



Date: February 17, 2026
To: Senate Education Committee
Re: Feedback on [S.227](#)

Thank you for inviting testimony from the Vermont Superintendents Association on this pressing and important topic.

At its foundation, this bill is about ensuring that every child can access a public education safely and without fear. As the Agency of Education pointed out in their testimony, the U.S. Supreme Court made that principle clear in *Plyler v. Doe*, 457 U.S. 202 (1982), holding that public schools may not deny access to students based on immigration status. Vermont law reinforces that commitment, guaranteeing all students educational opportunities that are substantially equal (16 V.S.A. § 1).

For Vermont's superintendents, this is not theoretical. It is a daily responsibility. Ensuring that every child feels safe, welcomed, and able to fully participate in school is central to their work. Superintendents across the state take this obligation seriously and have been actively working within their districts to prepare for the evolving landscape.

At the same time, we recognize that we can and should do better and that meaningful improvement requires partnership. The more the state can step in to provide coordinated training, ongoing guidance, vetted resources, and clear leadership, the better positioned school districts, particularly those with limited administrative capacity, will be to meet this essential responsibility.

As with everything in Vermont, with 119 school districts, there are 119 different ways of doing things at the local level. Legislation that establishes clear fundamentals while allowing appropriate flexibility for local context is ideal.

Between November 2024 and January 2025, many superintendents worked within their districts to develop administrative procedures specific to their local contexts. VSA collected and shared examples to support this work to facilitate cross-district collaboration. We lean heavily on our national organization, AASA, for up-to-date briefings and trainings, leveraging their broader capacity and resources. We are ready to support implementation should this bill become law, but we cannot do it alone. Further statewide legal guidance and coordination is needed.

I would like to begin our suggestions by clarifying the distinction between school board policy and administrative procedures, so that the remainder of our testimony, which poses questions and suggests technical changes, is grounded in that framework.

School board policies are formally adopted, binding, broad statements of direction set by the board. Administrative procedures are the specific, step-by-step actions developed by the superintendent to implement those policies. Policies define what is required; procedures define how that policy is carried out day-to-day. In general, we hope that the majority of this work can live within administrative procedures, aligned with clear training for all employees, especially those who interface directly with building security and entry.

Section-by-Section Review

Non-public area of the school site

We will need greater clarity regarding this designation. We are willing to work with the committee to help refine this distinction. The Attorney General's Office also raised this issue in testimony.

For example, when schools are used as voting sites, public libraries, and for community events, what is the responsibility of the school district surrounding this proposed legislation?

Policy Required

The law should clearly lay out what must be included in a required model policy. Again, this should focus on the “what,” not the “how.” We recommend consultation with the Vermont School Boards Association regarding feedback on the proposed board policy. Both of our Associations can be helpful in appropriately distinguishing what belongs in policy versus procedure. In previous legislation, blurred lines between these two have created confusion and delayed implementation.

Distribution of Immigration Resources

Thank you for recognizing that these resources should not be created district-by-district. Please continue to commit to state-level responsibility for creating resources and training materials. The timeline should realistically reflect the time required for the Attorney General’s Office to develop and vet these materials.

“...at each school the superintendent oversees, designates an officer to serve as a resource for immigration-related matters who shall receive from the superintendent updated information and training material on an ongoing basis.”

Please clarify that these resources will be provided by the Attorney General’s Office and the Agency of Education directly to superintendents, who can then distribute them appropriately within their districts.

Guardian Detainment

“A superintendent or designee shall, to the greatest extent possible, partner with a legal advocacy institution...”

We ask for greater specificity here, including statewide coordination and vetting of resources. Guidance should clearly outline which entities are responsible for what, include a timeline of action, and provide administrators with practical direction. Districts located far from legal advocacy organizations would especially benefit from centralized coordination.

Immigration Authorities on Site

Please amend the language to allow for more than one designee. This provides necessary flexibility if neither the superintendent nor a single designee is available at the time of need.

As the Attorney General’s Office pointed out in their testimony, it is worth considering expanding the conversation of applicability to all law enforcement, not only federal immigration authorities.

General Comments

The more clearly the bill spells out state-level support, the better implementation will be. The state should provide the necessary resources and coordination to ensure districts can properly carry out this law. Vermont’s students deserve clarity and well-supported schools to ensure their safety and rights.

This cannot be unfunded. As other witnesses and Senator Ram Hinsdale have noted, managing this work in isolation is costly and burdensome. Let us ensure this is a coordinated statewide effort. Vermont’s students depend on it.

Vermont Superintendents Association recommendations for S.227.

As requested by the Senate Education Committee on Tuesday, February 17, 2026.

As specified in our testimony on Tuesday, school board policies are formally adopted, binding, broad statements of direction set by the board. Administrative procedures are the specific, step-by-step actions developed by the superintendent to implement those policies. Policies define what is required; procedures define how that policy is carried out day-to-day. In general, we hope that the majority of this work can live within administrative procedures, aligned with clear training for all employees, especially those who interface directly with building security and entry.

The following is section-by-section recommendations to help support implementation by maintaining the language but ensuring that the proper elements of the bill end up in the proper place – policy, procedure, and guidance.

This does not reflect the addition of all law enforcement to the bill as the committee has discussed, but could be adjusted to reflect this inclusion.

Suggestions are indicated by strikethroughs, underlined additions, and highlighted explanations. Apologies that the numbering is off.

BILL AS INTRODUCED S.227

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S.227

Introduced by Senators Gulick, Vyhovsky, Major, Ram Hinsdale and White

Subject: Education; safety; immigration

Statement of purpose of bill as introduced: This bill proposes to require all Vermont schools to adopt a policy that would prevent the school from providing sensitive information about a student to a federal agency and would require that a federal immigration authority present a judicial warrant before entering the nonpublic area of a school.

An act relating to creating immigration protocols in Vermont schools

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 16 V.S.A. chapter 33 is amended to read:

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

§ 1486. IMMIGRATION PROTOCOLS

(a) Definitions. As used in this section:

(1) “Federal immigration authority” means a federal agency or department, along with its employees or contractors, tasked with enforcement of immigration law and border entry, including the Department of Homeland Security, Immigration and Customs Enforcement, and U.S. Customs and Border Protection.

(2) “Nonpublic area of a school site” means an area of a school that normally requires authorization by the school to enter, consistent with the policy required by section 1484 of this chapter, ~~and includes classrooms, the cafeteria, the gymnasium, playgrounds, and any other location where students gather.~~ **A broader definition helps to ensure that all sites of the school are included as needed.**

(3) “School” means a public school or an independent school approved under section 166 of this title, and includes employees and independent contractors working for the school.

~~(b) Policy required. Each school district and approved independent school in the State shall adopt and maintain a policy that reflects the requirements of this section. Each superintendent and head of school of an approved independent school shall develop and implement procedures to carry out such policies.~~

The Secretary of Education, in consultation with stakeholder groups including the Vermont School Boards Association, shall create a stand alone model policy or amend existing required model policies to include:

i. Emphasizing the district’s responsibility to limit the sharing of student and family information for anyone who is not properly authorized to have access to such information, including federal immigration authorities and limiting the collection of non-essential information from students and families.

- **(This is section e in the current draft.)** Student records. School districts are prohibited from using policies or procedures to engage in practices that have the effect of excluding a legal pupil from school, including:
 - (1) collecting or requesting information regarding citizenship or immigration status of students or their family members except as required by State or federal law or as required to administer a State or federally supported educational program;
 - (2) designating immigration status, citizenship, place of birth, nationality, or national origin as directory information, as that term is defined by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C.
 - (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 recipient of public assistance, or school discipline

records, with a third party unless required to do so by State or federal law.

ii. Restricting law enforcement agents' access to school sites for search and apprehension purposes without the required identification and respective judicial order, except in the event of a reported emergency.

iii. Prohibiting any unauthorized school staff from collaborating with federal immigration authorities.

(c) Immigration resources. A superintendent shall:

(1) distribute immigration and civil rights–related resources to staff, students, and family members of students that are provided to the superintendent by the Office of the Attorney General or by another source that has had its resources reviewed and approved by the Office; ~~and~~

~~(2) at each school the superintendent oversees, designate an officer to serve as a resource for immigration-related matters who shall receive from the superintendent updated information and training material on an ongoing basis.~~ [This language is prohibitive and does not reflect flexibility in wider training opportunities and distribution of resources to staff throughout schools. The above language provides more flexibility.]

~~(2) (d) Guardian-detainment Support for Students. The Agency of Education shall compile legal resources and foster relationships with advocacy organizations, such that a superintendent may. A superintendent or designee shall, to the greatest extent possible, partner with a legal advocacy institution that will provide assistance to a student impacted by the actions of immigration authorities. in the event that a guardian of the student has been detained by immigration authorities while the student is in school.~~

(d) Model Administrative Procedures. Encounters with Law Enforcement and Access to Education, Student Privacy, and Immigration Enforcement. The Secretary of Education, in consultation with stakeholder groups including the Vermont Superintendents Association, shall create model administrative procedures that encompass the following (#1-5 below included in model procedures):

~~(e) Student records. School districts are prohibited from using policies or procedures to engage in practices that have the effect of excluding a legal pupil from school, including:~~

~~(1) collecting or requesting information regarding citizenship or immigration status of students or their family members except as required by State or federal law or as required to administer a State or federally supported educational program;~~

~~(2) designating immigration status, citizenship, place of birth, nationality, or national origin as directory information, as that term is defined by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C.~~

~~(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 recipient of public assistance, or school~~

~~discipline records, with a third party unless required to do so by State or federal law.~~

[Above sections moved to model policy.]

(1) Immigration authorities on site. The superintendent of a school shall:

(A) subject to subdivision (B) of this subdivision (1), be the sole authority to admit a federal immigration authority into a nonpublic area of school site; and (B) designate at least one individual that works at each school site to serve as a designee of the superintendent in the event that the superintendent is not present when a federal immigration authority appears on site.

(2) The superintendent or designee shall not allow a federal immigration authority into a nonpublic area of a school site unless a judicial warrant is presented by the federal immigration authority that names a specific individual under arrest or subject to a search.

(3) In the event a federal immigration authority enters a nonpublic area of a school site without approval from the superintendent or designee, the school shall not obstruct the federal immigration authority from entering a nonpublic area of a school site.

(4) Absent a judicial warrant, no school shall reveal any information about a student or school staff member in response to a request from a federal immigration authority.

(5) Except as required by federal law, no school shall enter into an agreement with a State, local, or federal government entity that furthers the enforcement of any federal immigration law. The school superintendent is the sole individual that may approve an agreement required by federal law.

Sec. 2. IMMIGRATION RESOURCE GUIDE

The Office of the Attorney General, in consultation with the Agency of Education, shall develop an immigration resource guide pursuant to 16 V.S.A. § 1486(c)(1). The guide shall be developed in a manner that serves to protect the privacy and safety of students and staff. The guide shall be completed on or before March 1, 2026, and be sent to all superintendents for distribution to school districts on or before March 31, 2026. The Office shall review the guide at least once annually and send any updates to the guide to all superintendents not later than 30 days after completing the update. [Dates likely need to be revisited.]

Sec. 3. POLICY AND PROCEDURE ADOPTION DEADLINE

Each school board shall develop, adopt, and ensure implementation of, and make available a policy that shall be at least as comprehensive as the model policy developed by the Secretary in Sec 1 on or before September 1, 2026. Each superintendent shall develop and adopt administrative procedures at least as comprehensive as those developed by the Secretary in Sec 1 by October 15, 2026.

Sec. 4. EFFECTIVE DATE

This act shall take effect on July 1, 2026.