

## STATEMENT FOR THE RECORD

Submitted to the U.S. House Judiciary Subcommittee on the Constitution and Limited Government

March 18, 2026 Hearing:

“Immigration Policy by Court Order: The Adverse Effects of *Plyler v. Doe*”

Submitted: March 27 , 2026

For more than 50 years, IDRA’s work has been guided by the belief that all children are valuable, none is expendable. This is the central proposition in the U.S. Supreme Court’s 1982 *Plyler v. Doe* decision: every young person, no matter their background, deserves access to a free public education that prepares them for college, career, and life. We submit this statement to affirm *Plyler’s* critical role in protecting access to education for all children, to correct statements made during the hearing about children and public schools in Texas, and to oppose any efforts to overturn or undermine *Plyler v. Doe’s* holding that all children are entitled to attend free public schools in the United States.

### **Lessons Learned from IDRA’s Decades-long Legacy of Defending *Plyler* and its Principles**

IDRA has been at the forefront of defending all children’s right to an excellent and equitable public education for decades, including the right of both immigrant students and English learner students to access and achieve in school.

IDRA’s expertise has helped courts and policymakers make research-based decisions in courthouses and statehouses, including in the case of *Plyler v. Doe*. Notably, IDRA founder Dr. José A. Cárdenas served as an expert witness on behalf of the plaintiffs represented by the Mexican American Legal Defense and Educational Fund (MALDEF) during the trial in Tyler, and IDRA’s former director of policy, Dr. Albert Cortez, testified in the trials in Houston and Dallas.

Relevant to the discussion during the U.S. congressional hearing on March 18, 2026, IDRA submits the following findings from the 1975 litigation, discussed at length in Dr. Cárdenas’s publication, *Multicultural Education: A Generation of Advocacy*<sup>1</sup> for consideration:

- 1. Fiscal concerns raised by individuals seeking to deprive children of education actually stem from broader inequities in school finance systems, not from undocumented or other special population students.** Like other historically marginalized groups, immigrant children and families are commonly used as scapegoats for deficiencies in our state and federal funding systems. Then, as now, estimates of undocumented student populations were often inflated, fueling irrational panic about system strain. Claims that undocumented students overwhelm schools or budgets were and continue to be empirically unsupported. This is, in part, because immigrant families pay their fair share of state and local taxes to support public schools.

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<sup>1</sup> Cárdenas, J. (1995). *Multicultural Education: A Generation of Advocacy*. Simon and Schuster.  
<https://www.idra.org/wp-content/uploads/2025/06/Multicultural-Education-A-Generation-of-Advocacy-IDRA-1995.pdf>.

As IDRA explained in the litigation, the facilities, staffing, and support needs of school communities exist irrespective of the presence of undocumented students. As Dr. Cárdenas observed: “[T]he school finance staff at IDRA found it readily apparent that the districts’ poverty status could be attributed to an unfair and inequitable system of school finance, and districts with low local taxable wealth would remain poor with or without undocumented children.”<sup>2</sup>

All students need safe and modern schools, caring and well-trained educators, and access to academic, behavioral, and mental health support staff to be successful, and these fixed funding needs cannot be alleviated by pushing a small number of students out of our schools. Rather than blaming undocumented children, federal and state policymakers must take accountability for failing to adequately and equitably support schools and communities.

**2. There is no evidence that enrolling undocumented students lowers educational quality.**

IDRA’s analysis found no credible evidence that the presence of undocumented immigrant children diminishes the quality of education in public schools. Claims that these students would strain classrooms, lower academic standards, or divert resources were not supported by empirical data. Instead, they often reflected broader anxieties about demographic change rather than measurable impacts on teaching and learning. In fact, IDRA’s research showed that enrollment of undocumented students was relatively small in most districts and did not correlate with declines in educational outcomes.

A federal judge in one of the many lawsuits challenging the 1975 Texas law excluding undocumented children from public schools agreed with IDRA’s assessment, finding: “There is no data which show that the academic performance of students has improved since undocumented children were excluded.”<sup>3</sup> Perhaps most sobering is IDRA’s research and expert testimony highlighting that such arguments mirror earlier resistance to desegregation and bilingual education mandates. Accordingly, arguments about declining educational quality function less as evidence-based conclusions and more as harmful narratives used to justify exclusion.

**3. Exclusion is irrational, irreconcilable with our Constitution, and indefensible.** During the hearing, committee members and witnesses argued that the Supreme Court was out of line in making a “policy decision” about the education of immigrant children that should have been left to the legislative branch. This reasoning is flawed for a variety of reasons, including and especially because it is the sole and sacred responsibility of the Supreme Court to interpret and uphold the promises of the Equal Protection Clause of the Constitution. As Justice Brennan, writing for the majority of the Court, correctly stated: “In determining the rationality of [the 1975 Texas law excluding undocumented children from public education], we may appropriately take into account its costs to the Nation and to the innocent children who are its victims.”<sup>4</sup>

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<sup>2</sup> Cárdenas, J. (1995). *Multicultural Education: A Generation of Advocacy*. p. 257.

<sup>3</sup> Cárdenas, J. (1995). *Multicultural Education: A Generation of Advocacy*. p. 260.

<sup>4</sup> *Plyler v. Doe*, 457 U.S. 202, 223–24 (1982).

During the *Plyler* litigation, IDRA was joined by several experts in economics, child psychology, and educational practice in emphatically describing the immeasurable harm that exclusion from education has on children of all backgrounds, and the corresponding harm to our economy and society if the exclusion of undocumented children was allowed to stand. Dr. Cárdenas’s testimony perhaps resonates now more than ever: “In the light of the increasing need for education in this technological society, a failure of the state to educate any segment of the population has severe implications for all.”<sup>5</sup>

### **The Legal and Factual Bases Underlying *Plyler* Remain Sound**

Research has consistently shown that educating *all children* strengthens communities, supports workforce development, and promotes social stability. Conversely, denying access would exacerbate inequality, strain public systems in other ways, and undermine our nation’s long-term economic interests. In this sense, *Plyler* reflects a principled application of constitutional values to real-world conditions, ensuring that access to education remains a foundational commitment rather than a conditional benefit.

Though many things have changed since the *Plyler* decision was issued in 1982, some things have remained the same—namely that many of the challenges often attributed to undocumented students are in fact rooted in systemic inequities, such as inadequate and inequitable school funding and insufficient support for multilingual learners. By guaranteeing access, *Plyler* creates the necessary foundation for schools to focus on quality and equity for all students.

### **Correcting the Record: The Education of Immigrant and Emergent Bilingual Children in Texas**

During the U.S. congressional hearing on March 18, 2026, both members and witnesses discussed Texas schools, teachers, and students, often wrongly conflating estimates of the population of undocumented students with data about English learners and students in dual language programs. While there is some overlap between these groups, they are not the same, and one should not be used to make estimates or arguments about the others.

- Texas is home to over 1 million English learner students, who make up about 1 in every 4 public school students across the state.<sup>6</sup> For decades, Texas has been acknowledged by scholars and policymakers as a model for bilingual education given longstanding state law and robust program frameworks that support students’ learning and academic achievement. This is especially important as quality bilingual education can offer lifelong academic, cognitive, and economic benefits to students.<sup>7</sup>

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<sup>5</sup> Cárdenas, J. (1995). *Multicultural Education: A Generation of Advocacy*. IDRA. <https://www.idra.org/wp-content/uploads/2025/06/Multicultural-Education-A-Generation-of-Advocacy-IDRA-1995.pdf>.

<sup>6</sup> Texas Education Agency. (2025). Emergent Bilingual Students in Texas Fact Sheet #1 -- Statistics. <https://www.txel.org/media/hxcfvzqe/factsheet1-statistics.pdf>

<sup>7</sup> Bialystok, E., Craik, F. I., & Luk, G. (2012). Bilingualism: Consequences for mind and brain. *Trends in cognitive sciences*, 16(4), 240-250. <https://doi.org/10.1016/j.tics.2012.03.001>; Colón, I. T. (2019). New Research Examines the Economic Benefits of Bilingualism. <https://www.newamerica.org/education-policy/edcentral/new-research-examines-economic-benefits-bilingualism/>; NCELA (2020). Benefits of Multilingualism. Office of English Language Acquisition. <https://ncela.ed.gov/sites/default/files/legacy/files/announcements/20200805-NCELAInfographic-508.pdf>

- Approximately 79% of English learners in the state are U.S. citizens.<sup>8</sup> Any challenge to existing protections for school children based on immigration status or nationality—and harmful rhetoric that targets children based on race, language, or other characteristics—could impact hundreds of thousands of students, including many who are U.S. citizens.
- In Texas, dual language includes academic programs where students who are both English learners and students whose primary language is English learn together across the curriculum. Therefore, enrollment in a dual language program provides no rational basis for assessing the quantity or impact of undocumented children in public education. Texas students designated as English learners who were enrolled in dual language immersion programs showed the least learning loss and stronger academic recovery during the COVID-19 pandemic across all subjects on state exams.<sup>9</sup> This success is in part due to Texas lawmakers' bipartisan decisions to invest millions of dollars in growing and expand dual language programs in early grades across the state in 2019 (TX House Bill 3) and in 2025 (TX House Bill 2).

The conflation during the hearing of children's racial backgrounds, home languages, immigration and citizenship statuses is both factually inaccurate and an irresponsible violation of the very premise of *Plyler v. Doe*. It also undermines the spirit and intention of a host of civil rights laws and legal decisions that have repeatedly affirmed that children should be welcomed and educated in our nation's public schools.

We all pay for failing to educate the children in our communities, and would pay even more in the social, economic, and fiscal consequences of excluding children from public schools based on immigration status. We respectfully urge the committee to use its influence to invest in resources and protections for young people, families, and communities, rather than efforts that target, exclude, and marginalize children.

Thank you for your consideration,

IDRA

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<sup>8</sup> Sugarman, J. & Geary, C. (Aug. 2018). English Learners in Texas: Demographics, Outcomes, and State Accountability Policies. Migration Policy Institute.

[https://www.migrationpolicy.org/sites/default/files/publications/EL-factsheet2018-Texas\\_Final.pdf](https://www.migrationpolicy.org/sites/default/files/publications/EL-factsheet2018-Texas_Final.pdf)

<sup>9</sup> Texas Education Agency. Texas Academic Performance Reports 2018-2025, Bilingual Education/English as a Second Language – All Grades, English Language Arts/Reading Rates at Masters Grade Level.