

104TH GENERAL ASSEMBLY**State of Illinois****2025 and 2026****SB2065**

Introduced 2/6/2025, by Sen. Karina Villa

SYNOPSIS AS INTRODUCED:

105 ILCS 5/22-101 new

Amends the School Code. Prohibits a child from being denied a free public education through secondary school while in the State based on the child's or associated person's perceived or actual citizenship or immigration status. Prohibits a school from excluding a child, or associated person, from participation in or denying a child, or associated person, the benefits of any program or activity on the grounds of that child's, or associated person's, actual or perceived citizenship or immigration status. Provides that a school must not use criteria, measures, or methods of administration that have the effect of excluding from participation or denying the benefits of any program or activity because of a child's, or associated person's, actual or perceived immigration status. Prohibits a school from threatening to disclose information regarding or relating to the actual or perceived citizenship or immigration status of a child, or associated person, or actually disclosing information based on perceived or unverified citizenship or immigration status, to any other person, entity, or any immigration or law enforcement agency. Provides that a school must not allow an immigration agent to enter a school site or school district facility for any purpose without providing valid identification, a written statement of purpose, and a valid judicial warrant, and, to the extent possible, receiving approval from the superintendent of the school district or the principal of the charter school, and their legal counsel. Provides that a school district or school must not detain any individual solely on the basis of any formal or informal request, or immigration detainer or civil immigration warrant from an immigration agent. Requires a school district or school to adopt a policy for complying with the amendatory Act. Allows any party aggrieved by a violation of the provisions to bring a civil lawsuit no later than 2 years after the violation occurred. Provides that if the court finds that a violation has occurred, the court may award to the plaintiff 3 times actual damages or \$17,000, whichever is greater. Makes other changes.

LRB104 10774 LNS 20854 b

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

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 General Assembly finds that:

9 (1) In June 1982, the United States Supreme Court
10 issued Plyler v. Doe (457 U.S. 202), a landmark decision
11 that held that it is unconstitutional for states to deny
12 children a free public education based on immigration
13 status. The Supreme Court found that any resources that
14 might be saved from excluding undocumented children from
15 public schools were far outweighed by the harms imposed on
16 society at large from denying these children an education.

17 (2) For more than 40 years, Plyler v. Doe has ensured
18 equal access to education for children regardless of
19 immigration status, but anti-immigrant sentiment continues
20 to threaten that right.

21 (3) A positive and healthy school climate is one in
22 which children, educators, and staff feel safe, welcomed,
23 supported, and connected. In an effort to create a

1 positive school climate, State schools must take steps to
2 protect the integrity of school learning environments for
3 all children.

4 (4) Anti-immigrant rhetoric and threats directed at
5 immigrants, in the public forum and directed at
6 individuals, chills and discourages parents from enrolling
7 their children in schools to access the education that
8 they are entitled to.

9 (5) With risks of changes to approaches to immigration
10 policies and enforcement at the federal level, it is more
11 important than ever for the State to work to protect
12 children and ensure that, regardless of their immigration
13 status, they may continue to take advantage of the
14 education to which they are entitled, free from
15 intimidation or risk of a loss of access to resources and
16 programs that other students enjoy, consistent with Plyler
17 v. Doe as in effect on January 1, 2025.

18 (b) As used in this Section:

19 "Citizenship or immigration status" means all matters
20 regarding citizenship of the United States or any other
21 country or the authority, or lack thereof, to reside in or
22 otherwise to be present in the United States, including an
23 individual's nationality and country of citizenship.

24 "Civil immigration warrant" has the same meaning given in
25 Section 10 of the Illinois TRUST Act.

26 "Immigration agent" has the same meaning given in Section

1 10 of the Illinois TRUST Act.

2 "Immigration detainer" has the same meaning given in
3 Section 10 of the Illinois TRUST Act.

4 "Prevailing party" includes any party:

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

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

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

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

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

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

25 (2) A school must not use criteria, measures, or
26 methods of administration that have the effect of

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

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

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

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

19 (4) A school must not allow an immigration agent to
20 enter a school site or school district facility for any
21 purpose without providing valid identification, a written
22 statement of purpose, and a valid judicial warrant, and,
23 to the extent possible, receiving approval from the
24 superintendent of the school district or their designee,
25 or the principal of the charter school or their designee,
26 and their legal counsel, as applicable. A school district

1 or school, whether public or charter, must not detain any
2 individual solely on the basis of any formal or informal
3 request, or immigration detainer or civil immigration
4 warrant from an immigration agent.

5 (A) An immigration agent that presents only a
6 civil immigration warrant must be denied entry unless
7 the immigration agent declares and supports the
8 existence of exigent circumstances.

9 (B) If an immigration agent provides a judicial
10 warrant, a school district or school, whether public
11 or charter, shall:

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

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

21 (d) A school district or school, whether public or
22 charter, shall adopt a policy for complying with paragraphs
23 (1), (2), (3), and (4) of subsection (c).

24 (e) Any party aggrieved by conduct that violates
25 subsection (c) may bring a civil lawsuit. This lawsuit must be
26 brought not later than 2 years after the violation of

1 subsection (c). If the court finds that a violation of
2 paragraph (1), (2), (3), or (4) of subsection (c) has
3 occurred, the court may award to the plaintiff 3 times actual
4 damages or \$17,000, whichever is greater. The court, as it
5 deems appropriate, may grant as relief any permanent or
6 preliminary negative or mandatory injunction, temporary
7 restraining order, or other order.

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

11 (g) Upon motion, a court shall award reasonable attorney's
12 fees and costs, including expert witness fees and other
13 litigation expenses, to a plaintiff who is a prevailing party
14 in any action brought under subsection (c). In awarding
15 reasonable attorney's fees, the court shall consider the
16 degree to which the relief obtained relates to the relief
17 sought.

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