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1 **HOUSE BILL NO. 912**

2 Offered January 14, 2026

3 Prefiled January 13, 2026

4 A BILL to amend the Code of Virginia by adding a section numbered 22.1-2.2, relating to public schools;
5 right to free public elementary and secondary education; discrimination based on immigration status
6 prohibited; requirements; civil cause of action.

7 Patron—Lopez

8 Committee Referral Pending

9 **Be it enacted by the General Assembly of Virginia:**10 **1. That the Code of Virginia is amended by adding a section numbered 22.1-2.2 as follows:**
11 **§ 22.1-2.2. Right to a free public education; discrimination based on citizenship or immigration status**
12 **prohibited; requirements.**

13 A. As used in this section:

14 "Directory information" means the same as that term is defined by the federal Family Educational Rights
15 and Privacy Act (20 U.S.C. § 1232g).16 "Immigration or citizenship status" means the status applied to any individual based on such individual's
17 citizenship of the United States or any other country or such individual's authority or lack thereof to be
18 lawfully present or reside in the United States.19 "Law enforcement agent" does not include any school resource officer employed by a school board acting
20 in the scope of his normal duties.21 B. In accordance with Article VIII, § 1 of the Constitution of Virginia and consistent with the
22 requirements of the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution,
23 no child in the Commonwealth shall be denied a free public education through secondary school on the basis
24 of the actual or perceived immigration or citizenship status of such child or the child's parents.

25 C. Pursuant to subsection B, no school board or public elementary or secondary school shall:

26 1. Exclude from or prohibit enrollment in the school division of any child of school age that resides within
27 the school division pursuant to § 22.1-3 on the basis of the actual or perceived immigration or citizenship
28 status of such child or the child's parents;29 2. Exclude a child from participation in or deny a child the benefits of any program or activity on the
30 basis of the actual or perceived immigration or citizenship status of such child or the child's parents;31 3. Implement or use any policies or procedures or otherwise engage in processes that would have the
32 effect of (i) excluding a child from participation in or denying such child the benefits of any program or
33 activity available to other students or (ii) excluding the participation of a child's parent from any parental
34 engagement activities or programs available to other parents of students, on the basis of the actual or
35 perceived immigration or citizenship status of such child or the child's parents, including any policy,
36 procedure, or practice:37 a. Requesting or collecting information or documentation from a student or the student's parent about
38 immigration or citizenship status, except to the extent required by state or federal law; and39 b. Designating immigration or citizenship status, country of origin or birth, nationality, or national
40 origin, as directory information; or

41 4. Perform any of the following actions:

42 a. Threaten to disclose any matter relating to the actual or perceived immigration or citizenship status of
43 a child, the parent of a child, or another person associated with the child to any other person or entity,
44 including an immigration or law enforcement agency;45 b. If the school board or school does not have direct knowledge of the actual immigration or citizenship
46 status of a child, the parent of a child, or another person associated with the child, disclose any matter or
47 information relating to the perceived immigration or citizenship status of a child, the parent of a child, or
48 another person associated with the child to any other person or agency, including an immigration or law
49 enforcement agency, except as provided in subsection D; or50 c. If the school board or school does have direct knowledge of the actual immigration or citizenship status
51 of a child, the parent of a child, or another person associated with the child, disclose any matter or
52 information relating to the actual immigration or citizenship status of a child, the parent of a child, or
53 another person associated with the child to any other person or agency, including an immigration or law
54 enforcement agency, except as provided in subsection D.55 D. Nothing in subdivision C 4 shall be construed to (i) permit the disclosure of student records or
56 information without complying with the requirements of applicable state and federal law relating to the

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59 disclosure of such records or information or (ii) prohibit or restrict a school board, school, or other entity
60 from sending to or receiving from the U.S. Department of Homeland Security or any other federal, state, or
61 local governmental entity information relating to the immigration or citizenship status of an individual under
62 8 U.S.C. §§ 1373 and 1644.

63 E. Each public elementary and secondary school shall develop and implement procedures for reviewing
64 and authorizing requests from law enforcement agents attempting to enter a public school or public school
65 facility, consistent with the provisions of this section, that include, at a minimum, procedures for:

66 1. Reviewing and contacting a designated authorized person at the school or school facility and the
67 division superintendent's office or other office of the school board, who can contact the school board's legal
68 counsel, and permitting such authorized person or legal counsel to review requests to enter a school or
69 school facility, including any judicial warrants, nonjudicial warrants, and subpoenas;

70 2. Monitoring or accompanying law enforcement agents and documenting all interactions with law
71 enforcement agents while on public school premises; and

72 3. Notifying and seeking consent from a student's parent or, if the student is 18 years of age or older, the
73 student, if a law enforcement agent requests access to a student for purposes relating to immigration
74 enforcement, except in the case that such access is in compliance with a judicial warrant or subpoena that
75 restricts the disclosure of the information to the student's parent or guardian.

76 F. Any party aggrieved by conduct that violates the provisions of this section may bring a civil action for
77 injunctive relief, damages, and other relief available under law. The court, upon such violation occurred,
78 may grant such relief as it deems appropriate, including actual damages for willful violations, injunctive
79 relief, and temporary restraining orders. The court shall award reasonable attorney's fees to a plaintiff who
80 is a prevailing party in any action brought under this subsection. In awarding reasonable attorney's fees, the
81 court shall consider the degree to which the relief obtained relates to the relief sought. Any civil action
82 brought under this subsection shall be brought no later than two years after the violation occurred.

83 2. That the Department of Education shall develop and make available to each school board by August
84 1, 2026, (i) guidance for school personnel, including administrative and front office staff, on the
85 requirements of the first enactment of this act and (ii) training guidelines and materials for the training
86 of all public elementary and secondary school principals and administrators on compliance with the
87 provisions of the first enactment of this act.

88 3. That each school board shall (i) develop and implement by August 1, 2026, and post in a publicly
89 accessible location on its website by the beginning of the 2026–2027 school year, policies and
90 procedures in accordance with the first enactment of this act and (ii) require each public elementary
91 and secondary school principal and administrator in the school division to complete training on
92 compliance with the provisions of the first enactment of this act by the beginning of the 2026–2027
93 school year, consistent with the training materials and guidance developed by the Department of
94 Education pursuant to the second enactment of this act.