



National Center for Youth Law
Statement for the Record for House Committee on the Judiciary
Subcommittee on the Constitution and Limited Government
“Immigration Policy by Court Order: The Adverse Effects of *Plyler v. Doe*”
March 18, 2026

Dear Chairman Chip Roy, Ranking Member Gary Scanlon, and Members of the Subcommittee:

The National Center for Youth Law (NCYL) submits this statement for the record in advance of the Subcommittee’s March 18, 2026, hearing: “Immigration Policy by Court Order: The Adverse Effects of *Plyler v. Doe*.” We respectfully request that this statement be included in the hearing’s record.

NCYL is a national, non-partisan, non-profit organization that seeks to build a future where every child thrives and is supported by families, communities, and a society that puts their rights and well-being first. For more than 50 years, we have worked alongside young people to defend their rights, confront inequities, and drive lasting change so every child can grow, dream, and lead with dignity and opportunity.

Plyler v. Doe is a 1982 decision from the U.S. Supreme Court that arose from a Texas law that allowed school districts to either deny enrollment or charge tuition to children who were not “legally admitted” into the United States.¹ Pursuant to the law, several school districts across Texas either excluded undocumented children or charged them tuition. One Texas district, the Tyler Independent School District, used that law to enact a policy that charged a \$1,000 tuition fee for each undocumented student. In its landmark ruling, the Supreme Court rejected the Texas law, holding that every child in the United States is entitled to a public education, regardless of their immigration status. In reaching that conclusion, the Court recognized, “already disadvantaged as a result of poverty, lack of English-speaking ability, and undeniable racial prejudices, these children, without an education, will become permanently locked into the lowest socio-economic class.”² The Court also explained:

[The Texas law] imposes a lifetime hardship on a discrete class of children not accountable for their disabling status. The stigma of illiteracy will mark them for the rest of their lives. By denying these children a basic education, we deny them the ability to live within the structure of our civic institutions, and foreclose any realistic possibility that they will contribute in even the smallest way to the progress of our Nation.³

¹ 457 U.S. 202 (1982).

² *Id.* at 208 (citations omitted).

³ *Id.*

Relying on the U.S. Constitution's Fourteenth Amendment, the Court concluded that undocumented children were entitled to equal protection and that the State of Texas failed to show a "substantial state interest" that justified denying them access to education.⁴

Plyler stands for the principle that all students deserve access to public education. It also reaffirms the central role that public education plays in advancing and sustaining American democracy. As one commentator recently observed: "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."⁵ We are a nation of immigrants, and our democracy is stronger and more enriched because of *Plyler* and the contributions made by immigrant students.

Yet, despite this long legacy of success, recent years have seen growing attacks on *Plyler*. Several states, including Tennessee, Idaho, and West Virginia, have considered or are considering legislative proposals that would chip away at the holding in *Plyler* by requiring school districts to collect immigration status and other similar information from their students. A recent Heritage Foundation report reveals the true intention behind these legislative measures: a desire to overturn *Plyler* and close the schoolhouse doors to immigrant students.⁶ These efforts, if successful, would severely undermine the economic, social, and educational opportunities for immigrant children, and add yet another barrier to their successful integration into the United States.

Moreover, several research studies show that immigrants contribute far more in taxes than in benefits and services received from state and federal governments. One recent study showed that from the nearly 5 million undocumented children who benefited from a free public education since *Plyler*, they generated over \$633 billion in net state and local fiscal gains, after educational costs.⁷ Should *Plyler* be reversed and states were to begin excluding undocumented students from public schools, states would likely see a significant increase in the cost of serving a less educated community and a decrease in taxes paid by undocumented persons.

This attack on *Plyler* and the rights of immigrant students should not be viewed in a vacuum. For example, the U.S. Department of Homeland Security's aggressive immigration enforcement practices have often involved schools and schoolchildren. During Operation Metro Surge in Minnesota—where nearly 4,000 federal agents flooded the streets of that state—school districts were a frequent target of their activities. The Minneapolis School District had to switch to virtual learning to keep students safe.⁸ As one executive director of a Minnesota charter school recently explained: "Our teachers and staff are exhausted . . . [t]hey are supporting children who are afraid while managing fear in their own homes." And the image of five-year-old Liam Conejo

⁴ *Id.*

⁵ Alejandra Vazquez Baur, *The Fight for Plyler is the Fight for All Students' Rights*, The Century Foundation, Feb. 12, 2026, <https://tcf.org/content/commentary/the-fight-for-plyler-is-the-fight-for-all-students-rights/>.

⁶ Lora Ries, *Every State Should Challenge Plyler v. Doe: Time to End Free Education for Illegal Alien K-12 Students*, The Heritage Foundation, Feb. 17, 2026, <https://www.heritage.org/sites/default/files/2026-02/BG3935.pdf>

⁷ Scott D. Levy and Phillip Connor, *The Power of Plyler, Report Highlight* Fwd.us (2025), <https://www.fwd.us/news/the-power-of-plyler/>.

⁸ Joe Murphy & Corky Siemaszko, *Minneapolis Schools Cancel Classes after ICE Raid at High School the Same Day Renee Nicole Good Was Killed*, NBC News, Jan. 8, 2026, www.nbcnews.com/news/us-news/minneapolis-schools-cancel-classes-ice-raid-high-school-day-renee-nico-rena253081.

Ramos, dressed in his bunny hat and Spiderman bookbag, being detained by federal agents on his way home from preschool, has been etched in our collective memories. These unjust and unnecessary practices are not limited to Minnesota: across the country, school attendance—especially in districts with large immigrant populations—has plummeted due to fear of increased federal immigration enforcement.⁹ By stoking panic in immigration communities, the Trump Administration has left many students and their families prisoners in their own homes.

At NCYL, we know the value and potential that immigrant children present to our country. Since our founding we have been committed to ensuring that all children, regardless of who they are or where they come from, are treated with the respect and dignity that they deserve. We served as counsel in another landmark Supreme Court case, *Lau v. Nichols*, which established that public schools must take affirmative steps to ensure that English Learners have meaningful access to education.¹⁰ Through our work, including in the representation of the plaintiffs in *Lau*, we know that despite the rhetoric from the Heritage Foundation and others, immigrant children are neither a drain on our resources nor unworthy of public support. They strengthen our society and enrich our democracy.

We appreciate the opportunity to provide this statement for the record. Congress should affirm the critical importance of the Supreme Court's holding in *Plyler* and oppose any efforts to limit or restrict access to education based on immigration status. Our democracy succeeds when everyone has access to meaningful educational opportunities.

⁹ James Walsh, *School leaders fear declining attendance during ICE surge will also lower state funding*, The Minnesota Star Tribune, Feb. 9 2026, <https://www.startribune.com/school-leaders-fear-declining-attendance-during-ice-surge-will-also-lower-state-funding/601576192>; see also J. Jacob Kirksey & Carolyn Sattin-Bajaj, *Immigration Arrests and Educational Impacts: Linking ICE Arrests to Declines in Achievement, Attendance, and School Climate and Safety in California*, AERA Open 7 (2021); Thomas S. Dee, *Recent immigration raids increased student absences*, Proceedings of the National Academy of Sciences, 122, 45 (2025).

¹⁰ 414 U.S. 563 (1974).