

## Protecting immigrant access to public K-12 schools: state legislation

### Background

Across the country, policymakers, advocates, educators, and community members are coming together to help immigrant students and their families feel as safe as possible in schools. Since 2017, more than a dozen states have enacted laws aimed at protecting immigrant students and their families. After the Trump administration [rescinded](#) the policy that generally prohibited immigration enforcement at sensitive areas including schools, many more states introduced bills protecting access to schools.

This issue brief is designed for individuals or groups advocating for state legislation to protect access to a free public K-12 education for immigrant students and for immigrant students to be safe and protected while in school. The brief outlines some steps that states and schools have taken across the country, along with model state bill language.

The first step is to identify your state's existing laws that protect access to schools or safeguard students' privacy and any laws addressing the role of localities in federal immigration enforcement. You can work with a local legal group or state legislative staff to identify where to place any revision in the state's laws. For example, you may need to decide whether to amend the state's Education Code or another provision of state law.

Second, you will need to identify the process for getting these changes done. Given the immediacy of the administration's enforcement actions against children in school settings, consider if there is a process that allows you to fast track the implementation of the bill if it were enacted.

We recommend that any bill aiming to ensure access to a free public K-12 education and safe spaces in schools for immigrant students and their families address these critical issues:

- ▶ Ensure that all children, regardless of immigration status, have access to a public K-12 education.
- ▶ Protect privacy and data to the maximum degree possible under the law, including addressing barriers related to requests for documents or information, or the collection, use and disclosure of data. Create "safe schools" policies and protocols, including procedures for staff to follow if law enforcement appears at or is employed to work at a school.

Thanks to impressive organizing and advocacy, several states have codified many or all of these protections in model state laws, including:

- ▶ [Illinois HB 3247](#), the “Safe Schools for All Act” signed on August 15, 2025, ensures that every child has the right to a free public education, regardless of their or their parent’s or guardian’s perceived or actual immigration status.
- ▶ California continued to build on its protective laws by enacting on September 20, 2025 [SB 98](#), the “Sending Alerts to Families in Education (SAFE) Act,” requiring schools to create a safety plan in case of immigration enforcement, along with [AB 49](#), the “California Safe Haven Schools Act,” limiting ICE access to schools without a judicial warrant, court order, or exigent circumstances.

The model language below includes some elements from these bills with additional considerations and recommendations. We encourage you to use this language as a starting point, and to make any appropriate revisions to reflect unique considerations and circumstances in your state.

## **Ensuring that all children, regardless of immigration status, have access to a public K-12 education.**

Articulating a widely shared and valued principle that inspired a piece of legislation helps build support for a bill. We recommend including a purpose for the bill that is education specific, inclusive of all children and students, and is rooted in their safety and the school’s educational mission.

We recommend referencing the state’s intent to reinforce the principles in [Plyler v. Doe](#), the United States Supreme Court case holding that denying immigrant children access to a free public K-12 education violates the Equal Protection Clause of the Constitution. For more information on *Plyler v. Doe*, see [Plyler v. Doe Case Explainer](#). We recommend referencing this longstanding legal precedent, as was done in [Illinois HB 3247](#).

### **Example: Illinois HB 3247**

**“The purpose of this Section is to secure the right of every child to equal access to a free public education and a school that is safe from intimidation and fear, consistent with the landmark United States Supreme Court decision in *Plyler v. Doe*, 457 U.S. 202 (1982), as in effect on January 1, 2025, which held that it is unconstitutional for states to deny children a free public education based on immigration status because it would violate the equal protection clause of the Fourteenth Amendment to the United States Constitution. In their efforts to**

**promote the right to educational equality established in *Plyler*, schools must take steps to protect the integrity of school learning environments for all children, so that no parent is discouraged from sending and no child is discouraged from attending school, including from the threat of immigration enforcement or other law enforcement activity on a school campus.”**

We recommend that states reenforce the *Plyler* protections by prohibiting discriminatory practices that would impede access to K-12 schools for immigrant children and families. The following model language is from [Illinois HB 3247](#):

**(XX) No child may be denied a free public education through secondary school while in this State based on the child's perceived or actual immigration status or the child's parent's or guardian's perceived or actual citizenship or immigration status.**

**(1) A school shall not exclude a child from participation in or deny a child the benefits of any program or activity on the grounds of that child's perceived or actual immigration status or the child's parent's or guardian's actual or perceived citizenship or immigration status.**

**(2) A school shall not use policies or procedures or engage in practices that have the effect of excluding a child from participation in or denying the benefits of any program or activity or the effect of excluding participation of the child's parent or guardian from parental engagement activities or programs because of the child's perceived or actual immigration status or the child's parent's or guardian's actual or perceived immigration status. These policies, procedures, and practices include (see privacy section below for examples of what these protocols should include or prohibit).**

## **Protect privacy and data to the maximum degree possible under the law, including addressing barriers related to requests for documents or information, or the collection, use and disclosure of data.**

As more information becomes available electronically, it's important to ensure that students' information remains protected. Alarming, some states have sought to collect sensitive information on students' immigration status during enrollment. Please see, for example, NILC's [comment](#) detailing concerns with the Oklahoma rule that would have required schools to gather information on citizenship or immigration status during enrollment.

We recommend, therefore, including language preventing schools from engaging in any unnecessary collection or improper use or disclosure of a student’s personal information, such as citizenship, immigration status or place of birth which would infringe on a child’s access to education. We recommend that states do not include immigration status, citizenship, place of birth, nationality, or national origin as directory information. The U.S. Department of Education [defines](#) directory information as “information contained in the education records of a student that would not generally be considered harmful or an invasion of privacy if disclosed”. Designating any of this sensitive information as “directory information” leaves the information potentially accessible to third parties.

We recommend including the language “perceived or actual citizenship or immigration status” rather than “immigration status” as modeled in [Illinois HB 3247](#) so as to preclude practices that raise civil rights concerns by, for example, targeting the Latinx community or English Language Learners erroneously presumed to be undocumented.

The following model language is taken primarily from [Illinois HB 3247](#) with some excerpts from [California AB 49](#) and additional recommendations:

**(1) A school’s policies, procedures and practices must prohibit:**

**(A) requesting or collecting information or documentation from a student or the student’s parent or guardian about their family’s manner of entry into the U.S., citizenship or immigration status unless required by State or federal law or as required to administer a state or federally supported educational program; and**

**(B) designating immigration status, citizenship, place of birth, nationality, or national origin as directory information, as that term is defined by federal and State law.**

**(2) A school must not perform any of the following actions:**

**(A) Threaten to disclose anything related to the actual or perceived citizenship or immigration status of a child or a person associated with the child to any other person or entity or an immigration or law enforcement agency.**

**(B) Disclose or provide in writing, verbally, or in any other manner,<sup>1</sup> anything related to the perceived citizenship or immigration status of a child or a person associated with the child to any other person or entity or an immigration or law enforcement agency if the school does not have direct knowledge of the child’s or associated person’s actual citizenship or immigration status, subject to the requirements of this paragraph (2).**

**(C) Disclose or provide in writing, verbally, or in any other manner, anything related to the actual citizenship or immigration status of a child or a**

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<sup>1</sup> The added language of “or provide in writing, verbally, or in any other manner,” hereinafter comes from [California AB 49](#).

person associated with the child to any other person or nongovernmental entity if the school has direct knowledge of the child's or associated person's actual citizenship or immigration status, subject to the requirements of this paragraph (2).

(D) Disclose or provide in writing, verbally, or in any other manner, the education records of or any information of a child or a person associated with the child without the child's parents' or guardians' written consent, a school employee, or a teacher, including but not limited to personal information, information about a child's home, and information about a student's travel schedule, to any other person or entity or an immigration or law enforcement agency absent a valid judicial warrant or judicial subpoena, or court order directing the school to do so. Any disclosure of a student's education records pursuant to a valid judicial warrant or judicial subpoena, or court order shall be in accordance with the parent notification requirements set forth in Section 99.31(a)(9)(ii) of Title 34 of the Code of Federal Regulations.<sup>2</sup>

(E) Nothing in subparagraphs (B), (C), and (D) of this paragraph (2) may be construed to permit the disclosure of student records or information without complying with State and federal requirements governing the disclosure of such records or information.

## **Creating “safe schools” policies and protocols, including procedures for staff to follow if law enforcement appears at or is employed to work at a school.**

The U.S. Department of Homeland Security's protected areas policy generally prohibited immigration enforcement at certain areas including schools. However, the Trump administration rescinded this policy on day one. Consequently, an immigration enforcement action at a school could take place in various ways: Law enforcement agents may attempt to arrest a specific person or to question everyone in a particular area. Law enforcement officers may also seek information about a specific person, or records or data on a group of people.

To address these scenarios, a state bill should require school districts and schools to adopt policies and procedures for responding to the appearance or presence of immigrant enforcement in schools. The bill could provide guidance on how to exercise a student's or staff person's Fourth Amendment rights against unreasonable searches or seizures. For more information on the Fourth Amendment and schools, please see [Education Providers and](#)

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<sup>2</sup> Language adopted from [California AB 49](#).

[Immigration Enforcement: Know Your Rights, Know Your Students' Rights](#). Schools could be required to adopt policies that comply with the specific provisions provided in the legislation.

Before we get to the model language, a quick note on terminology. Under the Trump administration, DHS officers may be working in conjunction with other federal, state, or local law enforcement agencies. Therefore, we recommend using the broader term “law enforcement agents” to include federal, state, and local agents. Some schools may have School Resource Officers (SROs). A state law could specifically limit law enforcement agents, including SROs, seeking access for immigration enforcement purposes. For example, [Washington SB 5497](#) explicitly mentions SROs by including:

**(XX) The legislature finds that it is not the primary purpose of state and local law enforcement agencies or school resource officers to enforce civil federal immigration law. (XX) School resource officers, when acting in their official capacity as a school resource officer, may not: (a) Inquire into or collect information about an individual's immigration or citizenship status, or place of birth; or (b) Provide information pursuant to notification requests from federal immigration authorities for the purposes of civil immigration enforcement, except as required by law.**

In terms of sequencing, there are a couple of options for proposed legislation.

- ▶ A bill could require the Board of Education to develop model language for schools to use as seen in [Delaware HCR 20](#).
- ▶ Alternatively, a bill could specify guidance and model language that the State Attorney General (AG) should issue for schools to use to adopt their own policies and procedures. The bill can require the AG to issue guidance and model language to provide reassurance to schools and to explain the interplay between state and federal laws. The [Frequently Asked Questions](#) on [Oregon HB 3464](#), for example, references the state’s sanctuary law and answers common questions including whether schools are required to or prohibited from sharing information with and/or assisting law enforcement.

The following model language has been compiled primarily from [Illinois HB 3247](#) with additional language from [Oregon HB 3464](#), [Connecticut HB 7066](#), [California AB 49](#) and [SB 98](#) with additional recommendations.

**(XX) The Attorney General shall publish guidance and model policies intended to limit, to the fullest extent possible consistent with state and federal law, immigration enforcement at public schools.<sup>3</sup>**

**(XX) A school must develop procedures for reviewing and authorizing requests from law enforcement agents attempting to enter a school or school facility by [INSERT DATE/DEADLINE]. The procedures must at a minimum, include the following:**

**(A) identifying a designated authorized person at each school<sup>4</sup> and the district superintendent's office or school administrative office to serve as the individual responsible for interactions with the law enforcement agents. The designated authorized person will contact the school's legal counsel to review requests for information and to enter the school.<sup>5</sup> The designated authorized person, may request and record a law enforcement agent's identification, including the name, badge or identification number, telephone number and business card of such agent, ask such agent if such agent is in possession of a judicial warrant to support the agent's request and, if so, to produce such judicial warrant.<sup>6</sup>**

**(B) procedures for reviewing and contacting a designated authorized person at the school or school facility and the district superintendent's office or school administrative office, who will contact the school's legal counsel, and procedures for that authorized person or legal counsel to review requests for information or to enter a school or school facility, including judicial warrants, nonjudicial warrants, and subpoenas;**

**(C) procedures for monitoring or accompanying and procedures for documenting all interactions with law enforcement agents while on the school's premises including whether access was granted, by whom, when, and what information, records, areas, or people were accessed or requested.**

**(D) procedures for notifying and seeking consent from a student's parents or guardian or from the student if the student is 18 years or older or emancipated if a law enforcement agent requests access to a student or student's information for immigration enforcement purposes, unless such access is in compliance with a judicial warrant or subpoena that restricts the disclosure of the information to the student's parent or guardian;**

**(E) a plan to train schools including teachers, school administrators, bus drivers and Student Resource Officers, of the procedures and policies in place for interacting**

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<sup>3</sup> Language adopted from [Oregon HB 3464](#) but the bill could go further in specifying what you would like the AG guidance to include such as [Maryland HB 1222](#) that states, "the Attorney General shall develop and publish guidance that informs the public and relevant state agencies about: delineating between immigration enforcement within the public portions of sensitive locations and the nonpublic or private portions of sensitive locations" to help establish Fourth Amendment protections.

<sup>4</sup> [Connecticut HB 7066](#) recommends the designation of at least one administrator at each school to serve as the individual responsible for interactions with law enforcement agents.

<sup>5</sup> Language adopted from [Illinois HB 3247](#).

<sup>6</sup> Language adopted from [Connecticut HB 7066](#).

with law enforcement agents<sup>7</sup> and ensuring they are listed in contracts<sup>8</sup> such as with food and bus service providers;

(F) a plan to confirm and update student’s emergency contacts and allow for more than one person to be listed. A school is encouraged to work with parents or guardians to update the emergency contact information and not contact Child Protective Services to arrange for the student’s care unless the school is unable to arrange for care through the use of the emergency contact information or other information or instructions provided by the parent or guardian;<sup>9</sup>

(G) a plan to share these procedures and policies with students and families including through the use of the school district website, and may also include a hyperlink to additional resources for families with information on their educational and constitutional rights, laws that protect the privacy and confidentiality of student information, counseling and support services;<sup>10</sup> and

(H) a plan to annually review and update these procedures and policies, such as through the creation of a committee to revisit policy and procedure.<sup>11</sup>

(XX) A school must develop procedures following the confirmation of immigration enforcement on school sites which at minimum include the following:

(A) procedures specifically designed to notify students’ parents and guardians, teachers, administrators, and school personnel when the school confirms the presence of immigration enforcement on the school site in a manner that ensures the confidentiality and privacy of any potentially identifying information.<sup>12</sup>

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<sup>7</sup> Language adopted from model resolutions in [Model Campus Safe Zones Resolution Language](#) for K-12 school districts and [Immigrant and Refugee Children: A Guide for Educators and School Support Staff](#).

<sup>8</sup> [Oregon HB 3464](#) further states, “Any entity that contracts with a public body [school] to provide services related to physical or mental health, education or access to justice is encouraged to adopt policies based on the model policies described in subsection.”

<sup>9</sup> Language adopted from [California AB 49](#).

<sup>10</sup> Language adopted from California [SB 98](#) which includes sending a notification which “may also include a hyperlink to additional resources for families with information about their educational rights, state laws that protects parents’ and students’ privacy and confidentiality, and, if available, counseling or support services, which may include services that support families impacted by immigration enforcement and model policies adopted by the local educational agency...”

<sup>11</sup> Language adopted from [Connecticut HB 7066](#) which requires that each school year each local and regional board of education establishes a school security and safety committee at each school responsible for assisting, administering, and updating the school security and safety plan. The committee shall consist of a local police officer, a local first responder, a teacher [and an administrator] employed at the school, the designated authorized person, a mental health professional, a parent or guardian of a student enrolled in the school, and any other person the board of education deems necessary.

<sup>12</sup> Language adopted from California [SB 98](#) which additionally notes “The content and timing of a notification...shall consider the safety and well-being of the pupils, employees, and community members of the schoolsite when determining when and how to issue the notification to parents and guardians of pupils, teachers, administrators, and school personnel.”

(B) an instructional continuity plan to establish communication with students and their families and provide instruction to students when in-person instruction is disrupted as a result, including a plan to provide access to in-person instruction or remote instruction pursuant to, as soon as practicable, but no later than 10 instructional days following the incident. The plan may include support to pupils and families to enroll in or be temporarily reassigned to another school district, county office of education, or charter school.<sup>13</sup>

(XX) A school shall adopt a policy for complying with [INSERT SECTIONS AND PARAGRAPH NUMBER OR LETTERS] by [INSERT DATE/DEADLINE].

## Additional protections to consider including in legislation

Some states have taken additional measures in attempts to bolster legislation against potential legal challenges:

- ▶ Compliance with federal laws
  - To defend a challenge in court, you should identify any federal or state laws that may apply. You could include language similar to the following: “Paragraph (X) must be enforced to the maximum degree permitted by federal law.”
- ▶ Severability

In case the law is challenged, we recommend including a severability clause that helps ensure that if part of the bill is found problematic, the other parts of the bill can survive.

**(XX) The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.**<sup>14</sup>

- ▶ Liability

We recommend including an individual right to bring a civil lawsuit if a violation occurs. **(XXX) Beginning [INSERT DATE/DEADLINE], any party aggrieved by conduct that violates subsection (XX) may bring a civil lawsuit. This lawsuit must be brought no later than 2 years after the violation of subsection (XX). If the court finds that a willful violation of paragraph X of subsection XX has occurred, the court may award actual damages. The court, as it deems appropriate, may grant, as relief,**

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<sup>13</sup> Language adopted from California [SB 98](#).

<sup>14</sup> Language adopted from [California AB 49](#).

any permanent or preliminary negative or mandatory injunction, temporary restraining order, or other order.

**(XX) Nothing in this Section may be construed to require an exhaustion of the administrative complaint process before civil law remedies may be pursued.**

**(XX) Upon a motion, a court shall award reasonable attorney's fees and costs, including expert witness fees and other litigation expenses, to a plaintiff who is a prevailing party in any action brought under subsection (X). In awarding reasonable attorneys' fees, the court shall consider the degree to which the relief obtained relates to the relief sought.<sup>15</sup>**

Given concerns shared about implementing safe schools policies, we recommend including language that protects employees from liability. We recommend providing reassurances that there will not be retaliation for implementing the law, such as [Connecticut HB 7066](#) which states:

**(XX) No local or regional board of education, regional educational service center, governing authority for a state charter school or endowed or incorporated academy shall discipline, suspend, terminate or otherwise punish an employee or an administrator designated pursuant to subsection (XX) of this section for (1) implementing the protocols of the school security and safety plan relating to interactions with a federal immigration authority, or (2) taking any of the actions described in subparagraphs XX during an interaction with a federal immigration authority.<sup>16</sup>**

## Conclusion

The model language shared here includes some typical elements in bills that protect access to public K-12 schools, with some additional considerations and recommendations that you might choose. We encourage the development and sharing of new, creative ideas on how to help ensure that students and their families feel safe in schools. For example, [California AB 49](#) instructs schools to “Educate pupils about the negative impact of bullying other pupils based on their actual or perceived immigration status.”<sup>17</sup> This bill also has a provision that leaves the door open for schools to provide additional support for students and their families beyond what the bill requires by stating, “This section does not prohibit the governing board or body of a local educational agency from establishing stronger standards and protections.”<sup>18</sup>

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<sup>15</sup> Language adopted from [Illinois HB 3247](#).

<sup>16</sup> Language adopted from [Connecticut HB 7066](#).

<sup>17</sup> Language adopted from [California AB 49](#).

<sup>18</sup> Language adopted from [California AB 49](#).

## APPENDIX

### Examples of state bills and laws

California [AB 49](#), [AB 495](#), and [SB 98](#)

[Connecticut HB 7066](#)

[Delaware HCR 20](#)

[Illinois HB 3247](#)

[Oregon HB 3464](#)

### Examples of guidance developed for schools to help implementation of the passed bills

Connecticut State Department of Education's [Guidance to K-12 Public Schools Pertaining to Immigrant Activities](#) for HB 7066

Delaware Department of Education's [Delaware immigrant student guidance](#) for HCR 20

Los Angeles County of Education's Safe Schools for Immigrant Students [AB 699 \(O'Donnell\) – Implementation Fact Sheet](#)