

# Plyler v Doe (1982)

**FACTS OF THE CASE** In 1975 the state of Texas passed a law that denied school districts money for educating students who could not prove they were living in the United States legally. The same law authorized local school districts to deny enrollment to such children. Two years later, a school district adopted a policy requiring foreign-born students to pay tuition to attend its public school. The fees would apply to students who could not prove they were in the country legally or students who could not get a federal judge's confirmation that they were in the process of getting legal documentation. A group of students who could not prove their legal status brought a class action lawsuit claiming that the law denied equal protection under the law, as required by the Fourteenth Amendment.

## ISSUE

**Does a state law violate the Equal Protection Clause of the Fourteenth Amendment if it denies a free public education to school-aged children who cannot prove they are in the country legally?**

## ARGUMENTS

**OPINION A** The Fourteenth Amendment says that "No state shall . . . deny to any person within its jurisdiction the equal protection of the laws." This principle should be applied literally to all persons, even the children of undocumented parents. While our past decisions have allowed states to treat undocumented individuals differently from those legally admitted, the idea of punishing innocent children for the misconduct of their parents does not fit with our country's basic idea of fairness. Although there is no federal constitutional right to an education, we recognize that economic opportunity is severely limited for those who are unable to obtain one. This law unconstitutionally places a lifetime of hardship on the children of undocumented parents. It can also place social and economic costs onto other citizens if these children grow up to be unproductive members of society.

**OPINION B** Undocumented individuals, as opposed to legal residents, are not receiving special judicial protection according to our past decisions, and this Court has never held that education is a fundamental right. Therefore, when we look at this new law, we should not be tempted to substitute our wisdom for that of the representatives elected by the state's citizens. Our precedents require only that state laws not violate the Constitution. In this case, the law must have a rational basis. It is certainly not irrational for the state to conclude, as it apparently has, that it does not have the responsibility to provide benefits for persons whose presence in this country is illegal. The state law in question does not violate the federal Constitution. The children of undocumented parents need to address their problem to their state legislature.

### EXPLORING THE ESSENTIAL QUESTION

**Making Decisions** Read each of the two sample opinions in this case, and think about whether the Fourteenth Amendment guarantees a free public education to school-aged children who are undocumented. Decide which opinion you think should be the majority (winning) opinion and which one you think should be the dissenting opinion. Explain your choice.

**YOU BE**   
the **JUDGE**