

States target Plyler court ruling on educating immigrant children

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Republicans in at least five states have now introduced legislative measures to block undocumented children from attending public schools, in direct defiance of the landmark Supreme Court ruling *Plyler v. Doe*.

In the 1982 decision, the court ruled that children are entitled to free public education regardless of their immigration status, based on the “equal protection clause” of the Fourteenth Amendment. It struck down both a 1975 Texas state statute denying state funding for education of undocumented immigrant children and the attempt by the Tyler, Texas district to charge an annual \$1,000 tuition fee to students not “legally admitted” to the US.

Writing for the 5-4 majority in *Plyler*, Justice William Brennan stated that the Fourteenth Amendment protects “anyone, citizen or stranger, who is subject to the laws of a State and reaches into every corner of a State’s territory.”

Further, Brennan emphasized that denying undocumented children the ability to learn how to read and write would take an “inestimable toll” on their “social, economic, intellectual, and psychological well-being.” He overruled the Texas status, saying it “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 ... foreclose any realistic possibility that they will contribute in even the smallest way to the progress of our nation.”

In 2025, the American ruling oligarchy is entirely hostile to such foundational democratic rights and sentiments.

Following Trump’s January 20 executive orders for a sweeping anti-immigrant campaign, including targeting

“sensitive” locations, like schools, childcare centers, playgrounds, and churches, Republican-controlled states have introduced a slew of unconstitutional, undemocratic and vindictive measures against the right of immigrant children to education.

- On February 4, **Tennessee** House majority leader William Lamberth (R-Portland) and state Sen. Bo Watson (R-Hixson) introduced a bill to deny enrollment to students without documentation, including those whose families have Temporary Protected Status, making their presence legal. In an accompanying statement, Watson and Lamberth say the bill intentionally “seeks to challenge” *Plyler*. These measures follow a January bill, the “Tennessee Reduction of Unlawful Migrant Placement” or “TRUMP” Act, which would require tuition—amounting to the district’s per-student cost—from the parents of children without citizenship.

- As of January 28, a new **Oklahoma** rule, championed by the fascistic state superintendent of public instruction Ryan Walters, requires parents to provide their child’s proof of citizenship or legal immigration status. The reactionary attack on immigrants sparked protests by angry youth and educators. Nevertheless, the measure was passed by the state’s board of education and will go to the state’s Republican-controlled legislature and governor. Additionally, it requires districts to take a census of undocumented students and submit them to the state Department of Education. A similar policy was ruled illegal in Alabama in 2011 on the basis of the Fourth Amendment’s prohibition of unlawful interrogations, searches, and seizures.

- In **Indiana**, House Bill 1394 was introduced on January 13. It seeks authorization to allow districts to “deny enrollment to unlawful immigrants if the school

corporation determines by a *preponderance of the evidence*” (emphasis added), that the child is “present in the United States in violation of law.” It calls for schools to submit to the state the number of “unlawfully present students,” whether they are English learners, how many staff provide bilingual instruction and the attendance and truancy rates for “unlawfully present” students.

• A **Texas** bill, H.B. 1512, demands that beginning in the 2025-26 school year, districts must take a count of children they know or “reasonably believe” are not US citizens. Governor Greg Abbott has, since 2022, called for a legal challenge to *Plyler* and demanded that the federal government pay for the costs of educating undocumented children in Texas.

While not an immediate measure, in January 2024, **Utah** Republican Rep. Trevor Lee called for barring undocumented students’ access to public schools, proposing a constitutional amendment to “limit the public education system to children who are citizens of the United States or legal residents of the United States.” He subsequently withdrew the proposal, converting it to a resolution calling for federal action on immigration.

In Democratic-controlled **New Jersey**, Paul Kanitra (R-Monmouth and Ocean) introduced legislation on January 27 to require tuition from students who can’t prove citizenship or legal status.

The bill, named “Protecting Legally-Present Youngsters’ Limited Educational Resources (PLYLER) Act,” specifically targets the 1982 ruling, stating that *Plyler* “circumvents the states’ authority over education,” and calls for the state legislature to mount a legal challenge. Fanning the flames of xenophobia, Kanitra’s bill alleges *Plyler* has cost New Jersey “billions of dollars” to educate thousands of “illegal alien children enrolled in State public schools.”

The use of state laws to force a review and likely overturn of *Plyler* by the US Supreme Court was outlined by the Heritage Foundation, the right-wing corporate think tank that authored “Project 2025,” the blueprint for the Trump administration’s rampage.

As part of the legal and political preparations for Trump’s return to office, Heritage authored a “Factsheet” titled “The Consequences of Unchecked Illegal Immigration on America’s Public Schools,” which claimed that the cost of educating migrant

children was upwards of three-quarters of a billion dollars, causing schools to “switch to online learning,” “instruct students in hallways” and depress the “learning and academic performance” of other children.

These vicious attacks on the democratic rights of children and the US Constitution are part of a full-court press by the ultra-right to deflect social tensions into xenophobia and the scapegoating of immigrants. According to the *Washington Post*, this includes Missouri and Mississippi lawmakers, who have proposed allowing bounty hunters to detain undocumented immigrants and offering \$1,000 rewards for tips that lead to arrests.



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