SENATE
STATE OF MINNESOTA
NINETY-FOURTH SESSION

S.F. No. 3803

(SENATE AUTHORS: MANN, Boldon, Cwodzinski and Maye Quade)

DATE	D-PG	OFFICIAL STATUS
02/23/2026	6372	Introduction and first reading Referred to Education Policy
02/26/2026	6420	Author added Boldon
03/02/2026		Comm report: To pass as amended and re-refer to Judiciary and Public Safety Authors added Cwodzinski; Maye Quade

A bill for an act

relating to education; prohibiting denial of an education based on immigration status; providing a civil cause of action when right to education is denied based on immigration status; amending Minnesota Statutes 2024, section 13.319, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 120A.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2024, section 13.319, is amended by adding a subdivision to read:

Subd. 9. **Citizenship or immigration status.** Treatment of data relating to a student's actual or perceived citizenship or immigration status is governed by section 120A.50.

Sec. 2. **[120A.50] DENIAL OF FREE PUBLIC EDUCATION PROHIBITED.**

Subdivision 1. **Purpose.** The purpose of this section is to secure the right of every child to equal access to a free public education and a school that is safe from intimidation and fear, consistent with the United States Supreme Court decision in *Plyler v. Doe*, 457 U.S. 202 (1982), which held that it is unconstitutional for a state to deny children a free public education on the basis of immigration status. In order to promote the right to educational equality, as established under the decision in *Plyler v. Doe*, schools must take steps to protect the integrity of school learning environments for all children so that no parent is discouraged from sending their child to school and no child is discouraged from attending school, including protection from the threat of immigration enforcement or other law enforcement activity on a school campus.

Subd. 2. **Definitions.** (a) For purposes of this section, the following terms have the meanings given.

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

(c) "Law enforcement agent" means a peace officer as defined in section 626.84, subdivision 1, paragraph (c), or a federal law enforcement officer as defined in section 626.77, subdivision 3. Law enforcement agent includes a school resource officer as defined in section 626.8482.

(d) "Nonjudicial warrant" means any immigration detainer or civil immigration warrant issued by a federal agency. Nonjudicial warrant does not include a search warrant as defined in section 626.05, subdivision 1, or a warrant issued by a judge for the apprehension of a person charged with offenses.

(e) "Prevailing party" includes any party:

(1) who obtains some or all requested relief through a judicial judgment in the party's favor;

(2) who obtains some requested relief through a settlement agreement approved by the court; or

(3) whose pursuit of a nonfrivolous claim was a catalyst for a change in position by the opposing party relative to the relief sought.

(f) "School" means a school district, charter school, or cooperative unit as defined in section 123A.24, subdivision 2.

Subd. 3. **Right to free public education.** (a) No child may be denied a free kindergarten through grade 12 public education while in Minnesota based on the child's actual or perceived immigration status or the actual or perceived citizenship or immigration status of the child's parent or guardian.

(b) A school 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 actual or perceived immigration status or the actual or perceived citizenship or immigration status of the child's parent or guardian.

(c) A school must not use 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 the effect of excluding participation of the child's parent or guardian from parental engagement activities or programs because of the child's actual or perceived immigration status or the actual or perceived immigration status of the child's parent or guardian. These policies, procedures, and practices include:

(1) requesting or collecting information or documentation from a student or the student's parent or guardian about citizenship or immigration status unless required by state or federal law; and

(2) designating immigration status, citizenship, place of birth, nationality, or national origin as directory information, as defined by federal and state law.

(d) A school must not:

(1) threaten to disclose anything related to the 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;

(2) disclose any information 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; or

(3) disclose any information 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.

(e) Nothing in paragraph (d), clause (2) or (3), may be construed to:

(1) permit the disclosure of student records or information without complying with state and federal requirements governing the disclosure of the records or information; or

(2) prohibit or restrict an entity from sending to or receiving from the United States Department of Homeland Security or any other federal, state, or local governmental entity information regarding the citizenship or immigration status of an individual, in accordance with United States Code, title 8, sections 1373 and 1644.

Subd. 4. **Required procedures.** By July 1, 2027, a school must develop procedures for reviewing and authorizing requests from law enforcement agents attempting to enter a school or school facility. The procedures must comply with the requirements of subdivision 3, paragraph (a), and at a minimum, include procedures for:

(1) 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, and procedures for that authorized person or legal counsel to review requests to enter a school or school facility, including judicial warrants, nonjudicial warrants, and subpoenas;

(2) monitoring, accompanying, and documenting all interactions with law enforcement agents while on the school's premises; and

(3) notifying and seeking consent from a student's parent 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 access is in compliance with a judicial warrant or subpoena that restricts the disclosure of the information to the student's parent or guardian.

Subd. 5. **Required policy.** By July 1, 2027, a school must adopt a policy for complying with subdivisions 3 and 4.

Subd. 6. **Civil lawsuit.** (a) Beginning July 1, 2027, any party aggrieved by conduct that violates subdivision 3 or 4 may bring a civil lawsuit. If the court finds that a violation of subdivision 3 has occurred, the court may award general or special damages. The court may grant injunctive relief or a temporary restraining order, as the court deems appropriate. If a school fails to act as required by this section, an individual who is harmed by the failure to act may petition the court for a writ of mandamus directing the school or district to act. An action filed pursuant to this section may be commenced in the county where the individual alleging damage or seeking relief resides or in the county where the school is located.

(b) Nothing in this section may be construed to require an exhaustion of the administrative complaint process before civil law remedies may be pursued.

(c) Upon a motion, a court may award reasonable attorney fees and costs to a plaintiff who is a prevailing party in any action brought under this section.

EFFECTIVE DATE. This section is effective the day following final enactment.