

Public Education for Immigrant Students: Understanding

Plyler v. Doe

- In June 1982, the Supreme Court issued Plyler v. Doe, a **landmark decision that states cannot constitutionally deny students a free public education because of their immigration status.**
- By a 5-4 vote, the Court found that any resources that might be saved from excluding undocumented children from public schools were far outweighed by the harms imposed on society at large by denying them an education.
- For more than thirty years, Plyler has ensured equal access to education for children regardless of status, but anti-immigrant sentiment continues to threaten that right. States and localities have passed measures and adopted unofficial policies that violate the Court's decision's spirit—if not the letter.
- For example, in 2011, the state of Alabama enacted a law requiring school administrators to determine the immigration status of newly enrolled students, which in turn resulted in markedly higher rates of absenteeism for Latino school children and caused much fear and confusion in schools. Supporters of the Alabama law wanted to challenge Plyler itself, claiming the Court implied that its ruling could change if sufficient evidence established that the enrollment of undocumented children harmed the overall quality of education. Still, that challenge was blocked by the Courts.

What was the basis for the Supreme Court's ruling?

- **The Court based its ruling on the Fourteenth Amendment of the U.S. Constitution, which says in part, “No State shall ... deny to any person within its jurisdiction the equal protection of the laws.” (This provision is commonly known as the “Equal Protection Clause.”)**
- Under this provision, the Court held that if states provide a free public education to U.S. citizens and lawfully present foreign-born children, they cannot deny such an education to undocumented children without “showing that it furthers some substantial state interest.
- The Court found that the school district had no rational basis to deny children a public education based on their immigration status, given the harm the policy would inflict on the children themselves and society as a whole. “By denying these children a basic education,” the Court said, “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.”
- The Court also said holding children accountable for their parents' actions “does not comport with fundamental conceptions of justice.”

