

House Proposal of Amendment

S. 227

An act relating to creating immigration protocols in Vermont schools

The House proposes to the Senate to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. PURPOSE

The purpose of this act is to secure the right of every child to equal access to a free public education and to a school that is safe from intimidation and fear, regardless of immigration status. In order to ensure the right to educational equality, schools must take steps to protect the integrity of school learning environments for all children, so that no parent is discouraged from sending a child to, and no child is discouraged from attending, school, including due to the threat of immigration enforcement on a school campus.

Sec. 2. 16 V.S.A. chapter 33 is amended to read:

CHAPTER 33. FIRE AND EMERGENCY PREPAREDNESS DRILLS AND, SAFETY PATROLS, AND IMMIGRATION PROTOCOLS

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§ 1486. IMMIGRATION PROTOCOLS

(a) Definitions. As used in this section:

(1)(A) “Law enforcement officer” has the same meaning as in 20 V.S.A. § 2351a and includes any officer of a federal law enforcement agency or any person acting on behalf of a local, state, or federal law enforcement agency.

(B) “Law enforcement officer” does not include a school resource officer or safety officer who is stationed at a school.

(2) “Nonpublic area of a school” means an area of a school that normally requires authorization to enter, consistent with the policy required by section 1484 of this chapter, and includes any area a superintendent or head of school or designee determines to be nonpublic.

(3) “School” means a public school or an independent school approved under section 166 of this title.

(b) Immigration resources and support.

(1) A superintendent or head of school shall:

(A) distribute the immigration resource guide developed by the Office of the Attorney General pursuant to subdivision (2) of this subsection
(b) to staff, students, and family members of students;

(B) at each school the superintendent or head of school oversees, designate at least one individual to serve as a resource for immigration-related matters who shall receive on an ongoing basis updated information and training material as provided to the superintendent or head of school by the Office of the Attorney General; and

(C) provide support, to the greatest extent possible, to a student with regard to immigration-related concerns, including connecting the student and the student's family with an immigration advocacy institution and similar resources.

(2)(A) The Office of the Attorney General, in consultation with the Agency of Education, shall develop an immigration resource guide that shall:

(i) include immigration- and civil rights-related resources; information regarding standby guardianships pursuant to 14 V.S.A § 2626a; and a list of immigration, human rights, and relevant advocacy organizations available to provide immigration assistance to students and staff; and

(ii) be developed in a manner that serves to protect the privacy and safety of students and staff.

(B) The Office of the Attorney General shall review the guide at least once annually and send any updates made to the guide to the Agency of Education for distribution to all superintendents and heads of schools not later than 30 days after completing the update.

(c) Student information privacy. School districts and independent schools are prohibited from:

(1) collecting or requesting information regarding citizenship or immigration status of a student or of a family member of the student except as required by State or federal law or as required to administer a State- or federally supported educational program;

(2) disclosing a student's immigration status, citizenship, place of birth, nationality, or national origin:

(A) in any database that the school maintains; or

(B) as directory information, as that term is defined by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g and 34 C.F.R. Part 99; and

(3) voluntarily sharing student information, including immigration status, citizenship, place of birth, nationality, national origin, sexual orientation, status as a survivor of domestic violence or sexual assault, status as a recipient of public assistance, or school discipline records, with a third party unless required to do so by State or federal law.

(d) Law enforcement on-site and requests for information.

(1) A superintendent or head of school shall:

(A) subject to subdivision (B) of this subdivision (1), be the sole authority to admit a law enforcement officer who appears on an immigration-related matter into a nonpublic area of school; and

(B) designate at least one individual who works at each school to serve as a designee of the superintendent or head of school in the event that the superintendent or head of school is not present when the law enforcement officer appears on-site.

(2) The superintendent or head of school or designee shall not allow a law enforcement officer appearing on an immigration-related matter into a nonpublic area of a school unless the officer provides official identification and a judicial warrant that authorizes entrance into a specific area of the school and names a specific individual located within the school who is subject to a search or arrest.

(3) Absent a judicial warrant pursuant to subdivision (2) of this subsection, no school or individual working at a school shall reveal any information about a student or school staff member in response to an immigration-related request from a law enforcement officer unless otherwise required by law.

(4) As used in this subsection, “immigration-related matter” and “immigration-related request” mean an administrative warrant, civil warrant, immigration detainer, or any other document or request that pertains to an individual’s immigration or citizenship status.

(e) Immigration agreements.

(1) Except as required by State or federal law, no school, school district, or supervisory union shall enter into an agreement with a State, local, or federal government entity that furthers the enforcement of any immigration law.

(2)(A) Any proposed agreement pursuant to subdivision (1) of this subsection (e) that purports to be required by State or federal law shall be subject to review by the superintendent or head of school after the superintendent or head of school has consulted with the Office of the Attorney General.

(B) The superintendent or head of school shall provide a recommendation on the proposed agreement to the school’s appropriate governing body after the superintendent’s or head of school’s review pursuant to subdivision (A) of this subdivision (2).

(f) Applicability. Nothing in this section is intended to prohibit or impede any public agency from complying with the lawful requirements of 8 U.S.C. §§ 1373 and 1644. To the extent any school, school district, or supervisory union policy or practice conflicts with the lawful requirements of 8 U.S.C. §§ 1373 and 1644, the policy or practice is, to the extent of such conflict, abolished.

(g) Policy required.

(1) Model policy and recommended procedures. On or before January 1, 2027, the Agency of Education, in consultation with the Office of the Attorney General, the Vermont Independent Schools Association, and the Vermont School Boards Association, shall develop, and review at least annually, a model policy along with recommended procedures that reflect the requirements set forth in subsections (c) and (d) of this section.

(2) Adoption of policy and procedures.

(A) Beginning with the 2027–2028 school year, each school board shall develop, adopt, ensure the enforcement of, and make available in the manner described under subdivision 563(1) of this title an immigration protocol policy that shall be at least as stringent as the model policy developed by the Agency. Any school board that fails to adopt a policy shall be presumed to have adopted the most current model policy published by the Agency.

(B) Beginning with the 2027–2028 school year, each independent school shall develop, adopt, and ensure the enforcement of an immigration protocol policy that shall be at least as stringent as the model policy developed by the Agency. Any approved independent school that fails to adopt a policy shall be presumed to have adopted the most current model policy published by the Agency.

Sec. 3. IMMIGRATION RESOURCE GUIDE

The Office of the Attorney General shall complete the immigration resource guide required pursuant to 16 V.S.A. § 1486(b)(2) on or before August 1, 2026, and shall send the completed guide to the Agency of Education for distribution to all superintendents and heads of schools on or before August 31, 2026.

Sec. 4. EFFECTIVE DATE

This act shall take effect on passage.