated the Equal Protection Clause by denying undocumented students a free education. In [the majority opinion](#), Justice Brennan built on legal precedent in *Brown v. Board of Education*: “Today, education is perhaps the most important function of state and local governments. ...In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms.”

Further, the Court found that the nature of a child’s arrival to the United States—and thus their undocumented status—was no fault of their own, and they should not be punished for it. To that point, Brennan argued that banning undocumented children from school would “[impose] a lifetime hardship on a discrete class of children not accountable for their disabling status. These children can neither affect their parents’ conduct nor their own undocumented status.”

Finally, and critically, the Court found that the financial savings from preventing undocumented students from enrolling were likely outweighed by the harm on society by not educating them. Subsequent [research](#) has proven this to be the case.

Plainly put, the landmark civil rights decision in *Plyler* established two foundational education principles:

1. All children, regardless of immigration status, have a constitutionally protected right to a free public K–12 education.
2. States cannot withhold funding for the education of undocumented students or deny enrollment of students based on their or their parents'/guardians' immigration status.

### ***Plyler's Tremendous Legacy***

Four decades later, it's clear that *Plyler* has advanced progress and equity, changing our schools—and our communities—for the better. Two studies in the last five years prove that the presence of immigrant students specifically [improves academic outcomes](#) for their U.S.-born classmates, and might even [encourage positive behavior](#). These results bear out the findings of well-established research demonstrating the universal [academic and social-emotional benefits](#) of a racially and socio-economically diverse learning environment.

However, one need not look only at the schoolhouse to understand the deep impact *Plyler* has had on American society. Just recently, researchers at FWD.us published a [groundbreaking report](#) outlining the significant impact of *Plyler* on the U.S. economy, workforce, and local communities. Of the several highlights, they found that *Plyler*:

- grew state and local government bottom lines, with total state and local income tax paid by *Plyler* beneficiaries over their lifetimes exceeding the state and local costs of educating them by over \$633 billion;
- increased the income of *Plyler* beneficiaries by \$171 billion between 1982 and 2022, contributing to the overall U.S. economy, and will increase GDP by \$2.71 trillion over their lifetimes; and
- prevented an additional 730,000 U.S.-citizen children of adult beneficiaries of *Plyler* from living in poverty.

Thus we can see that the prevailing arguments in the 1982 *Plyler* case remain true and relevant today. In four decades, *Plyler's* promise of education for all has overwhelmingly benefited American communities by cultivating immigrant children's learning so that they can become thoughtful, responsible, contributing neighbors and citizens. That's why it's particularly important to consider the attacks on immigrant families and how they will impact schools, communities, and our country as a whole.

## The Current Crisis Hurts All Students, Not Just Immigrants

The ongoing terror campaigns are superficially anti-immigrant. But a look at both their implementation and results reveals that immigrants are just a small portion of the target—or even that “immigrant” is ultimately euphemistic for non-white people, other marginalized groups, and ideological opponents of the Trump administration. Let’s break down how *Plyler* sits at the intersection of all the above.

This is a harrowing moment for American families for many reasons. Chief among them is the decaying promise of safety and security as federal immigration agents infiltrate neighborhoods, workplaces, houses of worship, and learning centers. While not new, these immigration enforcement behaviors have escalated to a severe, historic level: Children and their parents are being kidnapped at [bus stops](#), in [school drop-off lines](#), at [routine court hearings](#), and at their [front doorsteps](#). In a recent shocking case, officers approached a Minneapolis high school and began indiscriminately [wielding physical violence against students](#) and school staff.

Advocates have [long decried](#) the [chilling effect](#) that immigration enforcement can have on immigrant families, often preventing them from receiving critical social services to which they are entitled under several state and federal laws. There are [approximately 1.5 million children](#) under 18 who are undocumented immigrants, and [one in four children](#) in America are citizens but have at least one immigrant parent. Many of these children are [facing significant challenges](#) as a result of immigration enforcement, including interruptions to their schooling, financial hardships, emotional and physical instability, cognitive developmental issues, and a decimation of their overall safety, health, and well-being. Notably, researchers have found that the presence or perceived presence of immigration enforcement activity near schools contributes to [lower academic performance](#). Recently, the Maryland state superintendent of education [attributed declining graduation rates among the state's Hispanic students](#) to increased immigration enforcement.

Leading civil rights and immigration groups, including [MALDEF](#) and the [National Immigration Law Center](#), have noted that Immigration and Customs Enforcement (ICE) presence near and in schools may infringe on *Plyler* protections by preventing children from attending school for fear of ICE and thus enjoying their right to an education, regardless of their status. But these disruptions and predations affect far more than just the immigrant students for whom *Plyler* was established: the fundamentally racialized nature of the ICE terror campaign means that “immigrant” has become cover for a far broader set of targets for persecution. By mid-October



2025, more than [290,000 people had been detained](#) by ICE since the start of Trump's second term, and ProPublica found more than [170 cases where citizens were detained](#) at raids and protests in the same period. Moreover, many U.S. citizens and permanent residents are staying home for [fear of being racially profiled](#) by ICE and U.S. Customs and Border Protection (CBP).

This rampant racial profiling has [exacerbated the severe drops in attendance and enrollment](#) across U.S. school districts. Immediately following escalated enforcement operations, attendance dropped by 15,000 in Charlotte-Mecklenburg Schools, resulting in approximately one in five students out of school, and Los Angeles Unified School District (LAUSD) enrollment dropped by 16,000 at the beginning of the 2025–26 school year. Given the relatively small proportion of undocumented students in many schools, experts know that these high numbers are buoyed by the inclusion of many U.S.-born children, including those without immigrant parents, who are also afraid to attend school.

*Plyler* may be directed at immigrant students in particular. But our schools and communities are complexly interwoven: protecting one member shores up the safety of all of us. And harm done to one member cascades and affects us all.

### **This Is an Attack on Public Education Itself**

Naturally, immigration has risen to the top of district leadership priorities—and affected community-wide schooling. After [ICE assaulted students and staff at Roosevelt High School](#) in early January, Minneapolis Public Schools [shuttered all their schools](#) for two days—the first known district-wide closure due to immigration raids. Now, *all* students in the district have the [option to learn remotely until mid-February](#), a controversial short-term alternative that has been offered to students in [several other districts](#) that have faced severe interruptions amid intense federal activity. Without [protection from ICE on school campuses](#) and other sensitive locations, and no promise of de-escalation from federal Homeland Security officials, district leaders across the country have to prepare for the same terrible scenario and implement new strategies to protect the learning environment and restore trust with their communities.

These attacks don't stop with enforcement. There are [several anti-Plyler bills in the works](#) across the country as state legislators try to [trigger a Supreme Court challenge that would likely overturn Plyler](#) under the current Court, with its 6–3 conservative majority.

It's too late to pretend that immigration enforcement is only impacting immigrant students. The attack on immigrants is an attack on all American families, and it's an attack on public education.

LAUSD superintendent, Alberto Carvalho, said as much in a [December interview with ABC News](#): "When families are afraid to be seen, or when they cannot afford to remain in their communities, they are less likely to enroll, reenroll, or stay in public schools." Losing any student is a crisis. Losing them to an entirely preventable politicized campaign of terror and intimidation is a catastrophe.

This is no longer just an immigration issue. It's time to treat this attack like the public education crisis—full stop—that it is.

### Turning the Tide

One thing should be clear: the fights for public education and immigrant children's rights are not mutually exclusive. Surely there will be [dire financial impacts on public school budgets](#) should they lose enrollment of undocumented children or children of undocumented parents. Our [economy, workforce, and public health systems will suffer substantially](#), as well. But beyond the fiscal and economic considerations is the foundational risk to educational civil rights as a whole.

The *Plyler* decision built on critical legal precedent and subsequent civil rights laws that helped to establish the fragile infrastructure upholding our federal education system. Together, they promise an equal education for all. Should *Plyler* return to the Court and be overturned, that fragile infrastructure collapses, because as soon as "all" means "all but *this group*," other protected classes will quickly become targets themselves. Indeed, proposals to [weaken IDEA protections](#), [exclude trans women from sports](#), and [forbid Black affinity groups](#) at K–12 schools are slowly, ominously eroding civil rights for many historically underserved students already.

There are options, however, to shore up protections for undocumented students and support their well-being and learning—even during this administration. In 2025, three states—[California](#), [Illinois](#), and [Massachusetts](#)—passed affirmative *Plyler* legislation, including measures that prohibit any child from being denied access to public education, protect student data from ICE, and limit immigration enforcement activities on school campuses. Also last year, Representative Adriano Espaillat (D-NY) introduced the [Protecting Sensitive Locations Act](#) to restrict immigration enforcement activities at schools, hospitals, places of worship, and other locations. And recently, growing anti-ICE protests, widespread press coverage, and significant pushback from constituents prompted Congress to consider [new reforms](#) to immigration enforcement as part of negotiations on the Department of Homeland Security's final Fiscal Year 2026 budget. These reforms include protections for sensitive locations like schools and child care centers.



These efforts to affirm and codify protections for immigrant students must be implemented at every level of government. They're not only timely and morally sound—they are necessary.

In the majority *Plyler* decision, [Justice Brennan's words](#) sound an enduring, and humbling, warning: “By denying these children a basic education, we deny them the ability to live within the basic structure of our civic institutions.” The U.S. constitution hinges on equal protection for all. If policymakers, education leaders, and advocacy organizations don't step up to uphold this most basic principle for immigrant students, America risks losing our public schools. We risk going backwards. Crucially, we risk our integrity as a nation.

This is a critical moment in education policy. We can't wait for this to return to the Supreme Court. The attacks are quite literally at schools' front doorsteps. It's time for policymakers and education leaders—from the principal's desk to Washington—to step in.