

This version reflects suggested revisions from the VSBA and incorporates suggestions previously provided by the VSA.

Suggestions are indicated by strike-throughs, underlined additions, and highlighted explanations.

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 law enforcement ~~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~~ LAW ENFORCEMENT ACCESS

§ 1486. ~~IMMIGRATION PROTOCOLS~~ LAW ENFORCEMENT ACCESS

(a) Definitions. As used in this section:

(1) "Law enforcement authority" means an agent of federal, State, or local law enforcement authorized with the power to arrest or detain individuals or manage the custody of detained individuals for a law enforcement purpose, including the Department of Homeland Security, Immigration and Customs Enforcement, and U.S. Customs and Border Protection. "Law enforcement authority" does not include a school resource officer (16 V.S.A 1167). "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, volunteers, and independent contractors working for the school.

(b) Policy required. Encounters with Law Enforcement and Access to Education, Student Privacy, and Immigration Enforcement~~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:~~

(1) 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. **Based on Dr. Callahan’s previous testimony, a reference to Title 9, Chapter 63, subchapter 3a regarding Student Privacy might be appropriate to include in this section as a reminder that third-parties operators collecting student information also have restrictions regarding the use and sharing of that information.**

~~(This is section e in the current draft.) Student records.~~

(2) 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:

(i) 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;

(ii) 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.; and/or

(iii) 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.

(3) Restricting law enforcement authority 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.

(4) Prohibiting any unauthorized school staff from collaborating with law enforcement authorities.

(e) ~~Immigration resources. A superintendent shall:~~ **Moved to Section 2**

~~(1) A superintendent shall 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 assist superintendents in fostering 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.~~

(cd) Model Administrative Procedures required. 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) Law enforcement ~~immigration~~ authorities on site. The superintendent of a school shall:

(i) subject to subdivision (ii) of this subdivision (1), be the sole authority to admit a law enforcement ~~federal immigration~~ authority into a nonpublic area of school site; and

(ii) 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 law enforcement ~~federal immigration~~ authority appears on site.

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

(3) In the event a law enforcement federal immigration authority enters a nonpublic area of a school site without approval from the superintendent or designee, the school shall to the extent possible document and or record, but not obstruct, the law enforcement 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 law enforcement federal immigration authority.

(5) Except as required by federal law or permitted under 20 V.S.A. § 4652, 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. DEVELOPMENT AND DISTRIBUTION OF IMMIGRATION RESOURCES

- (a) 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 include, but not be limited to, 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/or relevant advocacy organizations available to provide assistance to students and staff. The guide shall be completed 90 days after enactment of this act and sent to the Secretary of Education to be provided to all superintendents within 5 days of receipt. 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 via the Secretary of Education not later than 30 days after completing the update.
- (b) A superintendent shall 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.
- (c) The Agency of Education shall compile legal resources and assist superintendents in fostering relationships with advocacy organizations, such that a superintendent may provide assistance to a student impacted by the actions of immigration authorities.

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.