

August 25, 2026:

Delaware School Superintendents:



Yesterday was the first day of school for many students in Delaware, and this often elicits a flurry of joyful emotions and experiences. The first days of school can also be full of stress and anxiety for both students and their families. Additionally, immigrant and mixed-status families are afraid that Immigration and Customs Enforcement (ICE) agents will raid their schools and detain students during their classes or abduct their families at events outside typical school hours, such as ceremonies, sporting events, concerts, and the like.



The fear of this happening is real. During the first week of the second Trump administration, decades old guidelines preventing ICE agents from conducting enforcement operations at schools and daycare centers were revoked. Since then, ICE agents have encroached on school grounds and raided daycare centers across the United States. While these actions have not been seen in Delaware to date, the behavior of ICE has intensified and become increasingly aggressive. Amid concerns and fears, communities across Delaware came together and urged the General Assembly to pass legislation that would protect these and other vital community spaces. On June 28, [House Substitute 2 for House Bill 94](#) was passed by the legislature, and we expect the Governor to sign the bill during the first week of September.

Ahead of the Governor's anticipated signature, we want to explain what HB 94 does and doesn't do, so you can ensure that the schools in your district are prepared in the event of a visit from ICE.

HB 94 does not prevent ICE agents from conducting immigration enforcement at schools. Since ICE is a federal agency, Delaware cannot tell ICE where or how to conduct enforcement in the state. **HB 94 does** limit state and local law enforcement officers from assisting ICE at **schools, daycares, and other child-serving entities** for civil immigration matters.

HB 94 does not prevent Delaware law enforcement personnel from responding to your school if ICE were present. **HB 94 does** allow Delaware law enforcement to ask questions, investigate, and document ICE's behavior.

HB 94 does not ban all cooperation between ICE and Delaware law enforcement. Unless there is a valid judicial warrant or court order, **HB 94 does** ban law enforcement from assisting ICE with arrests, detentions, searches, and seizures of property while on school grounds.

For students to succeed, schools should be places where they feel safe and supported. By passing HB 94, Delaware has taken significant steps to protect schools. By limiting Delaware law enforcement's ability to assist ICE at schools, daycares, and other sensitive locations, trust can begin to be rebuilt between Delaware law enforcement and the local communities they serve. By understanding the protections and limitations of HB 94, schools and administrators can pass on this information to parents and guardians who may be fearful.

However, HB 94 alone is not enough to protect staff and students. Given the increasingly violent and lawless tactics routinely employed by ICE officials, we urge all school districts to have detailed plans in place in case ICE shows up. Some top line information about the rights of staff and students when interacting with ICE is listed below.

- Students, staff, and anyone else at the school have the right to remain silent and to speak to an attorney. Everyone also has the right to record ICE agents and local law enforcement personnel.
- Decide and make clear what parts of your building are public and private. ICE agents can enter public spaces without a warrant. To enter private spaces, ICE must have a valid judicial warrant, court order, or your permission. Never give ICE permission to enter private areas.
- If ICE shows up: keep them in public spaces, ideally outside of the building. Ask to see a warrant, call your district's lawyer, and record everything.

More in-depth know your rights information can be found on the [ACLU of Delaware's website](#). Know your rights [material can be ordered here](#) and know your rights [presentations can be requested through this form](#).

If you have any questions about the contents of this letter or would like to discuss it in more depth, please do not hesitate to contact us.

Sincerely,



Tameka Mays, Delaware State Education Association



Helen Salita, American Civil Liberties Union of Delaware

