



September 6, 2019

Hon. Greg Abbott
Governor of the State of Texas
Office of the Governor
State Insurance Building
1100 San Jacinto
Austin, Texas 78701

Delivered via facsimile and regular mail

Dear Governor Abbott,

The undersigned organizations form the Texas Latino Education Coalition (TLEC). For decades, TLEC's member organizations have advocated for the rights of all students in Texas to have access to excellent and equitable public education opportunities. These rights exist for every single young person in Texas, no matter their racial or ethnic background, national origin, or citizenship status.

In light of a number of recent events—including the racially-motivated massacre in El Paso that targeted Latinos and comments made on social media between you and a Texas educator related to the responsibility teachers have to educate every child—we find it necessary to share some information with you about students' guaranteed civil rights.

Plyler v. Doe

In *Plyler v. Doe* (457 U.S. 202 (1982)) the United States Supreme Court held that the children of undocumented people and children who are themselves undocumented have the same right as United States citizens and permanent residents to attend public schools. The Court ruled that the Equal Protection Clause of the 14th Amendment of the United States Constitution applies to all persons within a state's borders, not just those who are legal U.S. citizens. The Court also held that Texas' statute that denied public education funding to undocumented children and required tuition payments violated the Equal Protection Clause. The *Plyler* decision made it clear that it is unlawful for school personnel to erect barriers to public schools for any child, no matter their immigration or citizenship status. The Supreme Court noted that education of all children "has a fundamental role in maintaining the fabric of our society." 457 U.S. 202, 221.

As a result of this important decision, schools may not:

- make inquiries of students or parents intended to expose their undocumented status;
- deny admission to a student during initial enrollment or at any other time on the basis of undocumented status;
- treat a student differently to determine residency;
- engage in any practices to “chill” the right of access to school, such as requiring driver’s licenses of parents to register their child;
- require students or parents to disclose or document their immigration status; or
- require social security numbers from all students, as this may expose undocumented status.

The U.S. Department of Justice and the U.S. Department of Education in 2014 clarified the intent of the *Plyler* ruling in a letter advising school officials that activities that deny access to or discourage students from attending school are unlawful. The letter begins, “Under federal law, state and local educational agencies are required to provide all children with equal access to public education at the elementary and secondary level.”¹

In your social media post, you identify the justices in the *Plyler* majority as “liberals.” Identifying the purported political leanings of individual justices in order to justify an attack on the decision of the Court is fundamentally dangerous to the ideal of an independent judiciary. Furthermore, the right to access public education for undocumented children and children whose parents are undocumented has not always been a partisan issue. Even before *Plyler*, leaders from different political parties recognized the benefits of ensuring that *all* children attend school, even as they debated how to address other immigration policy issues.

The Impact and Importance of Plyler

All students have the right to attend public schools, no matter the individual biases of educators, administrators, or those in other positions of power. Schools and community leaders must actively work to ensure safe and inclusive schools and not engage in practices that deny or discourage immigrant families from attending schools. Limiting access to public schools harms children and promotes a dangerous and false narrative that children of immigrant families are ineligible to receive protections that are fundamental to our democracy.

Access to our nation’s public education system has been, and continues to be, a hard-fought battle for many communities in this country. It is not a right that should be taken lightly, dismissed, or disparaged, especially with inaccurate and partisan comments on social media platforms.

We can engage in important debates about comprehensive immigration policy without demonizing innocents and playing into the hands of those who would seek to further divide our country. We urge you to exercise caution and carefully consider how you characterize students, people of color, and immigrants—people who make up a significant share of your constituents in the state of Texas and who contribute to our economy, serve in the armed forces, and bring value to our communities. The horrific

¹ “Dear Colleague” letter issued by the United States Departments of Justice and Education, May 8, 2014. Available at <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201405.pdf> .

shooting in El Paso—the most recent of numerous incidents of violence motivated by racism and xenophobia—is the perfect example of why words and messages matter.

Please reach out to any of the undersigned organizations if you would like to speak more about building and supporting more inclusive and welcoming Texas schools.

Sincerely,

The Texas Latino Education Coalition

César E. Chávez Legacy and Educational Foundation | Center for Public Policy Priorities (CPPP) | Dr. Hector P. García G.I. Forum | Intercultural Development Research Association (IDRA) | Mexican American Legal Defense and Educational Fund (MALDEF) | Mexican American School Board Members Association (MASBA) | National Association for Chicana and Chicano Studies (NACCS) – Tejas Foco | San Antonio Hispanic Chamber of Commerce | Texas American Federation of Teachers | Texas Association for Bilingual Education (TABE) | Texas Association for Chicanos in Higher Education (TACHE) | Texas Association of Mexican American Chambers of Commerce (TAMACC) | Texas Center for Education Policy at the University of Texas – Austin | Texas Hispanics Organized for Political Education (HOPE) | Texas League of United Latin American Citizens (LULAC) | Texas NAACP | McNeil Educational Foundation for Ecumenical Leadership | UnidosUS (formerly known as NCLR)