



Explainer: Proposed State Legislation on K-12 Enrollment and Immigration Documentation – Tennessee and South Carolina

Introduction

Since the Supreme Court’s *Plyler v. Doe* ruling in 1982, all children, regardless of immigration status, have been able to attend public schools in the United States. Legislators in at least [nine states](#), including Georgia, Idaho, Indiana, Louisiana, New Jersey, Ohio, Oklahoma, Tennessee, South Carolina, and Texas, have introduced legislation that would impact educational access for undocumented immigrant students. These bills would impact immigrant access to education in various ways, including charging tuition, denying enrollment, collecting status information for state agencies, and reporting immigration status to law enforcement. This explainer summarizes the key provisions of proposed legislation in two states – Tennessee and South Carolina. Tennessee [HB 0793](#), which ultimately did not pass, would have required public schools to collect and report the immigration status of all students. South Carolina [HB 3866](#) would require adults registering a child for school to present a valid form of identification, which, in South Carolina, requires proof of citizenship or valid legal presence.

This explainer offers an overview of both bills and examines how the proposed legislation could affect residents of Tennessee and South Carolina. It also analyzes the legal and demographic context behind the bills’ introduction.

Background

In *Plyler v. Doe* in 1982, a five-justice majority of the Supreme Court held that denying children the right to enroll in school based on their immigration status violated the Equal Protection Clause of the Fourteenth Amendment. The court held that denying any child access to a K-12 school would not further any substantial government goal, but instead would create a “subclass of illiterates, adding to the problems of and costs of unemployment, welfare, and crime.” Although the four-justice dissent in that case did not agree with the constitutional interpretation of the majority, they were critical of policies that would limit education access, stating, “It is senseless for an enlightened society to deprive any children—including illegal aliens—of an elementary education.”

In recent years, some [state legislators](#) and other governmental [officials](#) have sought to reopen the *Plyler* precedent, arguing that educating undocumented children and

children of non-citizen parents is costly and could encourage further unlawful migration – two arguments rejected by the *Plyler* majority. In 2026, as part of these efforts, legislators in Tennessee and South Carolina introduced bills that would impose new requirements on K-12 enrollment and immigration documentation.

Tennessee [HB 0793](#) would have required public schools to collect and report the immigration status documentation of all students. Although the first version of the bill allowed schools to deny enrollment or charge tuition, the amended version stated that no student would be denied or excluded from school for lack of documentation.¹

South Carolina [HB 3866](#) would require any adult registering a child for school to present a valid form of ID, such as a state-issued ID, passport, military ID, or voter registration card. Because proof of citizenship or legal presence is required to obtain any of these qualifying forms of ID, the legislation would restrict public education eligibility based on parents' immigration status. South Carolina HB 3866 was referred to the House Committee on Education and Public Works and awaits subsequent action in the House. It has not yet been introduced in the South Carolina Senate as of April 2026.

Key Provisions of Tennessee Bill HB 0793

- 1. Documentation request.** Under [Tennessee HB 0793](#), each local education agency (LEA) and public charter school would have been required to request all enrolled or enrolling school-age students to produce documentation relating to immigration status. Such documentation would establish whether the student is a U.S. citizen, is in the process of obtaining U.S. citizenship, holds a valid legal immigration status, or is subject to pending immigration proceedings in which a final order of removal has not been issued.
- 2. Continued enrollment regardless of documentation.** HB 0793 would not have prevented children who refused or were not able to provide the required documentation from enrolling or attending school.
- 3. Aggregate reporting to state officials.** LEAs and public charter schools would have been required to annually report aggregated data to various SC state

¹ Tennessee legislators also introduced a similar amendment to school voucher legislation (HB 2532) that would require public schools to collect student Social Security numbers. While a version of the bill with that language passed the Tennessee Senate, the provision was ultimately abandoned before the voucher bill's final passage due to cost and legal concerns. See Sarah Grace Taylor, "2026 Recap: Tennessee Legislature Adjourns From Session Dominated by Immigration, Vouchers and Preemption," *Nashville Banner*, April 24, 2026, <https://nashvillebanner.com/2026/04/24/tennessee-lawmakers-2026-session-education-vouchers-immigration-bills/>; Sam Stockard, "Tennessee Senate passes private-school voucher expansion despite budget concerns," *Tennessee Lookout*, Apr. 16, 2026, <https://tennesseelookout.com/2026/04/16/tennessee-senate-passes-private-school-voucher-expansion-despite-budget-concerns/>.

departments, including the number of students who enrolled, the number who provided sufficient documentation, the number who failed or refused to provide documentation (including the reason provided), and the number who provided insufficient documentation. Reports would have excluded all personally identifiable information for students and parents; any information collected would be aggregated into summary statistics before reporting.

Key Provisions of South Carolina Bill HB 3866

1. **Identification requirements for adults registering students.** Under South Carolina [HB 3866](#), any adult registering a child for school must present a valid form of identification. Any of the following valid, unexpired forms of identification would be acceptable:
 - a. South Carolina driver's license;
 - b. other identification issued by the South Carolina DMV;
 - c. United States passport;
 - d. military identification issued by the United States government; or
 - e. South Carolina voter registration card.

2. **Practical Effect.** Under existing [South Carolina law](#) and [REAL ID federal law](#), proof of citizenship or unexpired legal presence is required to obtain any of the required forms of identification. As a result, unlawfully present adults would generally be unable to obtain the forms of identification required by the bill to register their children in school, regardless of the child's immigration status. The bill does not include an alternative verification process or exemption for registering adults who are unable to obtain a qualifying ID or for mixed-status families with lawfully present or citizen children.

How Would These Bills Affect Residents of TN and SC?

1. **If enacted, the bills would prevent or deter immigrants from accessing public K-12 education.** Both bills, while formally applicable to all students and families, would likely have a disproportionate deterrent effect on immigrant households — particularly those with undocumented or mixed-status family members. Empirical [research](#) and documented [enforcement outcomes](#) indicate that policies requiring the disclosure of immigration-related information or the presentation of government-issued identification may lead some families to [forgo enrolling](#) their children in public schools or engaging with them.

In Tennessee, although HB 0793 did not bar enrollment of those who do not provide immigration documentation, the requirement that schools collect and

report students' immigration status may have led some families to forgo enrollment out of fear that such information could be shared with immigration authorities or used in future enforcement actions. Even though HB 0793 stopped short of denying enrollment on the basis of immigration status, its passage likely would have nonetheless undermined access to public education for Tennessee children, including U.S. citizen children in mixed families.

In South Carolina, HB 3866 would operate as a direct barrier to registration in public schools. Because many undocumented parents are unable to obtain the required forms of identification, they may be effectively prevented from completing the enrollment process for their children, explicitly denying them the opportunity to enroll. This would impact undocumented children, as well as lawfully present and citizen children in mixed status families.

2. **Administrative Costs.** Tennessee HB 0793's requirements to collect immigration status information would [reportedly](#) cost between \$4 million and \$55 million to implement, with costs varying widely depending on whether the final version of the bill would have applied to all students or only to those newly enrolling in an LEA or a charter school. There were also [concerns](#) that a prior version of the bill would jeopardize \$1.1 billion in federal funding.

Similarly, South Carolina HB 3866's requirement that parents prove citizenship or legal residence while enrolling their children in public education would entail administrative costs. However, it does not appear that South Carolina has released any cost estimates for its bill.

3. **Economic Impact of K-12 Access.** Education spending for children in the United States is an investment, benefiting not only those being educated. A 2025 study by UCLA [showed](#) that every public dollar invested in K-12 education results in a public economic benefit of \$2 to \$12 dollars. Additionally, Fwd.us [found](#) that, nationwide, undocumented immigrant recipients of K-12 education generate lifetime state and local income tax payments that exceed the total cost of their education. Fwd.us also found that restricting access to K-12 education could reduce GDP by more than \$1 trillion over the lifetime of affected children and result in the loss of more than 450,000 workers in jobs requiring at least a high school education.
4. **Potential for Child Abuse and Exploitation.** When children are not at school, they may be significantly more likely to be subject to [physical and sexual abuse](#), [maltreatment](#), [child exploitation](#), and [sex](#) and child labor trafficking. A [study](#) by the Niskanen Center found that restricting children's access to school in

countries like Malaysia, the Dominican Republic, and Lebanon was associated with increased child labor and long-term social and economic marginalization.

- 5. Documentation requirements would also affect U.S. citizens.** In requiring the production of citizenship documentation, the Tennessee and South Carolina bills apply equally to U.S. citizens, immigrants with legal status, and undocumented immigrants. According to research, approximately [9%](#) - [12%](#) of citizens do not have proof of citizenship readily available. Citizens born in the U.S. without documentation would most likely need to go through the process of obtaining a birth certificate from their place of birth or other qualifying documentation. U.S. citizens lacking proof of citizenship documents – representing a significant proportion of the U.S. citizen population – could face significant time and economic costs to obtain the necessary documentation to register their children in school.

Could These Bills Be Subject to Legal Challenge?

As noted above, the legislative proposals considered in Tennessee and South Carolina would not only subject to legal challenge, but are also among several state proposals seeking to limit immigrant enrollment in public education and/or to lay the groundwork for a legal [challenge](#) to reopen the *Plyler* precedent.

If enacted, South Carolina's HB 3866 would exclude undocumented immigrant children from public schools and would almost certainly lead to legal challenges under *Plyler v. Doe*. It also potentially could face legal challenges on alternative grounds, including a possible challenge under the [McKinney-Vento Homeless Assistance Act](#), which requires public schools to immediately enroll students who are homeless or unaccompanied youth, regardless of their ability to provide the documentation normally required for enrollment.

While Tennessee HB 0793 was explicitly a data-collection bill rather than one that would deny enrollment to any student, its requirement to collect and report the immigration status could provide a basis for future challenges to *Plyler*. If it had been enacted, critics of the bill could have sought to bring suit claiming of the required data collection had an adverse impact on access to education. Proponents of the bill could use the collected data to attempt to show standing and/or attempt to show costs of educating the various categories of children, possibility strengthening their ability to bring suit to challenge *Plyler*.

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