

GENERAL ASSEMBLY OF NORTH CAROLINA
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH30549-NHa-214

Short Title: Plyler Educational Protections Act. (Public)

Sponsors: Representative Greenfield.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO GRANT STUDENTS EQUAL ACCESS TO PUBLIC EDUCATION
3 REGARDLESS OF IMMIGRATION STATUS.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. Chapter 115C of the General Statutes is amended by adding a new
6 Article to read:

7 "Article 26A.

8 "Plyler Educational Protections Act.

9 "**§ 115C-386.1. Short title; purpose.**

10 (a) This Article may be cited as the "Plyler Educational Protections Act."

11 (b) The purpose of the Plyler Educational Protections Act is to codify the right of every
12 child to equal access to a free public education and a school that is safe from intimidation and
13 fear, consistent with the landmark U.S. Supreme Court decision in Plyler v. Doe, 457 U.S. 202
14 (1982), which held that it is unconstitutional for states to deny children a free public education
15 based on immigration status in violation of the equal protection clause of the Fourteenth
16 Amendment to the United States Constitution. To promote the right to educational equality
17 established in Plyler, schools must take steps to protect the integrity of school learning
18 environments for all children, including from the threat of immigration enforcement or other law
19 enforcement activity on a school campus, so that no parent is discouraged from sending their
20 child to school and no child is discouraged from attending school.

21 (c) The provisions of this Article are severable. If any provision of this Article or its
22 application is held invalid, that invalidity shall not affect other provisions or applications that can
23 be given effect without the invalid provision or application.

24 "**§ 115C-386.2. Definitions.**

25 As used in this Article, the following definitions apply:

26 (1) Citizenship status. – The legal classification of a person's presence in the
27 United States, whether real or perceived.

28 (2) Directory information. – Information contained in a student's educational
29 record that would not generally be considered harmful or an invasion of
30 privacy if disclosed.

31 (3) Immigration authorities. – Persons representing, working for, or deputized by
32 United States Immigration and Customs Enforcement (ICE) or United States
33 Customs and Border Protection (CBP), and any State or local law enforcement
34 officers or employees authorized to perform immigration officer functions
35 pursuant to section 287(g) of the Immigration and Nationality Act, 8 U.S.C. §
36 1357.



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1 (4) Parent. – Any of the following:

2 a. A natural, adoptive, or foster parent.

3 b. A guardian, but not the State if the child is a ward of the State.

4 c. An individual acting in the place of a natural or adoptive parent,
5 including a grandparent, stepparent, or other relative, and with whom
6 the child lives.

7 d. An individual who is legally responsible for the child's welfare.

8 e. A surrogate if one is appointed under G.S. 115C-109.2.

9 **"§ 115C-386.3. All children guaranteed access to a free public education.**

10 (a) Public school units shall not take any of the following actions based on the citizenship
11 status of a student or the student's parent:

12 (1) Deny a student admission to or enrollment in a public school.

13 (2) Exclude a child from participating in or benefiting from an educational
14 program or activity.

15 (3) Exclude a parent from participating in parent engagement activities or
16 programs.

17 (b) Public school units shall not adopt any policies that, either on their face or in practice,
18 differentiate between students based on citizenship status.

19 (c) If a student experiences disruptions to instruction as a result of immigration
20 enforcement actions, a school shall make its best efforts to develop an alternate instruction plan
21 for the student.

22 **"§ 115C-386.4. Information privacy.**

23 (a) A public school unit shall not take any of the following actions, except as provided in
24 subsection (b) of this section:

25 (1) Inquire about or require documentation of the citizenship status of a student
26 or the student's parent or the manner in which a student or the student's parent
27 entered the country.

28 (2) Include citizenship status, place of birth, or national origin in student directory
29 information.

30 (3) Disclose any information collected about the place of birth, national origin, or
31 citizenship status of a student or the student's parent to any immigration
32 authority, law enforcement, nongovernmental entity, or individual person.

33 (b) A public school unit may take an action listed in subsection (a) of this section in any
34 of the following circumstances:

35 (1) When required by State or federal law or when legally obligated under a
36 judicial warrant, subpoena, or court order.

37 (2) When strictly necessary to administer a State or federally supported
38 educational program.

39 (3) In relation to an application for employment or as a condition of employment.

40 (4) When a parent has given written consent for the action.

41 (c) A public school unit may only provide accurate information about a student or parent
42 to immigration authorities and shall not provide speculative information.

43 **"§ 115C-386.5. Immigration authority Action Response Plans.**

44 (a) Each school within a public school unit shall develop an immigration authority Action
45 Response Plan (ARP) to instruct school staff on the proper course of action when immigration
46 authorities request information from a school or request to enter school grounds.

47 (b) The ARP shall be updated before the beginning of each school year and shall, at a
48 minimum, include the following:

49 (1) Identification of a Designated Authorized Person (DAP). The DAP is the
50 primary person that will interact with immigration authorities on behalf of the
51 school. The DAP may select a designee to act in the DAP's absence. The

1 superintendent, or equivalent authority, of the public school unit in which the
2 school is located also has concurrent authority to perform the same duties as
3 the DAP.

- 4 (2) A description of the DAP's duties, which shall include at least the following:
5 a. Receiving and reviewing immigration authority requests for
6 information or to enter school grounds.
7 b. Asking if the request for information or entry is pursuant to a judicial
8 warrant or court order and, if so, requesting a copy of such.
9 c. As soon as practicable, sending a copy of any judicial warrant or court
10 order to the school's or public school unit's legal counsel to review.
11 d. Recording the name, badge or identification number, and telephone
12 number of any immigration authority the DAP interacts with.
- 13 (3) Procedures for immigration authorities to contact the DAP to request
14 information or entry to school grounds.
- 15 (4) Procedures for monitoring and accompanying immigration authorities when
16 on school grounds, including documenting all interactions with people and
17 any information, records, or areas that were accessed. The procedures shall
18 also address how to notify staff and students of the presence of immigration
19 authorities on school grounds without divulging personally identifiable or
20 sensitive information related to the reason for entry.
- 21 (5) Procedures to notify parents within 24 hours that immigration authorities
22 accessed the school campus.
- 23 (6) Procedures for obtaining consent from parents to share a student's information
24 at the request of immigration authorities and for notifying parents within 24
25 hours when information has been provided to authorities, regardless of
26 whether the information was provided with consent.
- 27 (7) A plan to provide training on the ARP to teachers, administrators, school
28 resource officers, bus drivers, school nutrition program workers, and school
29 staff.
- 30 (8) Procedures to allow a parent to list a secondary emergency contact for a
31 student. The parent may authorize the secondary contact to act on the parent's
32 behalf in any matter related to the school if the parent is incapacitated or in
33 law enforcement custody.

34 (c) The ARP shall be posted on the school's or public school unit's website, which may
35 include links to additional resources for families with information on educational and
36 constitutional rights, privacy and confidentiality of student information, counseling services, and
37 support services. At the beginning of each school year, a copy of the plan shall also be sent to the
38 following:

- 39 (1) Parents of students enrolled in the school.
40 (2) The Department of Public Instruction.
41 (3) Local law enforcement agencies.

42 **"§ 115C-386.6. Regulations on school resource officers.**

43 (a) This section applies to school resource officers (SROs), as defined in
44 G.S. 115C-105.58.

45 (b) Unless required under a judicial warrant, court order, or State or federal law, SROs
46 shall not do any of the following while performing their duties:

- 47 (1) Cooperate with immigration authorities in activity related to civil immigration
48 enforcement, including detaining a student.
49 (2) Question any student about the student's citizenship status.
50 (3) Share any student's information with immigration authorities.

51 **"§ 115C-386.7. Attorney General guidance and model policies.**

1 The Attorney General, in consultation with the Department of Public Instruction, shall
2 publish guidance and model policies for law enforcement agencies intended to limit, to the fullest
3 extent possible consistent with State and federal law, immigration enforcement at public schools.

4 **"§ 115C-386.8. Retaliation; enforcement.**

5 (a) Public school units shall not retaliate against employees for complying with a school's
6 immigration authority ARP or any other requirement of this Article by suspending the employee,
7 removing or decreasing planning time, giving extra duties, or in any other way.

8 (b) For purposes of this Article, a threat to take any action prohibited by this Article is a
9 violation of this Article.

10 (c) If a violation of this Article occurs related to a student, parent, or public school unit
11 employee, that student, parent, or public school unit employee may bring a cause of action against
12 the public school unit, or any employee or agent thereof acting in their official capacity, for the
13 violation, subject to the following:

14 (1) The party bringing the action does not have to exhaust all administrative
15 remedies prior to bringing the cause of action.

16 (2) If the court finds a willful violation of this Article has occurred, the court may
17 award any of the following:

18 a. Actual damages.

19 b. Declaratory relief.

20 c. Injunctive relief, including temporary restraining orders or preliminary
21 or permanent injunctions.

22 d. Any other relief the court deems appropriate.

23 (3) A party prevailing in a claim brought for a violation of this Article shall be
24 entitled to reasonable attorneys' fees and court costs."

25 **SECTION 2.** There is appropriated from the General Fund to the Department of
26 Justice the sum of one hundred fifty thousand dollars (\$150,000) in nonrecurring funds for the
27 2026-2027 fiscal year to be used to develop and disseminate the guidance and policies required
28 under Article 26A of Chapter 115C of the General Statutes, as enacted by this act.

29 **SECTION 3.** Section 2 of this act becomes effective July 1, 2026. The remainder of
30 this act is effective when it becomes law and applies beginning with the 2026-2027 school year.