



Rep. Lilian Jiménez

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10400HB3247ham001

LRB104 11044 LNS 23733 a

1 AMENDMENT TO HOUSE BILL 3247

2 AMENDMENT NO. _____. Amend House Bill 3247 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by adding Section
5 22-101 as follows:

6 (105 ILCS 5/22-101 new)

7 Sec. 22-101. Denial of free education prohibited.

8 (a) The purpose of this Section is to secure the right of
9 every child to equal access to a free public education and a
10 school that is safe from intimidation and fear, consistent
11 with the landmark United States Supreme Court decision in
12 Plyler v. Doe, 457 U.S. 202 (1982), as in effect on January 1,
13 2025, which held that it is unconstitutional for states to
14 deny children a free public education based on immigration
15 status. In their efforts to promote the right to educational
16 equality established in Plyler, schools must take steps to

1 protect the integrity of school learning environments for all
2 children, so that no parent is discouraged from sending a
3 child to school and no child is discouraged from attending
4 school, including steps to protect children from the threat of
5 immigration enforcement or other law enforcement activity on a
6 school campus.

7 (b) As used in this Section:

8 "Citizenship or immigration status" means all matters
9 regarding citizenship in the United States or any other
10 country or the authority, or lack thereof, to reside in or
11 otherwise to be present in the United States, including an
12 individual's nationality and country of citizenship.

13 "Law enforcement agent" means an agent of a federal,
14 state, or local law enforcement agency authorized with the
15 power to arrest or detain individuals or to manage custody of
16 detained individuals for any law enforcement purpose,
17 including civil immigration enforcement. "Law enforcement
18 agent" does not include a school resource officer, as defined
19 in Section 10-20.68 of this Code.

20 "Nonjudicial warrant" means a warrant issued by a federal,
21 state, or local agency authorized with the power to arrest or
22 detain individuals or to manage custody of detained
23 individuals for any law enforcement purpose, including civil
24 immigration enforcement. "Nonjudicial warrant" includes
25 immigration detainers or civil immigration warrants, as
26 defined in Section 10 of the TRUST Act. "Nonjudicial warrant"

1 does not include a criminal warrant issued upon a judicial
2 determination of probable cause and in compliance with the
3 requirements of the Fourth Amendment to the U.S. Constitution
4 and Article I, Section 6 of the Illinois Constitution.

5 "Prevailing party" includes any party:

6 (1) who obtains some of his or her requested relief
7 through a judicial judgment in his or her favor;

8 (2) who obtains some of his or her requested relief
9 through a settlement agreement approved by the court; or

10 (3) whose pursuit of a nonfrivolous claim was a
11 catalyst for a unilateral change in position by the
12 opposing party relative to the relief sought.

13 "School" means every public school, school district, and
14 governing body, including special charter districts and
15 charter schools, organized under this Code, and their agents,
16 including contracted parties.

17 (c) No child may be denied a free public education through
18 secondary school while in this State based on the child's or
19 associated person's perceived or actual citizenship or
20 immigration status.

21 (1) A school must not exclude a child, or associated
22 person, from participation in or deny a child, or
23 associated person, the benefits of any program or activity
24 on the grounds of that child's, or associated person's,
25 actual or perceived citizenship or immigration status.

26 (2) A school must not use criteria, measures, or

1 methods of administration that have the effect of
2 excluding from participation or denying the benefits of
3 any program or activity because of a child's, or
4 associated person's, actual or perceived immigration
5 status. These criteria, measures, or methods of
6 administration include:

7 (A) requesting or collecting information or
8 documentation about citizenship or immigration status,
9 unless required by State or federal law; and

10 (B) designating immigration status, citizenship,
11 place of birth, nationality, or national origin as
12 directory information.

13 (3) A school must not threaten to disclose information
14 regarding or relating to the actual or perceived
15 citizenship or immigration status of a child, or
16 associated person, or actually disclose information based
17 on perceived or unverified citizenship or immigration
18 status, to any other person, entity, or any immigration or
19 law enforcement agency.

20 (4) A school must not authorize entry by a law
21 enforcement agent to a school site or school district
22 facility for any purpose without the law enforcement agent
23 providing valid identification, a written statement of
24 purpose, and a valid judicial warrant, and, to the extent
25 possible, receiving approval from the superintendent of
26 the school district or the superintendent's designee, or

1 the principal of the charter school or the principal's
2 designee, and their legal counsel, as applicable. A school
3 district or school, whether public or charter, must not
4 detain any individual solely on the basis of any formal or
5 informal request or nonjudicial warrant from a law
6 enforcement agent.

7 (A) A law enforcement agent that presents only a
8 civil immigration warrant must be denied entry.

9 (B) If a law enforcement agent provides a judicial
10 warrant:

11 (i) the school district or school, whether
12 public or charter, shall make every feasible
13 effort to contact the school's legal counsel,
14 review the judicial warrant, and challenge the
15 judicial warrant if it is determined a challenge
16 may be brought; and

17 (ii) the Attorney General shall represent the
18 school district in any cause of action brought by
19 the school district to challenge a judicial
20 warrant presented by a law enforcement agent to
21 enter a school site or school district facility.

22 (C) Authorizing entry for a law enforcement agent
23 under the following conditions is not a violation of
24 this paragraph (4):

25 (i) the law enforcement agent reasonably
26 believes entry is necessary to protect a person in

1 the school from an immediate threat of serious
2 physical injury that results in the evacuation or
3 shelter in place of some part or all of the school;
4 or

5 (ii) the law enforcement agent is in immediate
6 pursuit of a suspect who is fleeing a crime scene
7 and enters the school.

8 (d) A school district or school, whether public or
9 charter, shall adopt a policy for complying with paragraphs
10 (1), (2), (3), and (4) of subsection (c).

11 (e) Any party aggrieved by conduct that violates
12 subsection (c) may bring a civil lawsuit. This lawsuit must be
13 brought not later than 2 years after the violation of
14 subsection (c). If the court finds that a violation of
15 paragraph (1), (2), (3), or (4) of subsection (c) has
16 occurred, the court may award to the plaintiff 3 times actual
17 damages or \$17,000, whichever is greater. The court, as it
18 deems appropriate, may grant as relief any permanent or
19 preliminary negative or mandatory injunction, temporary
20 restraining order, or other order.

21 (f) Nothing in this Section shall be construed to require
22 an exhaustion of the administrative complaint process before
23 civil law remedies may be pursued.

24 (g) Upon motion, a court shall award reasonable attorney's
25 fees and costs, including expert witness fees and other
26 litigation expenses, to a plaintiff who is a prevailing party

1 in any action brought under subsection (c). In awarding
2 reasonable attorney's fees, the court shall consider the
3 degree to which the relief obtained relates to the relief
4 sought.

5 (h) The General Assembly finds and declares that this
6 Section is a State law within the meaning of subsection (d) of
7 Section 1621 of Title 8 of the United States Code."