

## STATEMENT FOR THE RECORD

Submitted to the House Judiciary Subcommittee on the Constitution and Limited Government

Hearing: "Immigration Policy by Court Order: The Adverse Effects of *Plyler v. Doe*"

March 18, 2026

The title of this hearing frames *Plyler v. Doe* as a problem. The undersigned organizations respectfully submit that the evidence points in the opposite direction. For more than forty years, *Plyler* has been one of the quiet pillars of American public education, ensuring that every child, regardless of immigration status, can walk through a schoolhouse door. The question before this Subcommittee should not be whether that protection has cost too much. The question is what we lose, in our children, in our communities, in our economic prosperity, and in the future of this country, if we take it away.

### What *Plyler* Means for Children

The central harm of eroding *Plyler* is not abstract. It lands on children.

We already have evidence of what happens when immigration enforcement chills access to schools, even without formal exclusion. A 2025 nationally representative UCLA survey of more than 600 high school principals found that nearly two-thirds reported students from immigrant families missing school, not because any school turned them away, but because families were afraid.<sup>1</sup> A 2025 working paper published by the Annenberg Institute at Brown University found that students in five California Central Valley counties missed an estimated 22 percent more school days during the spring of 2025 than in prior years.<sup>2</sup> Pre-kindergarten absences rose an estimated 35 percent. These are not undocumented children alone. They are children in mixed-status families. They are US citizen children whose parents are afraid. They are children who have every legal right to be in a classroom and are not there.

This matters because a child who is afraid cannot learn. Research is unambiguous that chronic absenteeism, trauma, and acute stress impair cognitive development, academic achievement, and long-term outcomes.<sup>3</sup> When *Plyler* protections erode, the harm does not stop at the child who is excluded or deterred. It ripples through every classroom those children are missing from, affecting teachers, disrupting instruction, and diminishing the educational experience of every student in the room.

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<sup>1</sup> John Rogers, Joseph Kahne, Deborah La Torre, Charity Castro, Samuel Stern, Micaela Bronstein, and Michael Ishimoto, "The Fear is Everywhere": U.S. High School Principals Report Widespread Effects of Immigration Enforcement" (Los Angeles, CA: UCLA's Institute for Democracy, Education, and Access, December 2025), <https://idea.gseis.ucla.edu/publications/fear-is-everywhere/>

<sup>2</sup> Dee, Thomas S.. (2025). Recent Immigration Raids Increased Student Absences. (EdWorkingPaper: 25-1202). Retrieved from Annenberg Institute at Brown University: <https://doi.org/10.26300/a62e-h526>

<sup>3</sup> National Scientific Council on the Developing Child, "Toxic Stress Derails Healthy Development," Center on the Developing Child, Harvard University, accessed March 2026, <https://developingchild.harvard.edu/science/key-concepts/toxic-stress/>

Alabama's experience in 2011 is instructive.<sup>4</sup> After the state enacted HB 56, which required school administrators to verify students' immigration status at enrollment, more than 13 percent of Latino students withdrew from Alabama public schools in the first six months alone, even though immigrants as a whole constituted less than half of one percent of Alabama's student population. Nearly all of the children who left were US citizens. They had every right to be there. They left because their families were frightened. The school enrollment provision was struck down as a violation of *Plyler* before it could be fully implemented. The courts reaffirmed children's rights. But the harm to those children had already been done.

### **What *Plyler* Protects Beyond Immigrant Children**

The logic being advanced to dismantle *Plyler*, that a category of children can be excluded from public education on the basis of a status they did not choose and cannot change, is not new. And it does not stay contained.

Before Congress passed the Individuals with Disabilities Education Act, schools routinely excluded students with disabilities using nearly identical arguments: that the cost was too high, that the burden was too great, and that there was no constitutional obligation to serve them. The Supreme Court in *Plyler* drew on that very history, recognizing that denying a class of children access to education inflicts the kind of permanent, irreversible harm the Constitution cannot permit. Students experiencing homelessness have had to fight for their right to remain enrolled under the McKinney-Vento Act. Students in foster care have had to fight for stability and continuity in their schooling. Students displaced by natural disasters have had to fight to stay connected to their education. In each case, the principle was the same: no child should be excluded from school because of circumstances beyond their control.

Accepting the premise that immigration status justifies exclusion does not create a narrow exception. It creates a template. The undersigned organizations urge this Subcommittee to consider carefully what limiting principle remains once that door is open.

### **What *Plyler* Has Produced for Communities and the Country**

The argument for overturning *Plyler* rests on a claim of unsustainable fiscal burden. The data does not support that claim.

Research by FWD.us found that *Plyler* beneficiaries have paid more in state and local income taxes over their lifetimes than the total cost of educating them by over \$633 billion.<sup>5</sup> That is not a burden. That is a return on investment. In 2023 alone, households led by undocumented immigrants paid \$89.8 billion in total federal, state, and local taxes, including \$33.9 billion in state and local taxes, the very taxes that fund public schools. In 40

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<sup>4</sup> American Immigration Council, "Public Education for Immigrant Students: Understanding *Plyler v. Doe*," fact sheet, January 2025, <https://www.americanimmigrationcouncil.org/fact-sheet/plyler-v-doe-public-education-immigrant-students/>.

<sup>5</sup> Scott D. Levy and Phillip Connor, "The Power of *Plyler*: The Societal and Economic Gains of Equal Access to Education for Undocumented Children and the Future Losses if It Is Taken Away," FWD.us, December 2025, <https://www.fwd.us/news/the-power-of-plyler/>

out of 50 states, undocumented immigrants pay a higher effective state and local tax rate than the top one percent of households.

Reversing *Plyler* would not produce savings. It would produce costs. The same FWD.us analysis found that if undocumented children were excluded from public schools, the US economy would lose more than \$1 trillion in income over the lifetimes of current *Plyler* beneficiaries, the workforce would shrink by 450,000 workers in jobs requiring at least a high school education, and healthcare costs for preventable conditions would increase by \$24.2 billion. Requiring schools to certify the immigration status of all students would also add significant administrative costs to schools as well as a new burden on all families enrolling children in school. An analysis by the Immigration Research Initiative of two Tennessee education bills that would require documentation of students' status found that the cost to Tennessee taxpayers would be around \$55 million in the first year alone.<sup>6</sup>

## Conclusion

*Plyler v. Doe* is not immigration policy by court order. It is a constitutional recognition that children are not responsible for the circumstances of their birth or arrival, and that a country which denies children an education pays a price no one can afford.

The undersigned organizations urge the members of this Subcommittee to keep the focus of this hearing where it belongs: on the children sitting in classrooms across this country, on the communities their families have built, and on the forty years of evidence that educating every child is not a burden. It is the foundation of our nation.

## Submitted by:

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ACLU

Advance Illinois

AERA Immigration & Education SIG

AFT

All4Ed

American Association of Interpreters and Translators in Education (AAITE)

AP-OD (Abriendo Puertas/Opening Doors)

Asian Americans Advancing Justice- AAJC

Association of Educational Service Agencies

Breakthrough Central Texas

Bridges to Academic Success, CUNY

Brown's Promise

BUILD Initiative

California Newcomer Network

California School-Based Health Alliance (CSHA)

Center for Law and Social Policy

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<sup>6</sup> David Dyssegaard Kallick and Anthony Capote, "The Unforeseen Fiscal Cost of Verifying Student Immigration Status," Immigration Research Initiative, March 2, 2026, <https://immresearch.org/publications/the-unforeseen-fiscal-cost-of-verifying-student-immigration-status/>

Centro Hispano de East Tennessee  
Children's Defense Fund-Texas  
Children's Rights  
Chinese for Affirmative Action  
Church World Service  
Coalition for Humane Immigrant Rights (CHIRLA)  
Columbus Education Justice Coalition  
Communities Upwards  
Corridor Community Action Network  
Council of Administrators of Special Education  
CUNY-Initiative on Immigration and Education  
Dream Project, Inc.  
Dream Squad at Bard High School Early College Queens  
EDGE Partners  
EdTrust  
EdTrust - New York  
Education Justice Alliance  
Education Law Center-PA  
Education Policy, Birth – 12th Grade, New America.  
Educators for Excellence  
EduColor  
EL/La Para TransLatinas  
Equality California  
EXCELL Coalition  
Faith Choice Ohio  
Families In Schools (FIS)  
Glide Foundation  
Good Samaritan FRC  
Hands United  
High School English teacher  
Honesty for Ohio Education  
IDRA  
Immigrant Connections  
ImmSchools  
InnovateEDU  
Internationals Network for Public Schools  
Kentucky Coalition for English Learners  
Kids First Chicago  
Kids in Need of Defense (KIND)  
Las Doñas  
Latino Community Center  
Latino Community Fund Georgia  
Latino Policy Forum  
League of Education Voters  
Love in Action Advocacy  
Massachusetts Advocates for Children  
Massachusetts Immigrant and Refugee Advocacy Coalition  
Michigan's Children

MinneSLIFE  
Mission Graduates  
NAELPA - National Association of English Learner Program Administrators  
National Association for Family Child Care  
National Association of Social Workers  
National Charter Collaborative  
National Council on Teacher Quality  
National Education Association  
National Immigrant Justice Center  
National Immigration Law Center  
National Newcomer Network  
National PTA  
National Rural Education Association  
NBJC  
New Jersey Alliance for Immigrant Justice  
New Jersey Consortium for Immigrant Children  
Newcomer and ELL Services  
NJTESOL/NJBE  
Ohio TESOL  
OneAmerica  
Partnership for the Future of Learning  
People for Peace and Justice, Sandusky County  
Pint Size Protesters  
Presidents' Alliance on Higher Education and Immigration  
Public Counsel  
Public School Forum of North Carolina  
Refugee & Immigrant Transitions  
Right to Read Ohio  
Rising Voices  
SchoolHouse Connection  
SF Parents Coalition  
Southeast Dignity not Detention Coalition  
Southern California College Attainment Network  
Stop AAPI Hate  
Students Engaged in Advancing Texas (SEAT)  
TESOL International Association  
The Children's Partnership  
The Collaborative for Inclusive Education  
The Education Neuroscience Foundation  
The National Parents Union  
The Workers Circle  
UnidosUS  
United Parent Leaders Action Network  
Voto Latino  
Washington State Association of Head Start and ECEAP  
WE RISE SF  
Young Center for Immigrant Children's Rights