

Non-Regulatory Guidance on the Safe Schools for All Act¹ and Immigration Enforcement Actions

December 16, 2025

The Illinois State Board of Education (ISBE) has received numerous requests regarding enforcement actions by the U.S. Department of Homeland Security (DHS) or one of its associated agencies (e.g., U.S. Immigration and Customs Enforcement or Customs and Border Protection) on school property. This updated document is intended to serve as non-regulatory guidance for public schools that are searching for more information in this area. This updated guidance also incorporates the requirements of Public Act 104-0288, including new requirements for schools to create a policy and procedures addressing school building access by law enforcement agents. **The previous non-regulatory guidance disseminated by ISBE in January 2025 regarding Immigration Enforcement Actions is replaced by this document.**

Requirements under the Safe Schools for All Act (Public Act 104-0288)

Public Act 104-0288 is effective January 1, 2026, and, among other things, codifies and strengthens the long standing holding in *Plyler v. Doe* by providing that no child may be denied a free public education through secondary school based on the child's immigration status.² Per the new public act, a school, as defined in 105 ILCS 5/22-105(b), must not exclude a child from participation in or deny a child the benefits of any program or activity on the grounds of that child's perceived or actual immigration status or the child's parent's or guardian's actual or perceived citizenship or immigration status.³ Schools must protect the integrity of school learning environments so that no parent is discouraged from sending and no child is discouraged from attending school, including from the threat of immigration enforcement or other law enforcement activity on campus.⁴

Under the new Act, by July 1, 2026, schools are required to adopt a policy that formalizes the requirements of Public Act 104-0288 and develop procedures for reviewing and authorizing requests from law enforcement agents attempting to enter a school facility.

Policy requirements:

- The policy must be in place on or before July 1, 2026.⁵
- The policy must prohibit the exclusion of a child from participating in or otherwise denying a child the benefits of any program or activity based on that child's or that child's parent's or guardian's actual or perceived citizenship or immigration status.⁶
- The policy must prohibit a school from using policies or procedures or engage in practices that have the effect of excluding a child from participation in or denying the benefits of any program or activity or have the effect of excluding participation of the child's parent or guardian from parental engagement activities or

programs based on the perceived or actual immigration status of the child or their parent or guardian.⁷

- The policy must prohibit a school from threatening to disclose or disclosing anything related to the perceived citizenship or immigration status of a child or a person associated with a child to any other person or entity or to an immigration or law enforcement agency if the school does not have direct knowledge of that person's actual citizenship or immigration status or from disclosing anything related to the actual citizenship or immigration status of a child or a person associated with the child to any other person or nongovernmental entity if the school has direct knowledge of that person's actual citizenship or immigration status.⁸
- The policy must direct the school to develop procedures for reviewing and authorizing requests from law enforcement agents attempting to enter a school or school facility which includes, at a minimum, the five directives described below.⁹

Procedures requirements:

- Procedures must be in place on or before July 1, 2026.¹⁰
- Procedures must include the process for reviewing and contacting a designated authorized person at the school or school facility and the district superintendent's office or school administrative office, who may contact the school's legal counsel.¹¹
- Procedures must include the process for authorized persons or legal counsel to review requests to enter a school or school facility including judicial warrants, nonjudicial warrants, and subpoenas.¹²
- Procedures must include the process for monitoring or accompanying and procedures for documenting all interaction with law enforcement agents while on the school's premises.¹³
- Procedures must include the process for notifying and seeking consent from a student's parents or guardian or from the student if the student is 18 years old or older or emancipated if a law enforcement agent requests access to a student for immigration enforcement purposes unless whether restricted by warrant or subpoena. These procedures should align with 105 ILCS 5/22-88 of the School Code.¹⁴

As provided in previous guidance, schools might also consider the following when implementing the policies and procedures otherwise required under 105 ILCS 5/22-105:

- A school's policy and procedures should be made available to and discussed with instructional staff, administrative staff, and other staff and faculty members who might otherwise be on campus.
- Schools should ensure that their student data-sharing policies are up to date and that such policies are readily available to all faculty and staff as well as all third-party contractors who might have access to student data.
- Instructional staff, administrative staff, and other staff and faculty members should receive appropriate training to ensure proper implementation of school policies and procedures.
- Schools should encourage parents to keep their child's emergency contacts updated and accurate.
- Schools are encouraged, to the extent possible, to have policies and procedures in place in the event a student's parent is detained or deported.

A school must not use policies or procedures or engage in practices that have the effect of excluding a child or that child's parent or guardian from participating in or denying the benefits of any program or activity because of perceived or actual immigration status.¹⁵ This includes, unless otherwise required by state or federal law, requesting or collecting information or documentation from a student or student's parent or guardian about citizenship or immigration status and designating immigration status, citizenship, place of birth, nationality, or national origin as directory information.¹⁶

Further, as provided in previous guidance, a student's or parent's citizenship status has no bearing on the ability of the parent to register and enroll their child in a school in Illinois.¹⁷ Schools must not inquire about the citizenship status of a student or parent in order to establish residency.¹⁸ Additionally, the documents required by a school system as proof of residency for a student, when taken together, shall not result in a requirement for proof of citizenship status.¹⁹ Schools must take care to ensure that their processes to establish residency do not force a student or parent to reveal their immigration status. ISBE publishes enrollment guidance to aid in these efforts.²⁰

Under the new Act, unless otherwise required by law, schools *shall not threaten to disclose* anything related to actual or perceived citizenship or immigration status of a child or a person associated with the child to any other person or entity or an immigration or law enforcement agency.²¹ Additionally, unless otherwise required by law, schools *shall not disclose* anything related to the perceived citizenship or immigration status of a child or a person associated with the child to any other person or entity or an immigration or law enforcement agency *if the school does not have direct knowledge* of the child's or associated person's actual citizenship or immigration status.²² Finally, unless otherwise required by law, schools *shall not disclose* anything related to the actual citizenship or immigration status of a child or a person associated with the child to any other person or nongovernmental entity *if the school has direct knowledge* of the child's or associated person's actual citizenship or immigration status.²³

Educational Opportunities in Illinois

All children in the United States are entitled to equal access to a basic public elementary and secondary education regardless of their actual or perceived race, color, national origin, citizenship, immigration status, or the status of their parents/guardians. The Illinois Constitution recognizes that "a fundamental goal of the People of the State is the educational development of all persons to the limits of their capacities."²⁴ The U.S. Supreme Court in *Plyler* ruled that public schools cannot deny students a basic education, even in instances when a student may be undocumented.²⁵ ISBE believes that schools should be a safe haven for all students where students should be able to learn without fear.

Enforcement Actions by the Department of Homeland Security on School Property

The U.S. Department of Homeland Security (DHS) previously provided guidance dating back to 2011 that limited enforcement actions by U.S. Immigration and Customs Enforcement (ICE) and/or Customs and Border Protection (CBP) in or near "sensitive locations" or "protected areas," including schools, playgrounds, child care centers, and school bus stops.^{26,27} Enforcement actions include arrests, civil apprehensions, searches, inspections, seizures, service of charging documents or subpoenas, interviews, and immigration enforcement surveillance.²⁸ This DHS guidance was rescinded on January 20, 2025, and is no longer in effect.²⁹ Following the rescission of this guidance, DHS, through ICE and CBP, have engaged in enforcement actions in or near areas previously designated "sensitive locations" or "protected areas."

Immigration enforcement officers will have different documents with them depending on the type of legal authority they are relying on to support their actions. The key types of authority are identified below. Each of these documents may be issued by different authorities and require different levels of compliance from a school. For example, a school district's discretion to comply with a judicial warrant may differ from a school district's discretion to comply with a nonjudicial warrant. Below you will find a list of documents that ICE typically uses to carry out different types of enforcement actions:

- **Federal Court Warrant:** Federal Court warrants are issued by a district judge or magistrate judge of a U.S. District Court. There are two types of federal court warrants: a search-and-seizure warrant (Form AO 93)³⁰ and an arrest warrant (Form AO 442).³¹ Schools should act in accordance with their policies and procedures when presented with a federal court warrant.
- **Federal Court Order:** If an immigration enforcement officer presents a court order, school staff should act in accordance with their policies and procedures to determine the appropriate response.
- **Federal Judicial Subpoena:** Federal judicial subpoenas are issued by a district judge or magistrate judge of a U.S. District Court and order the production of documents or other evidence. Federal judicial subpoenas typically provide a date by which the recipient needs to respond, and immediate compliance is not usually required. School legal counsel or other designated official, in accordance with the schools' policies and procedures, should review a federal judicial subpoena to determine the appropriate legal steps to take to respond or, if appropriate, seek to challenge the subpoena.
- **ICE Administrative Warrants (also called "civil immigration warrants"):** These documents authorize federal immigration officers to arrest or detain an individual as identified within the documentation but do not provide authority for an immigration enforcement officer to enter a non-public area without consent. These are "nonjudicial warrants" under 105 ILCS 5/22-105(b).³² ICE civil immigration warrants are not issued by a court. An ICE civil immigration warrant does not grant an immigration enforcement officer any legal authority to compel school personnel to produce documents or assist with efforts to locate or detain an individual. An ICE civil immigration warrant is not the same as a federal criminal warrant. Civil immigration warrants can be presented on a number of different forms, including:
 - Form I-200: Warrant for the Arrest of Alien³³
 - Form I-203: Order to Detain or Release Alien³⁴
 - Form I-205: Warrant of Removal/Deportation³⁵
 - Form I-286: Notice of Custody Determination³⁶
 - All warrants, hits, or requests contained in the "Immigration Violator File" of the FBI's National Crime Information Center database.

Schools should act in accordance with their policies and procedures when provided an ICE administrative warrant.

- **Notice to Appear (NTA) (Form I-862):**³⁷ An NTA is a charging document issued by ICE, CBP, or U.S. Citizenship and Immigration Services. An NTA notifies an individual that they are expected to appear before an immigration judge on a certain date. An NTA does not authorize an individual's arrest by immigration enforcement authorities or local law enforcement authorities.

- Administrative Subpoena (Form I-138):³⁸ An administrative subpoena is a document issued by an immigration enforcement officer, not a court or judicial officer, that requests production of documents or other evidence.

Section 287(g) of the Immigration and Nationality Act authorizes the DHS to deputize state and local law enforcement officers to enforce federal immigration law. Schools should be aware that the Keep Illinois Families Together Act, effective June 21, 2019, provides that no law enforcement agency or official may enter into or remain in an agreement with U.S. Immigration and Customs Enforcement under a federal 287(g) program.³⁹ Additionally, the Illinois TRUST Act contains restrictions regarding the participation of law enforcement agencies and officials in federal civil immigration matters. These pieces of legislation would apply to local law enforcement agencies that might otherwise have a relationship or presence on a school's property.⁴⁰

Records Requests by the Department of Homeland Security

All public schools and school districts within the State of Illinois, to the extent they receive state and federal funding, are required to comply with the Family Educational Rights and Privacy Act (FERPA)⁴¹ and the Illinois School Student Records Act (ISSRA).⁴² Both statutes restrict the sharing of a student's education record (as defined under FERPA)⁴³ and/or a student's "school student record" (as defined under ISSRA)⁴⁴ with third parties without the proper written consent of a parent, guardian, or student if the student is eighteen years old. There are limited exceptions as to when a student's education record and/or school student record may be shared with a third-party requestor, including DHS, ICE, CBP, and other law enforcement personnel.⁴⁵ Schools should take care to know that subpoenas requesting records coming from DHS, ICE, or CBP might not fall into one of the delineated exceptions under FERPA or ISSRA. Additionally, schools should ensure that contractors or any other person or entity that may be authorized to receive all or portions of a student's education record or school student record is aware of the school's student data-sharing policy.

Schools that are authorized to enroll F-1 and M-1 nonimmigrant students engage in certain reporting and auditing requirements through DHS as part of the Student and Exchange Visitor Program.⁴⁶ Schools that enroll F-1 and M-1 students should ensure that any data-sharing policy encompasses these reporting requirements and appropriately limits data sharing in accordance with program requirements.

Endnotes

¹ Public Act 104-0288 has been commonly referred to as the Safe Schools for All Act.

² See 105 ILCS 5/22-105(c)

³ See 105 ILCS 5/22-105(c)(1)

⁴ See 105 ILCS 5/22-105(a)

⁵ See 105 ILCS 5/22-105(d)

⁶ See 105 ILCS 5/22-105(c)(1)

⁷ See 105 ILCS 5/22-105(c)(2)

⁸ See 105 ILCS 5/22-105(c)(3)(A)-(C)

⁹ See 105 ILCS 5/22-105(c)(4)

¹⁰ See 105 ILCS 5/22-105(c)(4)

¹¹ See 105 ILCS 5/22-105(c)(4)(A)

¹² See 105 ILCS 5/22-105(c)(4)(A)

¹³ See 105 ILCS 5/22-105(c)(4)(B)

¹⁴ See 105 ILCS 5/22-105(c)(4)(C)

¹⁵ See 105 ILCS 5/22-105(c)(2)

¹⁶ See 105 ILCS 5/22-105(c)(2)(A)-(B)

¹⁷ See 23 Ill Adm Code 1.240(b)

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ See [Non-Regulatory Guidance on Registration: Residency & Enrollment, Immigrant Pupils, Homeless Pupils, and School Fees & Waivers dated September 2025](#)

²¹ See 105 ILCS 5/22-105(c)(3)(A)(emphasis added)

²² See 105 ILCS 5/22-105(c)(3)(B)(emphasis added)

²³ See 105 ILCS 5/22-105(c)(3)(C)(emphasis added)

²⁴ See Illinois Const., Art. X, § 1

²⁵ *Plyler v. Doe*, 457 US 202 (1982)

²⁶ See Department of Homeland Security Memorandum re: Guidelines for Enforcement Actions in or Near Protected Areas dated October 27, 2021

²⁷ *Id.* at 2-3, Sec. II, ¶13 and ¶16.

²⁸ See Department of Homeland Security Memorandum re Guidelines for Enforcement Actions in or Near Protected Areas dated October 27, 2021

²⁹ See [DHS Press Release](#): Statement from a DHS Spokesperson on Directives Expanding Law Enforcement and Ending the Abuse of Humanitarian Parole

³⁰ See [Form AO 93](#): Search and Seizure Warrant

³¹ See [Form AO 442](#): Arrest Warrant

³² See 105 ILCS 5/22-105(b)

³³ See [Form I-200: Warrant for the Arrest of Alien](#)

³⁴ See Form I-203: Warrant to Detail or Release Alien

³⁵ See [Form I-205: Warrant of Removal/Deportation](#)

³⁶ See Form I-286: Notice of Custody Determination

³⁷ See [Form I-862: Notice to Appear](#)

³⁸ See Form I-138: Administrative Subpoena

³⁹ 5 ILCS 835/ et. seq. See also [Delegation of Immigration Authority Section 287\(g\) Immigration and Nationality Act](#).

⁴⁰ See 5 ILCS 835/5

⁴¹ See 20 U.S.C. §1232g

⁴² See 105 ILCS 10/ et. seq.

⁴³ See 20 U.S.C. §1232g(a)(4)

⁴⁴ See 105 ILCS 10/2

⁴⁵ See 20 U.S.C. §1232g(b); 105 ILCS 10/6

⁴⁶ See [Student and Visitor Exchange Program](#)