

# SB 25-276 Clarification

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Thank you to the LEAs who have submitted questions to CDE regarding SB25-276 and the thoughtful approach of all LEAs to ensuring decisions are student-centered. We appreciate the questions regarding any potential impact of SB 25-276 on districts' data collection. LEAs have asked us specifically about collecting place of birth and date entering the country on the Home Language Survey. In response, we have summarized those data points as well as a few others that may be relevant to you.

—CDE Federal Programs Unit

## Overview

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SB25-276 ("Protect Civil Rights Immigration Status") was signed into law on May 23, 2025. The act creates minimum requirements for schools and districts concerning information collection and access to their information, facilities, or property, and creates a civil penalty for an intentional violation of certain requirements. Section 24-74.1-102(b) prohibits public schools, local education providers, and other institutions from collecting information about: (a) place of birth; (b) immigration or citizenship status; or (c) information from passports, permanent resident cards, alien registration cards, or employment authorization documents.

There are exceptions if the collection is required by federal or state law, or necessary to perform duties, or done to verify a person's eligibility for a government-funded program.

## Data Impacts

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### Place of Birth:

If districts are collecting place of birth on their Home Language Survey or in any other manner, this practice should be discontinued as a result of SB25-276. The specific place of birth is not necessary for any state or federal law or to determine eligibility for a government-funded education program.

This question can be replaced with a question that confirms yes or no on whether the student was born outside of the United States or any U.S. territory.

**Note: place of birth is not a data element collected by CDE.**

### Immigrant Status:

CDE collects whether a student is an immigrant as defined by federal law. "Immigrant" is defined under federal law as a student aged 3 through 21, who was not born in any State or U.S. territory, and who has not been attending one or more schools in any one or more States for more than 3 full academic years. The status is not synonymous with immigration status and does not reveal immigration or citizenship status. As a result, the collection of this information is not barred by SB25-276.

The identification of immigrant students is necessary to calculate additional federal funding under ESSA's Title III, Part A, Immigrant Student Program subgrant. The funding is made available to eligible LEAs for the purpose of providing supplementary programs and services to eligible immigrant children and youth. Pursuant to Section 3115(e) of ESSA (20 U.S.C. § 6825), an eligible entity receiving funds under Section 3114(d)(1) must use the funds to pay for activities that provide enhanced instructional opportunities for immigrant children and youth.

**Note: The Title III Immigrant is a data field reported through the Student Interchange—Student Demographic File.**

## **Date of Entry to US or Date Enrolled:**

The date of entry to the U.S. is not a required component of data collection for Title III funding calculations or any other data collection done by CDE. To the extent schools or districts are collecting the date first entered the U.S., CDE recommends discontinuing this practice because it is not required.

The CDE Federal Programs team does utilize the ***Date First Enrolled in U.S.*** in connection with the assessment tables for federal accountability calculations and for eligibility for the immigrant set aside calculation. This field is used to determine newly arrived Multilingual Learners (MLs) that are exempt from taking the ELA assessment and/or whose scores are excluded from the Academic Achievement indicator used in ESSA identification. The ***date first enrolled in the U.S.*** does not reveal immigration or citizen status.

**Note: The Date of Entry to the US is not a data element collected by CDE; however, The Date First Enrolled in U.S. is a data field reported through the Student Interchange—Student School Association file.**

## **FAQs**

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### **Does SB 25-276 prohibit collecting birth certificates as part of the school or district enrollment process?**

[SB 25-276](#) prohibits public institutions, such as public schools and districts, from collecting a student's place of birth, unless required under any state or federal law, or if the information is necessary to determine eligibility for a government-funded education program or to perform duties of the school or district. A birth certificate will generally state the place of birth or reveal the place of birth based on the country that issued the birth certificate.

It is not required by state or federal law to collect birth certificates, and it is not necessary for any state or federal reporting. However, schools and districts should connect with their legal counsel and registrar teams on whether it is necessary to collect and maintain the birth certificate to determine eligibility or perform duties of the school or district.

Some districts have historically collected and maintained copies of birth certificates in order to verify identity and eligibility for enrollment. However, some of these districts have since updated their systems and practices to avoid retaining birth certificates. Birth certificates are requested and used to check boxes for enrollment and identity verification purposes. However, the birth certificate is not retained in the school or district records after that verification is done. If you would like us to connect you with districts that have made these changes, please let us know.

### **Does SB 25-276 require that we delete any data pertaining to place of birth that was previously collected as part of the school or district enrollment process?**

[SB 25-276](#) prohibits public institutions, such as public schools and districts from collecting a student's place of birth or immigration status, unless required under any state or federal law, or if the information is necessary to determine eligibility for a government-funded education program or to perform duties of the school or district.



Such information is not required by state or federal law, and it is not necessary for any state or federal reporting. However, schools and districts should connect with their legal counsel and registrar teams on whether it is necessary to collect and maintain the country code to determine eligibility or perform duties of the school or district.

## General Guidance:

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For additional resources on identifying MLs, CDE has these [procedures and FAQs](#), including the three questions that are approved by the federal Department of Justice and Office of Civil Rights.

Additionally, this Toolkit from the U.S. Department of Education can be a helpful resource in designing Home Language Surveys.

If you have any additional questions, please feel free to reach out.

—CDE Federal Programs Unit