

Congress of the United States  
House of Representatives  
Washington, DC 20515-4312

April 8, 2026

The Honorable Harmeet Dhillon  
Assistant Attorney General  
U.S. Department of Justice  
950 Pennsylvania Ave NW  
Washington, DC 20530

The Honorable Linda McMahon  
Secretary  
U.S. Department of Education  
400 Maryland Avenue SW  
Washington, D.C. 20202

Dear Assistant Attorney General Dhillon and Secretary McMahon:

Thank you for the important work both of your Departments are doing to restore clarity, accountability, and respect for the rule of law across federal agencies. In keeping with these efforts,

As you may know, I recently hosted a March 18, 2026, hearing titled “*Immigration Policy by Court Order: The Adverse Effects of Plyler v. Doe*,” which examined the consequences of *Plyler v. Doe*—the 1982 Supreme Court decision requiring states to provide free K–12 public education to individuals unlawfully present in the United States. In that hearing, we explored concerns that the decision was wrongly decided and has imposed significant operational and financial burdens on America’s schools and students.

During witness testimony, it was brought to my attention that schools in certain states—particularly those that may otherwise collect immigration-status data for planning and accountability purposes—are refraining from doing so. This hesitation appears to stem from longstanding federal guidance issued in 2011 and reaffirmed in 2014 during the Obama Administration, which has been widely interpreted as discouraging such data collection.<sup>1</sup>

While framed as civil rights guidance, this policy has had the practical effect of chilling lawful data collection by states and local educational agencies. As a result, states like Texas and various school board associations have avoided collecting basic immigration-status data—even where such information would be critical for resource allocation, program design, and long-term planning.

Importantly, nothing in federal law—including *Plyler v. Doe*—prohibits states from collecting demographic data, including immigration-status information, for legitimate educational and administrative purposes. While *Plyler* guarantees access to education, it does not prevent states from understanding the composition of their student populations or gathering data necessary to operate their school systems effectively.

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<sup>1</sup> Dear colleague letter (PDF). (n.d.). <https://www.ed.gov/media/document/colleague-201101pdf-90483.pdf>

States bear primary responsibility for administering K–12 education and must retain the authority to collect and analyze the data needed to allocate resources, ensure accountability, and serve students effectively. Federal guidance should not be interpreted—or enforced—in a way that undermines that responsibility.

In light of the Administration’s broader efforts to revisit and improve prior guidance that may no longer reflect current law or policy priorities, I respectfully encourage your Departments to review and consider rescinding and updating the 2011 Dear Colleague Letter and its 2014 reaffirmation. Clarifying this issue would help ensure that states can confidently exercise their lawful authority without fear of unintended federal consequences.

Should you determine that updated guidance is appropriate, I recommend that such clarification make clear that:

- The 2011 Dear Colleague Letter and its 2014 reaffirmation should not be interpreted to prohibit or discourage states or local educational agencies from collecting demographic data, including immigration-status information.
- States and local educational agencies have full authority and discretion to determine what data they collect in order to operate their education systems effectively.
- No State or local educational agency shall face federal investigation, enforcement action, or any withholding, reduction, or conditioning of federal education funds solely on the basis that it collects such data in compliance with federal law.

Additionally, I request that this updated guidance be clearly communicated to the Department of Education’s Office for Civil Rights to ensure that enforcement practices reflect this clarification and do not perpetuate prior misinterpretations rooted in earlier policy.

This is fundamentally a question of federalism. The federal government should not use informal guidance to deter lawful state action or dictate how states manage their education systems beyond what Congress has authorized. States must be able to govern—and to gather the information necessary to do so—without fear of federal reprisal.

I urge you to act promptly to provide clarity and restore confidence for states seeking to responsibly administer their education systems.

Thank you for your leadership and for your attention to this important matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Chip Roy', with a stylized flourish at the end.

Chip Roy  
Member of Congress

cc: Assistant Secretary for Civil Rights, U.S. Department of Education