

Date of Hearing: April 15, 2026

ASSEMBLY COMMITTEE ON EDUCATION

Darshana R. Patel, Chair

AB 2460 (Celeste Rodriguez) – As Amended April 6, 2026

[This bill was double referred to the Committee on Health and may be heard by that Committee on issues in its jurisdiction.]

SUBJECT: Pupil health: mental health: model referral protocols

SUMMARY: Requires the California Department of Education (CDE) by July 1, 2027, in consultation with appropriate stakeholders, to update the model behavioral health referral protocols to include guidance on providing supports in case of a local emergency related to immigration enforcement activities; and requires the governing board or body of a local educational agency (LEA) serving students in grades 7 to 12 to adopt an updated policy on referral protocols to include guidance on immigration enforcement. Specifically, **this bill:**

- 1) Requires the CDE, in consultation with appropriate stakeholders, to update the model referral protocols for addressing pupil behavioral health concerns to include guidance on providing equity-centered mental health supports in case of a local emergency related to immigration enforcement activities or deportations of pupils or their family members.
- 2) Requires the CDE to post the updated model referral protocols on their website by July 1, 2027.
- 3) Requires the governing board or body of an LEA serving students in grades 7 to 12, by July 1, 2028, to adopt an updated policy on referral protocols for addressing pupil behavioral health concerns to include guidance on providing equity-centered mental health support in case of a local emergency related to immigration enforcement activities or deportations of pupils or their family members.
- 4) Requires the policy to be adopted by LEAs to be based on the updated model referral protocols developed by the CDE or developed locally in consultation with school and community stakeholders and school-linked behavioral health professionals, and at a minimum, address procedures relating to referrals to behavioral health professionals and support services.
- 5) Expresses the intent of the Legislature to ensure that schools are better prepared to respond when students are affected by trauma, fear, and instability by requiring the update of the model referral protocols to include guidance for pupils impacted by immigration enforcement that strengthens early identification, culturally responsive and multilingual support, family and community partnerships, and continuity of care.

EXISTING LAW:

- 1) Requires the CDE, by June 1, 2025, to develop model referral protocols for addressing student mental health concerns, in consultation with specified agencies and stakeholders, and

authorizes these protocols to be used on a voluntary basis by schools. (Education Code (EC) 49428.1)

- 2) Requires the governing boards or bodies of LEAs, by January 31, 2026, to adopt at a regularly scheduled meeting, a policy on referral protocols for addressing student behavioral health concerns of students in grades 7 to 12. (EC 49428.2)
- 3) Requires LEAs to:
 - a) Provide information to parents and guardians regarding their children's right to a free public education, regardless of immigration status or religious beliefs. This includes information relating to "know your rights" immigration enforcement established by the Attorney General (AG) and may be provided in the annual notification to parents and guardians or any other cost-effective means determined by the LEA; and
 - b) Educate pupils about the negative impact of bullying other pupils based on their actual or perceived immigration status or their religious beliefs and customs. (EC 234.7)
- 4) Requires the AG, in consultation with stakeholders, to publish model policies limiting assistance with immigration enforcement at public schools to the fullest extent possible, consistent with federal and state law, by April 1, 2018. Requires the AG to consider all of the following issues in developing the model policies:
 - a) Procedures related to requests for access to school grounds for purposes related to immigration enforcement;
 - b) Procedures for LEA employees to notify the superintendent of the school district or the County Office of Education (COE) or the principal of the charter school if an individual requests or gains access to school grounds for purposes related to immigration enforcement; and
 - c) Procedures for responding to requests for personal information about students or their family members for purposes of immigration enforcement. (EC 234.7)
- 5) Requires all LEAs to adopt the model policies on immigration enforcement at public schools developed by the AG by July 1, 2018. (EC 234.7)
- 6) Requires the CDE, by January 1, 2023, to recommend best practices and identify evidence-based and evidence-informed training programs for schools to address youth behavioral health, including staff and student training, contingent upon an appropriation for this purpose. (EC 49428.15)
- 7) Requires LEAs to certify to the CDE by July 1, 2029, that 100% of certificated employees and 40% of classified employees who have direct contact with students in grades 7 to 12 have received youth behavioral health training at least once, as specified. (EC 49428.2)
- 8) Requires LEAs by November 1, 2024 to coordinate agreements between school districts and charter schools within a county in order to develop a system through which qualified mental health professionals and other key school personnel employed by individual school districts

and charter schools throughout the county could be rapidly deployed on a short- or long-term basis to an area of the county that has experienced a natural disaster or other traumatic event, in order to provide support to pupils and staff. (EC 49429.5)

- 9) Requires the superintendent of a school district or COE and the principal of a charter school to report to the respective governing board or body of the LEA any requests for information or access to a schoolsite by a law enforcement official for the purpose of enforcing the immigration laws in a manner that ensures the confidentiality and privacy of any potentially identifying information. (EC 234.7)

10) Requires LEAs to:

- a) Provide information to parents and guardians regarding their children's right to a free public education, regardless of immigration status or religious beliefs. This includes information relating to "know your rights" immigration enforcement established by the Attorney General (AG) and may be provided in the annual notification to parents and guardians or any other cost-effective means determined by the LEA; and
- b) Educate pupils about the negative impact of bullying other pupils based on their actual or perceived immigration status or their religious beliefs and customs. (EC 234.7)

FISCAL EFFECT: The Office of Legislative Counsel has identified this bill as a possible state-mandated local program.

COMMENTS:

Need for the bill. According to the author, "Students cannot succeed in school when fear and trauma keep them from the classroom. In many immigrant communities, aggressive immigration enforcement has created deep anxiety for children who fear family separation, parental detention, or sudden disruption at home. That fear does not stay outside the school gates — it affects attendance, concentration, emotional well-being, and a student's ability to learn.

AB 2460 recognizes that schools need a clearer mental health framework to respond when students are experiencing this kind of community-wide trauma. California's children deserve learning environments that are prepared to support them with stability, compassion, and continuity during times of crisis."

This bill would not mandate the provision of any behavioral health services to students as it requires the adoption of guidance and protocols rather than any direct services. It requires the CDE to update the existing model behavioral health referral protocols to include guidance on supports in the case of impacts of immigration enforcement activities by July 1, 2027. LEAs serving students in grades 7 to 12 would be required to adopt updated protocols by July 1, 2028. These LEAs were required to adopt the existing referral protocols by January 1, 2026. ***The Committee may wish to consider*** whether it is prudent to require these LEAs to update these protocols given that they have only very recently adopted the original protocols and would incur an additional fiscal and administrative burden with a requirement to update the protocols without necessarily any short-term impact to students.

Immigration status among California children and parents. Approximately 4.2 million children in California had at least one immigrant parent in 2017-18, according to the Urban Institute. Of these children, 93% are U.S. citizens. Over 1 million children in California have at least one undocumented parent.

Right to public education. The U.S. Supreme Court, in a 1982 decision, *Plyler v. Doe*, upheld the right of undocumented children to free public education. The lawsuit stemmed from a 1975 Texas law that authorized school districts to deny enrollment of children and withhold state funds for the education of children not legally admitted to the U.S. The Supreme Court argued that the denial of public education would be a violation of the U.S. Constitution's Fourteenth Amendment, which does not allow states to deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

In 1994, Proposition 187 was a statewide initiative that would have prohibited public health, social services, and education to undocumented immigrants and would have required law enforcement, teachers, and social service and health care workers to verify a person's immigration status. A federal judge found the initiative unconstitutional.

Harm to children from immigration enforcement. According to a report from the Center for American Progress, it is not simply enforcement actions themselves, such as detentions, deportations, raids, or traffic stops, that affect undocumented immigrants and their communities, but it is also the fear of enforcement actions. The expansion of immigration enforcement pushes even those with legal status to fear that their loved ones could be deported. This fear can take many forms, such as individuals refusing to leave their homes or take their children to school due to an impending raid. Within the school, these actions instill fear in young people and their families, making them perceive schools as a place where family members may be detained. In some cases, Immigration and Customs Enforcement (ICE) officers detained parents after they dropped their children off at school. Students may underperform or exit school early based on fears of detention or the knowledge that, without legal status, access to higher education and a good job are inaccessible. (Center for American Progress, 2012)

This report further notes that “some youth, particularly those whose parents are undocumented, learn early on that their undocumented status makes them different, vulnerable, and even suspect. This is especially driven home by nervous parents who, when fearful of deportation, may not take their children, including U.S.-born children, to school. Even though research by the Urban Institute found that schools provide a safe haven for children who have lost a family member to immigration enforcement, helping these students cope and adjust, the schools can only provide these functions when parents feel comfortable enough to send their children, not fearing immigration reprisal.” (Center for American Progress, 2012)

In addition to impacts on a child’s schooling, “families may avoid interacting with officials in social service agencies, even when this means denying children the social, medical, and educational services they need and are entitled to. In the process, children learn to be fearful of authorities who may, at any moment during a regular activity such as attending school, separate them from their families or send them to a country they do not remember or simply do not know.” (Center for American Progress, 2012)

Increased immigration enforcement activity. Since 1993, the Department of Homeland Security (DHS), formerly known as the Immigration and Naturalization Service, has had a policy

to "attempt to avoid apprehension of persons and to tightly control investigative operations on the premises of schools, places of worship, funerals and other religious ceremonies." In 2011, the DHS reaffirmed the policy of avoiding enforcement actions at "sensitive locations" such as schools and churches, unless exigent circumstances exist, a law enforcement action leads to a sensitive location, or prior approval is obtained.

A 2021 memo from the U.S. DHS reiterated guidance for ICE and Customs and Border Protection (CBP) in or near sensitive locations and included the following statement:

To the fullest extent possible, we should not take an enforcement action in or near a location that would restrain people's access to essential services or engagement in essential activities. Such a location is referred to as a protected area.

The memo includes examples of protected areas, including "a school, such as a pre-school, primary or secondary school, vocational or trade school, or college or university." It also included "a place where children gather, such as a playground, recreation center, childcare center, before- or after-school care center, foster care facility, group home for children, or school bus stop."

A more recent communication from the U.S. Department of Justice, issued on January 21, 2025, rescinded guidelines for ICE and CBP enforcement actions that prohibit law enforcement activity in or near so-called "sensitive areas." The memo notes that federal law prohibits state and local actors from resisting, obstructing, and otherwise failing to comply with lawful immigration-related commands and requests. A DHS spokesperson noted, "Criminals will no longer be able to hide in America's schools and churches to avoid arrest. The Trump Administration will not tie the hands of our brave law enforcement, and instead trusts them to use common sense."

CDE developed model referral protocols for addressing student behavioral health concerns.

AB 309 (Gabriel) Chapter 662, Statutes of 2021 requires the CDE, in consultation with the DHCS, to develop mental health model referral protocols for voluntary use by schools to address the appropriate and timely referral by school staff of students with mental health concerns. SB 153 (Committee on Budget and Fiscal Review) Chapter 38, Statutes of 2024, requires the CDE, before June 1, 2025, to develop these protocols for use, and requires LEAs to adopt a policy on referral protocols by January 31, 2026.

According to the CDE, the protocols are designed to assist schools in creating or refining timely referral systems that support students' behavioral health needs. and provide guidance for identifying, referring, and supporting students experiencing behavioral health challenges. They promote best practices to enhance collaboration between schools, families, and external service providers. They are grounded in multi-tiered systems of support (MTSS), trauma-informed care, and culturally responsive approaches. The goal is to establish consistent, effective, and accessible referral systems that contribute to positive outcomes for all students.

The protocols use the term "behavioral health" as an umbrella term for factors that influence an individual's overall health, including mental health, substance use, stress-related symptoms, and actions or habits that impact physical, mental, and social emotional well-being.

LEAs required to develop policies on referral protocols. SB 153 (Committee on Budget and Fiscal Review) Chapter 38, Statutes of 2024, requires LEAs to adopt a policy on referral

protocols for addressing student behavioral health concerns in grades 7 to 12 by January 31, 2026. LEAs may adopt the model policy developed by the CDE, as noted above, or develop a local policy, as specified. This bill would require that a governing board of body of an LEA adopt updated referral protocols to include guidance on providing mental health supports to students impacted by immigration enforcement activities or deportations of students or their family members.

Multi-payer school-linked statewide fee schedule designed to support mental health services in schools. The California Youth Behavioral Health Initiative (CYBHI), a \$4.6 billion investment, is one of the components of the transformation of California's mental health system to meet the mental health needs of children and youth. As part of the CYBHI, the Department of Health Care Services (DHCS), in collaboration with the Department of Managed Health Care (DMHC), developed and maintains a multi-payer, school-linked statewide fee schedule for outpatient mental health or substance use disorder services provided to a student 25 years of age or younger at or near a school site. As of March 2026, approximately 700 LEAs and public IHEs have enrolled in the CYBHI fee schedule program, representing over 3.6 million students.

Youth behavioral health training and support. Current law requires LEAs, by July 1, 2029, to certify to the CDE that 100% of its certificated employees and 40% of its classified employees, who have direct contact with students in any of grades 7 to 12, have received youth behavioral health training at least one-time.

Related legislation. AB 49 (Muratsuchi) Chapter 122, Statutes of 2025, establishes, as an urgency measure, the California Safe Haven Schools Act and prohibits, except as required by state or federal law, school officials and employees of an LEA from allowing officer or employee of an agency conducting immigration enforcement to enter a school site without providing a valid judicial warrant or court order. Prohibits LEAs from providing information about students, their families, teachers, and school employees to immigration authorities.

SB 98 (Pérez) Chapter 124, Statutes of 2025, requires the governing boards of school districts and county offices of education, and the governing boards of charter schools, to include procedures for notifying parents and school staff when immigration enforcement is confirmed on the school site within the school safety plan. It further requires the California State University, each California Community College District, and each Cal Grant qualifying independent institution of higher education, and requests the University of California Regents to notify specified individuals when the presence of immigration enforcement is confirmed on their respective campuses or schoolsites.

AB 419 (Connolly) Chapter 663, Statutes of 2025, requires LEAs to post specified information about immigration enforcement actions at California schools on its website and the website of each school within the LEA in English and any additional languages that a school is required to provide translated documents.

SB 153 (Committee on Budget and Fiscal Review) Chapter 38, Statutes of 2024, requires the CDE, s June 1, 2025, to develop model referral protocols for addressing student behavioral health concerns, for use, on a voluntary basis, by LEAs and requires LEAs to adopt a policy on referral protocols for addressing student behavioral health concerns in grades 7 to 12 by January 31, 2026.

AB 2072 (Gabriel) Chapter 909, Statutes of 2022, requires, by November 1, 2024, COEs in consultation with the CDE and other relevant state and local agencies, to coordinate agreements between school districts and charter schools within the county to develop a system for rapidly deploying qualified mental health professionals and other key school personnel employed by individual school districts and charter schools throughout the county to areas of the county that experienced a natural disaster or other traumatic event.

AB 309 (Gabriel) Chapter 662, Statutes of 2021 requires the CDE to develop model pupil mental health referral protocols, in consultation with relevant stakeholders, subject to the availability of funding for this purpose.

SB 224 (Portantino) Chapter 675, Statutes of 2021, requires LEAs and charter schools that offer courses in health education to students in middle school or high school to include in those courses instruction in mental health that meets specified requirements and requires the CDE, by January 1, 2024, to develop a plan to increase mental health instruction in California public schools.

SB 14 (Portantino) Chapter 675, Statutes of 2021, requires a student's absence related to pupil mental or behavioral health to count as an excused absence for school attendance reporting and, subject to appropriation, requires the CDE, by January 1, 2023, to recommend best practices and identify evidence-based and evidence-informed training programs for schools to address youth behavioral health, including staff and student training.

AB 2022 (Chu) Chapter 484, Statutes of 2018, requires each school of a school district or COE, and each charter school, to notify students and parents or guardians of students, at least twice per school year, about how to initiate access to available student mental health services on campus or in the community.

AB 699 (O'Donnell) Chapter 493, Statutes of 2017, requires the AG to publish model policies limiting assistance with immigration enforcement at public schools, requires LEAs to adopt the model policies or equivalent policies, and provides education and support to immigrant students and their families.

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

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