

November 17, 2025

**Written Testimony of Joon H. Sung
Advocacy Director, Advocates for Basic Legal Equality (ABLE)
Before the Ohio House Government Oversight Committee**

Thank you for the opportunity to submit written testimony regarding HB 42.

Advocates for Basic Legal Equality (“ABLE”) is a non-profit regional law firm that provides free legal assistance in civil matters to help individuals and groups living on low incomes in 32 counties in Western Ohio to achieve self-reliance, and access equal justice and economic opportunity.

ABLE opposes HB 42 because it creates extensive administrative obligations and unfunded financial pressures for state and local agencies. The bill represents a substantial expansion of the data state entities must collect and report regarding the citizenship and immigration status of individuals they serve. As drafted, the bill risks imposing additional administrative burdens, raising privacy concerns, and leaving agencies without clear standards or definitions to ensure uniform and accurate reporting.¹

In addition, ABLE opposes the unfunded administrative burden on schools to collect and report data that conflicts with their legal obligations under the Family Educational Rights and Privacy Act (FERPA) to protect student records. It also impedes the legal duty of schools to provide access to a free public education for all students and families in this country, regardless of race, sex, religion, ethnicity, disability, or immigration status.²

Further, as currently written, the bill violates the Equal Protection Clause of the 14th Amendment to the U.S. Constitution. U.S. Supreme Court has held that states may not deny undocumented children access to K-12 public education.² Following that precedent, the U.S. 11th Circuit Court of Appeals ruled that the state of Alabama could not require public schools to verify students’ immigration status for the purpose of data reporting. That court held that the law operated in a way that significantly interfered with the undocumented students’ 14th Amendment right to a K 12 public education because it deterred them from enrolling in and attending school.

Similarly, this provision in the Ohio bill would require schools to collect and report data about immigration status for students and their families. Given the current climate of fear surrounding ICE and immigration operations, this is highly likely to deter immigrant families from enrolling their children in school due to fears of being targeted by the government.

¹ *State Law Impact*, HB 42: Citizenship and Immigration Data Collection, <https://statelawimpact.com/hb-42-citizenship-and-immigration-data-collection/>.

² *Plyler v. Doe*, 457 U.S. 202 (1982).

Therefore, the Ohio Legislative Service Commission's own report suggests that the provisions related to data collection in schools in HB 42 are likely to be challenged in court as unconstitutional.³ This will be costly to Ohio taxpayers who will bear the expense of defending the bill's provisions.

As attorneys who represent parents of children struggling with various difficulties in school, ABLE urges you to vote against this bill. HB 42 will put the well-being of Ohio students at risk as schools will be forced to report personal and biographical information about students and their families for the sole purpose of determining and reporting their legal status in this country.

In addition to the burden on schools, HB 42 would create substantial new administrative costs across multiple state and local agencies. These costs were specifically identified by the Ohio Legislative Service Commission (LSC). According to the LSC, local law enforcement agencies may incur one-time costs potentially exceeding \$5,000 each to modify their records systems to capture citizenship status, along with ongoing reporting costs tied to the number of individuals detained each year. These unfunded mandates force local agencies to redirect scarce resources away from core public-safety functions.

LSC also notes that the Attorney General's Office may face additional information-technology expenses, though the full costs are currently unknown. The Ohio Department of Job and Family Services and county JFS offices will be required to compile and, in some cases, expand data collection on the citizenship status of households receiving food or cash assistance. Likewise, the Ohio Department of Medicaid will incur new administrative costs related to reporting, with half of costs borne by the state.

Taken together, these provisions impose significant and ongoing financial obligations while offering little practical benefit to Ohio's state agencies. Many of these agencies already face increased workloads and escalating administrative costs under existing federal and state mandates requiring verification of employment and immigration status for programs such as SNAP, Medicaid, and other public benefits. These verification processes have historically required substantial staff time, system modifications, and ongoing compliance monitoring. Even more layers of reporting and additional financial liabilities are to follow with the changes to SNAP and Medicaid in 2026-28. HB 42 would layer additional reporting obligations on top of these already costly requirements, further exacerbating administrative strain and diverting limited resources away from service delivery.

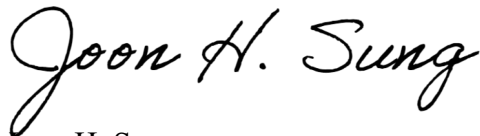
HB 42 also creates a practical problem that cannot be overstated: accurately identifying and coding a person's 'immigration status' is extraordinarily complex. Immigration law involves dozens of nuanced categories, provisional statuses, pending applications, work permits, humanitarian protections, and forms that even experienced immigration attorneys must analyze

³ See, [Ohio Legislative Service Commission report on HB 42](#), p. 3, citing *Plyer v. Doe.*, and *Hispanic Interest Coalition of Alabama v. Governor of Alabama*, 691 F.3d 1236 (11th Cir. 2012).

carefully. Developing guidance that captures these nuances, along with training frontline staff to correctly interpret and enter this information, would require significant specialized expertise. Most agency staff, and even most attorneys outside of immigration practice, would not be able to accurately classify many of these statuses. HB 42 would therefore require extensive training, detailed guidance, and ongoing technical support, further increasing administrative burden and the risk of error.

ABLE urges the Committee to vote against this bill. It would harm children, individuals, and families by diverting valuable time and resources from state and local agencies away from service delivery, ultimately undermining equal access to services for all.

Yours very truly,

A handwritten signature in black ink that reads "Joon H. Sung". The signature is written in a cursive, flowing style.

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