

Chairman, Ranking Member, and Members of the Committee,

Thank you for the opportunity to testify today on the adverse effects of *Plyler v. Doe* and how subsequent federal policy—particularly the Obama administration’s Dear Colleague Letter—has created a policy contradiction harming students, schools, and communities.

The Supreme Court’s decision in *Plyler v. Doe* held that states cannot deny undocumented children access to public education. Texas has carried out that legal obligation. Our state constitution requires a free system of public education, and Texas has built one of the most robust accountability systems in the nation to ensure that obligation is met.

[Our A–F Accountability System](#) evaluates schools based on standardized test performance, graduation rates, and college readiness indicators such as Advanced Placement, dual credit participation, and career readiness outcomes. These ratings have real consequences: they can trigger state interventions, leadership changes, campus restructuring, or school closures. In recent years, roughly 16.6 percent of Texas districts have received a D or F rating, placing many schools closer to significant sanctions.

Because these ratings drive major policy decisions, Texas relies heavily on accurate demographic data to understand the populations our schools serve.

Yet federal policy effectively prevents states from collecting one important category of information: the immigration status of students. In Texas, the scale of this issue is significant. [Data from FWD.us](#), a left-leaning pro-immigration non-profit founded by Mark Zuckerberg estimates that approximately 111,000 Texas K–12 students are undocumented.

This restriction does not come directly from *Plyler v. Doe*. Instead, it stems largely from the 2011 Dear Colleague Letter issued by the Departments of Justice and Education, which warned that asking about immigration status could discourage enrollment and create a “chilling effect.”

The Dear Colleague Letter is agency guidance—not law passed by Congress and not required by *Plyler*. After the Supreme Court’s 2024 decision in *Loper Bright Enterprises v. Raimondo*, courts are no longer required to defer to federal agency interpretations of ambiguous statutes, significantly curtailing the Chevron doctrine that previously allowed agencies to rely on their own interpretations of federal law.

This matters here. The Dear Colleague Letter reflects an agency interpretation, not a requirement enacted by Congress or mandated by the Supreme Court. Congress should make clear that this guidance cannot prevent states from collecting the data necessary to educate students and maintain fair accountability systems.

Every effective education policy relies on demographic data. Schools identify student populations to provide targeted support: Title I funding depends on identifying low-income students; English learner programs depend on identifying language needs; special education services require identifying students with disabilities. Schools also track race, gender, attendance patterns, and discipline.

This data is not collected to stigmatize students. It is collected so schools can identify needs, allocate resources, and measure outcomes for students, schools, and education systems.

Yet immigration status—despite potentially shaping educational challenges—is the one demographic characteristic schools are discouraged from measuring. In effect, states like Texas are being asked to address complex educational challenges affecting entire schools while remaining blind to a key factor influencing student outcomes.

This contradiction undermines the logic of *Plyler* itself. If undocumented children face serious disadvantages—as the Court recognized—schools must be able to identify these students in order to provide appropriate support.

Evidence suggests these students often face challenges beyond language barriers. Policy researchers frequently hypothesize that undocumented students experience higher absenteeism, greater mobility between schools, interrupted schooling, and greater educational service needs.

Research confirms the severity of trauma many migrant children experience. [A study published in Social Science & Medicine](#) found that 97.4 percent of Central American and Mexican migrant children experienced at least one traumatic event before arriving in the United States, and 44 percent exhibited psychological or behavioral concerns.

Medical experts in Texas report that many immigrant children require significant mental health support due to sexual and violent trauma experienced during migration. [A Department of Homeland Security](#) initiative also uncovered cases of abuse and exploitation of migrant children placed with inadequately vetted sponsors, highlighting the vulnerability of some students entering our schools.

These realities affect school accountability systems.

Schools must determine whether lower performance stems from language acquisition challenges, trauma, interrupted education, or other factors requiring different interventions. Right now, policymakers cannot answer a basic question:

How do students with precarious immigration status perform compared to students who simply speak a language other than English at home?

We see the consequences across Texas.

Under state law, when a campus receives an F rating for five consecutive years, the education commissioner must close schools, reorganize the district, or replace local leadership with state control. Students are reassigned, teachers are replaced, and entire communities experience disruption.

Recently, this threshold has placed districts such as Fort Worth, Beaumont, Connally, and Lake Worth ISD at risk of state takeover after six campuses repeatedly received failing grades.

These campuses share strikingly similar characteristics. Between 80 percent and 97 percent of students come from low-income households, compared with about 60 percent statewide. At five of the campuses, 64 percent to 92 percent of students are considered at risk of dropping out.

Research consistently confirms the importance of demographics in educational outcomes. As [Stanford education researcher Beth Schueler explains](#):

“I don’t think we want to lose sight of the fact that the demographic composition of a school system is the thing that’s going to be the most predictive of variation in performance and outcomes.”

When schools struggle or close, enrollment declines, families move away, and local economic opportunities diminish.

In short, the downstream effects of *Plyler v. Doe* are not limited to undocumented students. They may affect every student in the school, district, and the communities that depend on them.

Congress has the authority to address this contradiction.

Congress should require the Departments of Education and Justice to issue new guidance clarifying that the 2011 Dear Colleague Letter cannot be used to prevent states from collecting data necessary to educate students and administer fair accountability systems.

Congress should also consider legislation allowing states to collect immigration-status data for educational planning and accountability purposes.

Right now, schools are required to meet complex educational needs affecting students, schools, and entire districts while operating in the dark.

If Congress requires states to educate every child, then states must also be allowed to identify the immigration status of students in order to understand the adverse effects of *Plyler v. Doe*.

Thank you, and I look forward to your questions.