

**STUDENTS**

**Non-discrimination based on citizenship or immigration status**

In accordance with applicable law, no child in the Commonwealth of Virginia shall be denied a free public education through secondary school on the basis of the actual or perceived immigration or citizenship status of such child or the child's parents. The Superintendent or designee will be responsible for developing procedures consistent with this Regulation and applicable law.

**A. Prohibited actions**

The following actions are prohibited for any officer, employee, contractor or agent of the School Board or any school resource officer.

1. Exclude from or prohibit enrollment in the school division of any child of school age who resides within the school division pursuant to Code of Virginia §22.1-3 on the basis of the actual or perceived immigration or citizenship status of such child or the child's parent.
2. Exclude a child from participation in or deny a child the benefits of any program or activity on the basis of the actual or perceived immigration or citizenship status of the child or the child's parents.
3. Implement or use any policies or procedures or otherwise engage in processes that would have the effect of

- a. excluding a child from participation in or denying such child the benefits of any program or activity available to other students, or
- b. excluding the participation of a child's parent from any parental engagement activities or programs available to other parents of students, on the basis of the actual or perceived immigration or citizenship status of such child or the child's parents, including any policy, procedure or practice:
  - 1) requesting or collecting information or documentation from a student or the student's parent about immigration or citizenship status, except to the extent required by state or federal law; or
  - 2) designating immigration or citizenship status, country of origin or birth, nationality, or national origin as directory information.

4. Perform any of the following actions:

- a. Threaten to disclose any matter relating to the actual or perceived immigration or citizenship status of a child, the parent of a child, or another person associated with the child to any other person or entity, including any law enforcement agent or immigration or law-enforcement agency;
- b. If the school board or school does not have direct knowledge of the actual immigration or citizenship status of a child, the parent of the child, or another person associated with the child, disclose any matter or information relating to the perceived immigration or citizenship

status of the child, or another person associated with the child to any other person or agency, including any law-enforcement agent or immigration or law-enforcement agency, except as provided in section B; or

- c. If the school board or school does not have direct knowledge of the actual immigration or citizenship status of a child, the parent of a child, or another person associated with the child, disclose any matter or information relating to the actual immigration or citizenship status of a child, the parent of a child, or another person associated with the child to any other person or agency, including any law-enforcement agent or immigration or law-enforcement agent, except as provided in section B.

## **B. Compliance**

Nothing in subsection A (4) shall be construed to:

1. Permit the disclosure of student records or information without complying with the requirements of applicable state and federal law relating to the disclosure of such records or information, or
2. Prohibit or restrict the school board, a school, or other entity from sending or receiving from the U.S. Department of Homeland Security or any other federal, state, or local government agency information relating to the immigration or citizenship status of an individual under 8 U.S.C. §§ 1373 and 1644.

## **C. Remedies for alleged violations**

Any aggrieved party may bring a civil action for injunctive relief, damages, or other relief available under law that alleges a violation of the provisions of Sections A and B.

1. Prior to initiating any such civil action, the aggrieved party shall provide the Superintendent and the Clerk of the School Board written notice that shall set forth with reasonable specificity the nature of and grounds for the alleged violation, the relief or remedial action sought to cure the violation.
2. Upon receipt of such notice, the School Division shall have 15 days to investigate, address, and, if warranted, cure the alleged violation, including providing the appropriate relief or taking the appropriate remedial or corrective action.
3. No civil action shall be filed until the expiration of such 15 day period, provided, however, that an aggrieved party may seek temporary or preliminary relief without providing such prior notice if the aggrieved party clearly demonstrates that as a result of the alleged violation of:
  - a. a student is currently or unlawfully being excluded from enrollment, attendance, or participation in school or any educational programs or services thereof; or
  - b. Immediate and irreparable harm will result before the conclusion of the 15-day period absent prompt judicial intervention.

#### **D. Definitions**

The following definitions will apply to this Regulation. Amendments or additions to these definitions as set forth in Code of Virginia §22.1-2.2, as amended, will apply.

“Immigration or citizenship status” means the status applied to any individual based on the individual’s citizenship in the United States or any other country or such individual’s authority or lack thereof to be lawfully present or reside in the United States.

“Law-enforcement agent” includes any

1. Law-enforcement officer, as defined in Code of Virginia §9.1-101, as amended;  
and
2. federal immigration officer; and
3. law-enforcement officer of any agency of the Commonwealth or its political subdivisions or the federal government whose duties include immigration-related enforcement. “Law-enforcement agent” does not include any school resource officer employed by a school board acting in the scope of the school resource officer’s normal duties.

“School resource officer” means the same as that term is defined in Code of Virginia §9.1-101, as amended.

## **Legal Reference**

Code of Virginia § 22.1-2.2, as amended. Right to a free public education; discrimination based on citizenship or immigration status prohibited; requirements; civil cause of action.

Adopted by Superintendent: 2026

Approved by:

Matthew Delaney, Chief of Schools

Kamala H. Lannetti, School Board Attorney

Cheryl R. Woodhouse, Chief of Staff

Signature pages can be obtained by calling the FOIA office.