

To: Senate Judiciary Committee
Date: February 4, 2026
Subject: S. 209. Court Procedure; Civil Unrest; Prohibitions
From: Jay Nichols, Senior Executive Director Vermont Principals' Association

For the record, Jay Nichols, Senior Executive Director the Vermont Principals' Association.

In terms of the bill S. 209, my testimony today is about protecting children/students in our schools and making sure school employees know what they can and cannot do. I would like to share with you some guidance that we have put out to our members during this time in our country when there has been a great deal of civil unrest, much of which is causing significant trauma for some of our most vulnerable students in Vermont and across the country.

Immigration Customs Enforcement (ICE) & Vermont Schools

The Vermont Principals' Association stands with Governor [Phil Scott in rejecting the use of deceptive or coercive tactics](#) by federal immigration authorities in our state, with special emphasis in and around our schools. Our schools must remain safe and welcoming spaces for every student and family. We need to help ensure that students, parents, and educators can participate fully in school life without fear that attending class, school events, or school-based services will expose them to misleading, dangerous, or harmful practices. As school leaders, we see every day how trust in schools is foundational to student learning, family partnership, and community well-being. We are committed to working with the Governor, the Legislature, and community partners to ensure that Vermont's schools remain places where all children feel safe, valued, and able to learn. We urge schools to provide trauma-informed support for students who may experience related anxiety or fear,

review your protocols, and ensure families know how to access trusted community and legal resources.

Basic Guidelines we shared with our members:

Schools should only allow law enforcement and/or ICE officers on campus if:

1. They are invited by the school for a legitimate education reason or emergency,
2. They present a judicial warrant, or;
3. They insist on entry despite objections—in which case staff should not interfere.

Under FERPA, only directory information may be shared without a warrant or subpoena. Warrants must be honored immediately, while subpoenas require notifying affected families, who have the right to object in court. Schools considering policies to restrict access should be aware that delaying or obstructing an officer executing a warrant could pose legal risks. For public events, schools should limit law enforcement presence only if agencies are notified in advance that entry without a warrant is not allowed. Such a step, however, could be viewed as provocative and create unintended challenges.

Before issuing any specific protocols or communications on these matters, schools should consult with their district leadership and legal counsel to ensure consistency with applicable law and local policy.

Any support that the General Assembly can provide parents and students in our more vulnerable school populations would be greatly appreciated and would help demonstrate to these populations that we value them. The VPA encourages you to use any tools in your legislative tool kit to protect all Vermont children and their parents who may be the target of Immigration Enforcement around schools.

Recently, Education Week, the weekly national education specific newsletter reported the following based on a national survey they conducted this fall.

During the current school year, how—if at all—are federal immigration enforcement efforts impacting your immigrant students?

They have expressed anxiety/fear = 50%

No impact = 35%

Distraction or lack of engagement in class = 24%

Reduced student attendance = 24%

Increased need to counseling/support services = 21%

Reduced family/student attendance at out-of-school activities = 18%

Enrollment declining = 15%

Our poverty rate has increased because immigrant parents are having more trouble finding jobs = 9%

NOTE: Results show responses from teachers, principals, and district leaders who said their students include immigrant families in which the children or at least one parent were born outside the United States.

DATA SOURCE: EdWeek Research Center nationally representative September-November 2025 survey of 140 district leaders, 89 principals, and 464 teachers.

Given what has occurred nationally in December and January, we suspect that these troubling data points are much worse today.

Why S.209 matters for schools

- Schools are explicitly recognized as “sensitive locations” in this bill, alongside courts, government buildings, shelters, and health care facilities.

- Allowing civil arrests on or around school grounds—especially related to civil or immigration proceedings—undermines the sense of safety students and families need to engage fully in learning.
- When families fear that coming to school events, meetings, or even drop-off and pick-up could expose them to civil arrest, attendance, family engagement, and trust in school leadership suffer.

Impact on students and learning

- Any visible enforcement action on school grounds, even if technically “civil,” can be traumatic for children and adolescents and can destabilize school climate well beyond a single incident.
- S. 209 helps ensure that students do not see their caregivers or community members taken away from school premises in front of them for civil matters, reducing anxiety and disruption to the learning environment.
- For vulnerable students—such as those in emergency housing or whose families are navigating complex legal or immigration processes—knowing school is protected space is essential for regular attendance and emotional well-being.

Clarifying what S.209 does and does not do

- The bill does not interfere with criminal law enforcement: it explicitly preserves arrests under judicial warrants and court orders, arrests for contempt, and actions needed to maintain order and safety in court.
- It is narrowly targeted at **civil** arrest, defined as arrest to secure someone’s presence at a civil proceeding, including immigration proceedings; routine school safety responses, criminal investigations, and emergency interventions remain fully available.
- For principals, this clarity is helpful: we can affirm to families that our campuses are protected from civil arrest actions without suggesting that schools are “off limits” for legitimate public safety needs.

S. 209 Supports vulnerable families and shelters

- The bill aligns protection for schools with protection for community-based shelters, severe weather shelters, and emergency housing programs, which often serve the same families our schools serve.
- Many principals work closely with students experiencing housing instability; ensuring that both their shelter and their school are protected from civil arrest reduces a major barrier to stability and engagement.

S. 209 preserves accountability and trust in institutions

- The bill includes real consequences—contempt of court and civil liability—for knowingly conducting prohibited civil arrests, as well as a private right of action and authority for the Attorney General to seek injunctive or equitable relief.

- These enforcement tools give school leaders confidence that the “sensitive location” designation is meaningful, not symbolic, and that families’ rights will be protected if violations occur.
- By clearly stating that other rights and remedies are preserved, and by excluding actions taken by the Judiciary to maintain courtroom safety from liability, the bill balances civil liberties with institutional needs.

Vermont’s principals are responsible for safeguarding not only academic outcomes but also the physical and emotional safety of students and families. S.209 strengthens our ability to assure families—especially those already under stress—that coming to school for conferences, performances, IEP meetings, and daily attendance is safe from civil arrest. The VPA requests that the Senate Judiciary committee support S.209 so that Vermont’s schools can continue to operate as trusted, welcoming environments for all students and families.

Respectfully submitted,
Jay Nichols