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What the 2025-26 Supreme Court Term Means for Education Justice

by Ámbar Caldwell, Paige Duggins-Clay, J.D., & Makiah Lyons, J.D.

The U.S. Supreme Court's term this year brought significant changes to the legal landscape affecting students, families and communities. Across decisions involving race, immigration, LGBTQ+ rights and the role of federal agencies, the court limited the civil rights protections available to communities seeking equal opportunity.

These decisions matter because the law does not exist separately from students' (and their families') everyday experiences. Whether students feel safe in their schools, whether families can stay together, whether parents can advocate for their children, and whether communities have meaningful access to opportunity are all shaped by legal frameworks and government decisions.

For more than 50 years, IDRA has advocated the right of every child to receive an excellent and equitable education. We believe public schools are foundational institutions of democracy, places where young people develop knowledge, agency, belonging and the skills necessary to participate fully in civic life.

The court's 2025-26 term revealed an alarming pattern: while the court has increasingly limited tools designed to address historical and ongoing inequities, it has been less willing to recognize the harms caused when government systems target marginalized communities. These decisions have significant implications for education justice and the ongoing work to ensure every child is valued, supported and able to thrive.

Race and the Law: Limiting Remedies While Dismissing Race-based Harm

The court's recent race jurisprudence has emphasized a so-called "colorblind" approach to constitutional interpretation. Just four years ago in the *Harvard* and *UNC* affirmative action cases, the court restricted the consideration of race in college admissions (IDRA, 2023). This limited institutions' ability to address the continuing effects of historical and present-day exclusion and promote educational diversity.

This approach creates a troubling tension when considered alongside the court's decisions this term involving race and government power.

Disturbingly, in *Louisiana v. Callais,* the court narrowed protections under Section 2 of the *Voting Rights Act of 1965* by making it more difficult for communities of color to challenge electoral maps that diminish their political power (LDF, 2026). The *Voting Rights Act* was shaped by generations of organizing led by Black and Latino communities across the U.S. South and Southwest, including young people, students, educators and community leaders *(cont. on Page 2)*

The court's 2025-26 term revealed an alarming pattern: while the court has increasingly limited tools designed to address historical and ongoing inequities, it has been less willing to recognize the harms caused when government systems target marginalized communities.

(What the 2025-26 Supreme Court Term Means for Education Justice, continued from Page 1)

who risked their safety to challenge discrimination and expand democratic participation.

The implications of *Callais* extend beyond elections. Public education is shaped by democratic participation. Elected officials make decisions about school funding, accountability, curriculum, discipline and student rights. When communities lose political power, their ability to advocate for excellent and equitable schools is also diminished.

This trend of diminishing race/ethnicity-based protections extended to the streets of Los Angeles in *Noem v. Vasquez Perdomo*, where the court sanctioned immigration officials' unapologetic use of racial profiling in enforcement actions (MALDEF, 2026). Without even hearing oral argument or allowing for the full development of a factual record, the court's majority reversed an injunction prohibiting immigration agents from stopping people based solely on their race/ethnicity, language or occupation.

As Justice Sonia Sotomayor stated in her dissent, "We should not have to live in a country where the Government can seize anyone who looks Latino, speaks Spanish, and appears to work a low wage job." While just a few years ago in the *SFFA* decision, the U.S. Supreme Court said race could not even be used as one of many factors in the college admissions process, it now – in baffling contradiction – says in *Vasquez Perdomo* that race/ethnicity can be a central reason for an immigration stop.

Finally, while not directly about race/ethnicity, the court's decision in *Landor v. Louisiana* is relevant here. Continuing the trend of recognizing discrimination but not remedying it, the court in *Landor* limited the ability of a Rastafarian man whose hair was forcibly cut in violation of his religious beliefs to seek money damages from the responsible officials.

Reminiscent of the pursuit by Black, Latino and Indigenous students across the country and across generations for justice for hair discrimination, *Landor* underscores the unequal treatment of racial, ethnic, cultural and religious minorities in the law.

Immigration and the Law: Affirming Citizenship and Destabilizing Communities

In addition to its decision in *Noem*, the Supreme Court addressed fundamental questions about immigration and citizenship in *Trump v. Barbara* and *Mullin v. Doe.*

In *Trump v. Barbara,* the court rejected efforts to limit birthright citizenship, affirming that children born in the United States and subject to its laws are citizens from birth (ACLU, 2026a). The court's 6-3 decision prevents implementation of Executive Order No. 14160, which sought to strip citizenship from children born in the United States to parents who are unlawfully or temporarily present.

This decision prevented the creation of a "permanent subclass" of individuals born in the United States who were denied the dignity, stability and belonging that citizenship provides. Yet only a razor-thin majority (5-4) decided the case on the constitutional issue. So, while it was technically 6-3 on the executive order, only five justices stood by one of the most well-settled constitutional questions.

Writing for the majority, Chief Justice Roberts reaffirmed that the Fourteenth Amendment's Citizenship Clause is "simply declaratory of… the law of the land" and that any child born on U.S. soil and subject to its laws is a citizen at birth.

The implications of Callais extend beyond elections. Public education is shaped by democratic participation… When communities lose political power, their ability to advocate for excellent and equitable schools is also diminished.

For schools, this principle is essential. Every child who enters a classroom deserves the opportunity to learn, regardless of their parents' immigration status.

On the other hand, the court's decision in *Mullin v. Doe* created significant uncertainty for families with Temporary Protected Status (TPS). TPS protects from removal for individuals from countries experiencing dangerous conditions.

In *Mullin*, the court allowed the administration to proceed with terminating TPS status for Haitian and Venezuelan families. It held that these families could not prove the discriminatory intent necessary to prevail on an equal protection claim because the government proffered a "race-neutral explanation for the government's action."

(cont. on Page 6)

The Intercultural Development Research Association (IDRA) is a non-profit organization with a 501(c)(3) tax exempt status. Our mission is to achieve equal educational opportunity for every child through strong public schools that prepare all students to access and succeed in college.

The IDRA Newsletter (ISSN 1069-5672, ©2026) serves as a vehicle for communication with educators, school board members, decision-makers, parents, and the general public concerning the educational needs of all children across the United States.

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IDRA Statement

Fifth Circuit Invalidates Texas Dream Act

The Court's Ruling Compromises a Quarter Century of the State's Investment in Texas' Dreamers and Economy

On July 9, the Fifth Circuit Court of Appeals upheld a federal district court ruling in *USA v. Students*, finding the *Texas Dream Act* unconstitutional.

"The *Texas Dream Act* has long provided opportunity for Texas-raised undocumented students to access college and better contribute to the Texas workforce and economy," said Celina Moreno, J.D., IDRA President and CEO. "This court ruling will make college unattainable for thousands of Texas Dreamers."

Texas was the first state to offer in-state tuition to undocumented students in 2001. The bipartisan law catalyzed 24 other states and Washington, D.C., to adopt similar policies.

Twenty-five years after its adoption, the *Texas Dream Act* continues to enjoy widespread support across all sectors of society. After repeated failed attempts by extremist politicians to repeal the common-sense law, they turned to the courts. And instead of defending the interests of Texans from all walks of life, Texas Attorney General Ken Paxton joined the U.S. Department of Justice in a collusive lawsuit and settlement to invalidate the *Texas Dream Act* outside of the democratic process.

"The Fifth Circuit's decision to protect backdoor arrangements that deny Texas students the ability to achieve their educational dreams is a shameful abdication of the court's responsibility to consider the clear legal facts and precedent in this case," said Paige Duggins-Clay, J.D., IDRA Chief Legal Analyst. "The decision is a significant loss for every American who cares about democracy."

Last year, IDRA filed a coalition amicus brief in the Fifth Circuit on behalf of business, higher education, civil rights and student leaders in support of Texas Dreamers and a stronger Texas.

> *"The Texas Dream Act has long provided opportunity for Texas-raised undocumented students to access college and better contribute to the Texas workforce and economy. This court ruling will make college unattainable for thousands of Texas Dreamers."*
>
> *– Celina Moreno, J.D., IDRA President and CEO*

Learn More about the Texas Dream Act

IDRA Student Guide to Navigating Texas Dream Act Changes
English: https://idra.news/TxDreamActStudentGuide
Spanish: https://idra.news/TxDreamActStudentGuideSp

Share Your Story: Students, families and educators: we need to hear from you. Use our story collection tool and take five minutes to share questions, frustrations and stories about the impact of the *Texas Dream Act* and how the court's decision may affect you.
https://idra.news/TXDreamActStoryShare

Texas Dreamers Won't Be Silenced – IDRA and TxILC File Amicus Brief on Behalf of Business, Faith, Educator and Student Groups Urging the Fifth Circuit to Protect the Texas Dream Act, IDRA Statement, October 8, 2025
https://idra.news/DreamActAmicusStatement

DACA Student Access to Education, IDRA webpage
https://www.idra.org/education_policy/daca-student-access-to-education

The Law in Education – YCT v Smatresk at UNT – IDRA Classnotes Podcast #243
https://idra.news/Pod243

Supportive College Climates for Undocumented Students – IDRA Classnotes Podcast #242
https://idra.news/Pod242

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Immigrant Students' Rights to Attend Public Schools

As schools begin a new school year, IDRA shares this infographic as a reminder that public schools, by law, must serve all children.

Schools should not discourage students without certain documents from attending school. In fact, students are *required* to attend school under state compulsory education laws.

While the U.S. Department of Homeland Security, on January 21, 2025, removed long-standing restrictions on immigration enforcement in "sensitive locations," including schools, school personnel still have no legal obligation to enforce immigration law.

And schools should assure parents that the *Family Educational Rights and Privacy Act* restricts schools from sharing information with the U.S. Immigration and Customs Enforcement agency (ICE).

IDRA's focus is to strengthen schools to work for all children, families and communities. Help us make this goal a reality for every child; we simply cannot afford the alternatives.

Denying undocumented students or children of undocumented parents access to an education is unconstitutional and against the law.

This infographic in color and in multiple languages is available on IDRA's website along with other resources for schools and advocates. We encourage you to share them across your networks.

https://idra.news/ImmigEd

Welcoming Immigrant Students in School

Immigrant students are guaranteed access to free public education by the U.S. Constitution.

Certain procedures must be followed when registering undocumented immigrant children (and those whose parents are undocumented) in school to avoid violation of their civil rights as outlined in the U.S. Supreme Court's landmark *Plyler v. Doe* decision.

- Public schools cannot deny admission to a student on the basis of undocumented status.
- Public schools cannot require students or parents to disclose their immigration status.
- Public schools cannot ask students or parents questions intended to expose their undocumented status.
- Public schools cannot require social security numbers from students or parents.
- Public schools cannot demand that parents produce driver's licenses or other identification documents that are not required.
- Public schools cannot engage in any practices that "chill" or hinder the right of access to school.

All children are required under state laws to attend school until they reach a mandated age.

While the U.S. Department of Homeland Security, on January 21, 2025, removed long-standing restrictions on immigration enforcement in "sensitive locations," including schools, school personnel still have no legal obligation to enforce immigration law.

The Family Education Rights and Privacy Act prohibits schools from providing any outside agency (including ICE) with any information from a child's school file that would expose the student's undocumented status.

The only exceptions are if agents have a judicial warrant (signed by a judge) or an agency gets a court order (subpoena) that parents can then challenge.

What schools can do...

- Focus on teaching all students.
- Pro-actively show parents that their children are welcome.
- Ensure teachers and staff are properly trained about protecting the rights of children and on cultural competency.
- Communicate with parents in their language.
- Share information about resources for students, families and educators (in English and other languages at the school).

Review all of your enrollment and registration documents (including forms, websites, and communications with parents) to be clear that the provision of the child's social security number, birth certificate, etc., is voluntary, and that not providing such information will not bar a child's enrollment.

Adults without social security numbers who are applying for a free lunch and/or breakfast program for a student need only state on the application that they do not have a social security number.

Get more info and resources:
https://idra.news/IDRAigwWelcome

Children First IDRA Transforming Education — www.idra.org — idraseen.org — @IDRAed — @IDRAedu — idra.news/LinkedInIDRA — January 2025

Collusive Litigation Strategy Dismantles Texas Dream Act & Creates Roadmap for Other Policies

by Clemon White & Paige Duggins-Clay, J.D.

On July 9 of this year, the Fifth Circuit Court of Appeals upheld a federal district court ruling in *USA v. Students,* finding the *Texas Dream Act* unconstitutional. The strategy leading to the decision undermines the will of Texans and the rule of law. The case has catalyzed identical collusive litigation in at least 13 other states (Higher Ed Immigration Portal, 2026).

IDRA and our strong, bipartisan coalition of business, higher education, civil rights and student leaders denounce the Fifth Circuit's ruling. We continue to work together to ensure every student, regardless of immigration status, has access to college and career opportunities.

What Happened

The Fifth Circuit's decision arose in a troubling, collusive manner. For nearly 25 years, the *Texas Dream Act* promoted tuition equity by allowing undocumented Texas students to qualify for in-state tuition. After repeated failed attempts by extremist politicians to repeal the act through the democratic process, the U.S. Department of Justice and the State of Texas turned to the courts to achieve what repeated legislative efforts could not.

Despite the *Texas Dream Act* delivering clear, measurable benefits to Texas, on June 4, 2025, the U.S. Department of Justice partnered with the Texas Attorney General's Office to summarily file and resolve a collusive lawsuit invalidating the law. A federal district judge rubber-stamped the illusory lawsuit, entering a consent decree deeming the *Texas Dream Act* unconstitutional mere hours after the lawsuit was filed.

Collusive lawsuits, with "sweetheart adversaries" in which the parties do not oppose each other but instead work together to obtain a particular judicial ruling, harm the public interest by undermining legislative authority and judicial integrity. State policy is meant to be made or repealed through legislative deliberation, as legislatures exist to enact policies that reflect the will of the people.

Last year, IDRA and our partners at the Texas Immigration Law Council (TxILC) organized a bipartisan, interdisciplinary coalition to file an amicus brief in support of student and civil rights organizations' efforts to defend the law when our state leaders declined to do so (2025).

As the dissent in the July 2026 case explains, the Fifth Circuit avoided addressing whether the parties' litigation strategy was an appropriate way to achieve their shared policy objective. Instead, the court relied on its own prior dicta – statements in earlier opinions that are not legally binding – from previous litigation involving the *Texas Dream Act*. By denying intervention to Texas Dreamers, the court excluded from the courtroom the people most impacted by the case. The result is a troubling decision that appears to prioritize a policy outcome over established legal principles.

The Cornerstone of the Department of Justice's Campaign Against Tuition Equity

The consequences of the court order reach well beyond individual students: undermining tuition equity will ultimately harm Texas' workforce and economy by disrupting this pipeline of skilled, educated workers.

Despite the advantages the *Texas Dream Act* has secured for the state, extremist politicians have long challenged the legislation. But they failed to repeal it through democratic means, as the Texas legislature has repeatedly refused to repeal the nearly 25-year-old law because it serves the state's long-term interests (LBR, 2023).

In 2001, Texas was the first state to enact a tuition equity statute, allowing students to be classified as Texas residents for tuition purpos-

(cont. on Page 7)

Because undocumented immigrants are integral to our communities and labor force, expanding college access by ensuring tuition equity results in a better-educated workforce and a more prosperous economy for all.

(What the 2025-26 Supreme Court Term Means for Education Justice, continued from Page 2)

As Justice Kagan pointed out in her dissent, the court's majority reached this conclusion despite voluminous "repellent and racially inflected" statements made by the U.S. President about Haitians and Venezuelans as evidence of a discriminatory purpose that the majority chose to ignore.

The court's decision leaves many families vulnerable to instability and possible separation and sends an unacceptable message that thinly veiled or even overt racism can go unchallenged.

LGBTQ+ Students: Undermining the Right to Learn in Safe and Affirming Schools

The Supreme Court's decisions affecting LGBTQ+ youth this term raise serious concerns about the ability of schools to protect students from discrimination and create environments where every child belongs.

In *Chiles v. Salazar,* the court limited state restrictions on conversion therapy practices, framing the ban as unconstitutional viewpoint discrimination against talk therapists (The Trevor Project, 2026). As Justice Jackson warned in her dissent, the majority's decision "flouts centuries of state-standardized regulation of medical care." Medical and mental health organizations have criticized the use of conversion therapy, noting that these practices can cause significant harm to LGBTQ+ youth.

In *Mirabelli v. Bonta*, the court considered a California law allowing schools to protect LGBTQ+ students' privacy and safety by allowing them to maintain confidentiality about their gender identity when disclosure to parents could place the student at risk of harm (ACLU, 2026b). Even before a full case review at the lower court level, the Supreme Court intervened through the emergency docket, limiting the protections available under California's policy.

For some students, schools may be the first or only environment where they experience acceptance and support. Policies that undermine student privacy can place vulnerable young people at risk.

Finally, in *Little v. Hecox* and *West Virginia v. B.P.J.*, the court upheld restrictions excluding transgender students from participating in athletics consistent with their gender identities (NWLC, 2026). These decisions affect students' ability to fully participate in important aspects of school life and reinforce messages of exclusion (IDRA, 2026a).

Civil Rights: Dismantling and Discrediting of Civil Rights Agencies

The Supreme Court's decisions concerning executive authority come at a moment when the federal government's capacity to enforce education and civil rights protections is under significant strain.

Efforts to reduce the size and capacity of the U.S. Department of Education include reductions in force affecting staff responsible for administering programs and investigating civil rights complaints. These actions raise critical questions about whether students and families will continue to have meaningful access to federal protections (IDRA, 2026b).

The Department of Education's Office for Civil Rights serves a vital role in investigating discrimination complaints and ensuring that schools comply with federal law. These protections are especially important for students and families who face barriers to justice at the local level.

In *McMahon v. New York*, the court allowed the administration to move forward with significant reductions in force at the Department of Education while legal challenges proceed (Walsh, 2025). The decision heightened concerns about the department's future capacity, including the Office for Civil Rights, to fulfill its mission of protecting students' rights and enforcing federal education laws.

In addition, in *Trump v. Slaughter,* the court overruled 90 years of precedent to hold that Federal Trade Commission (FTC) commissioners can be removed by the President at will, rather than only for cause. This decision threatens the independence of dozens of other federal agencies, from the Department of Health and Human Services to the Department of Justice, both of which have been tasked with performing responsibilities of the Department of Education under the administration's recent interagency agreement plan (U.S. Dept. of Ed., 2026).

Undermining agency independence is harmful because it transforms expert-led bodies into mere political instruments that can be used to reward allies or punish enemies based on partisan whims. Justice Sotomayor warned that this alters our government, shifting "tremendous power over broad swaths of American life into the President's hands."

For students, rights are only meaningful when there are systems capable of protecting them. These decisions build on the court's 2024 decision in *Loper Bright,* further eroding the ability of federal institutions to carry out their legally assigned responsibilities by diminishing their independence, experience and expertise (Duggins-Clay, 2024).

Advancing Education Justice Beyond the Courtroom

The Supreme Court's 2025-26 term presents significant challenges for students, families and communities. But the pursuit of education justice has never depended solely on court decisions.

Throughout history, progress has been achieved because students, families, educators and advocates organized to demand a more just and inclusive society. The protections we rely on today were built through collective action and the belief that every child deserves dignity and opportunity.

While the Supreme Court's rulings reflect a devastating backslide for human and civil rights in the United States, they have not extinguished our resolve to seek justice for every child. At IDRA, we remain committed to defending students' rights, strengthening public education and working alongside communities to ensure every child has access to an excellent education.

The future of our democracy depends on realizing the promise of an equal educational opportunity for all children, regardless of race/ethnicity, immigration status or identity.

Citations available online.

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(Texas Dream Act Litigation Creates Roadmap for Dismantling Democracy, continued from Page 5)

es if they graduated from a Texas high school and had continuously lived in Texas for three years leading up to their high school graduation. The legislation received extensive bipartisan support and passed almost unanimously.

In 2005, the legislature expanded this residency pathway to all students who met the statutory requirement, regardless of immigration status (THECB, 2007).

These reforms expanded college access by establishing an alternative basis for in-state tuition for students who could not qualify under traditional domicile-based residency determinations due to their immigration status.

Since its enactment, the *Texas Dream Act* has delivered clear, measurable benefits to Texas.

Texas employers rely heavily on immigrants, who make up almost a quarter (23%) of the state's labor force (García, 2026). Among Texas' workforce, an estimated 1.2 million workers are either undocumented or have temporary legal protections, such as Deferred Action for Childhood Arrivals (DACA), Temporary Protected Status, or an active asylum claim. This represents almost 8% of the total workforce.

Immigrants also make up large percentages of the labor force in key industries in Texas, including healthcare and education, where many provide essential services during crises, such as the COVID-19 pandemic and natural disasters (Garcia, 2026).

Because undocumented immigrants are integral to our communities and labor force, expanding college access by ensuring tuition equity results in a better-educated workforce and a more prosperous economy for all.

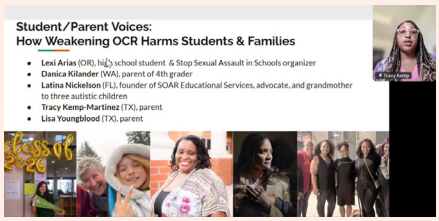
A Dangerous Blueprint for Dismantling Democracy

The fight for tuition equity and the growing campaign against it are not confined to Texas. According to the Higher Ed Immigration Portal, 18 states and Washington, D.C., provide undocumented students with "comprehensive access" to in-state tuition and scholarships, while other states offer more limited forms of tuition equity (2026). Following Texas' trailblazing enactment of the *Texas Dream Act,* numerous states have enacted similar legislation, expanding in-state tuition for undocumented

(cont. on Page 8)

Parents Describe the Real Impact of Decimated Office for Civil Rights

The Office for Civil Rights is responsible for protecting students when schools struggle to respond appropriately or even exacerbate the problem. But massive cuts since 2025 at the U.S. Department of Education and its Office for Civil Rights (OCR) have stymied its role.



OCR has reached zero resolution agreements involving sexual harassment, sexual violence, seclusion or restraint, racial harassment or discriminatory school discipline – despite more than 2,700 pending cases. Of the 11,985 pending cases in all categories that were pending in January 2025, OCR has only resolved 112.

This summer, several non-profits hosted a virtual congressional briefing focused on the harmful impacts of weakening OCR. The briefing, "How Weakening the Office for Civil Rights Harms Students and Families," featured testimony from students and parents. They shared personal experiences of how OCR's reduced capacity and funding cuts have left them without adequate protection against discrimination in schools.

IDRA works with students and families who have attempted to escalate their discrimination cases to OCR. Tracy Kemp-Martínez and Lisa Youngblood, two parents we work with from Texas, spoke about their experiences.

Tracy's son was a target of identity-based bullying in his school in Lubbock, Texas. Tracy co-founded Parents Against Racism Texas and worked with other families to demand real change.

In her remarks during the congressional briefing, she said: "Across the country, families are facing discrimination in schools and watching enforcement slow down while protections are weakening. When OCR fails to act, schools receive the message that civil rights violations can be ignored, and that it's okay. And students receive the message that their pain does not matter."

Lisa Youngblood's daughter was severely punished for reporting what she feared was a school safety threat. Lisa pushed back and spoke up for her daughter and others.

In the congressional briefing, she said: "I'm here today because no child should be punished more harshly because of their race. And no family should be ignored when they seek help. I urge Congress to protect and strengthen the Office for Civil Rights and increase the capacity to investigate complaints properly and thoroughly and to ensure that students facing racial discrimination are not left waiting indefinitely for justice."

We are thankful to Tracy and Lisa for their time and advocacy efforts to restore these critical federal resources that would help thousands of students across the country.

Watch Their Video Testimony

Tracy Kemp-Martínez: **https://idra.news/TracyKempTestimonyVid**

Lisa Youngblood: **https://idra.news/LisaYoungbloodTestimonyVid**

See Article: Honoring the Mothers of Our Movement

By Paige Duggins-Clay, J.D.: **https://idra.news/nlfeb26d**

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(Texas Dream Act Litigation Creates Roadmap for Dismantling Democracy, continued from Page 7)

students. Nebraska has become the latest battleground in the growing effort by extremists to dismantle tuition equity.

Nebraska enacted a tuition-equity law in 2006 that closely resembles the *Texas Dream Act*. Like the Texas law, Nebraska's tuition-equity statute has become the target of a coordinated effort to undermine the democratic process by overturning a statute through collusive litigation as opposed to the legislative process.

In April 2026, the Department of Justice filed a lawsuit challenging the constitutionality of Nebraska's tuition-equity law. Instead of defending the democratically enacted statute, the Nebraska Attorney General, its counterpart in Texas, immediately sided with the department and made an agreement that invalidated the statute. And like its counterpart in Texas, a federal district court judge approved a sham consent decree invalidating Nebraska's nearly 20-year-old law.

Nonprofit immigrant rights organizations The Orel Alliance and True Potential Scholarship, represented by Democracy Forward and Nebraska Appleseed, sought to intervene to defend the statute, but their motion was denied (2026). The proposed interveners then appealed the denial to the Eighth Circuit Court of Appeals, where the case is currently pending.

If the Eighth Circuit follows the Fifth Circuit in legitimizing collusive lawsuits between the U.S. Department of Justice and state officials who refuse to defend their own democratically enacted laws, it will jeopardize the educational opportunities of thousands of students and deprive states of an educated workforce. It would also establish a dangerous blueprint for invalidating democratically enacted legislation through litigation, allowing governments to circumvent the democratic process.

What We Can Do Now

IDRA believes that all students, regardless of their immigration status, should have access to affordable higher education. While the future of tuition-equity laws remains uncertain due to mounting litigation, there are numerous ways to support undocumented students.

For example, institutions and advocates can establish and support mutual aid funds for undocumented Texas students, much like the fund organized by Students Engaged in Advancing Texas (SEAT) and Texas Students for DEI, which raised over $20,000 to support Texas students impacted by the invalidation of the *Texas Dream Act* (SEAT, 2025).

Students, families, and institutions committed to tuition equity can also use IDRA's *Student Guide to Navigating Texas Dream Act Changes*, which offers tools and resources for students impacted by this litigation (IDRA, 2026).

Regardless of the decisions of federal courts and state and federal attorneys general, community support and continued legislative advocacy are essential to advancing equal educational opportunity for all students – including immigrant students – in Texas and across the country.

Citations available online.

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