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## SENATE COMMITTEE ON EDUCATION

Senator Sasha Renée Pérez, Chair

2025 - 2026 Regular

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<b>Bill No:</b>	AB 49	<b>Hearing Date:</b>	July 9, 2025
<b>Author:</b>	Muratsuchi		
<b>Version:</b>	June 23, 2025		
<b>Urgency:</b>	Yes	<b>Fiscal:</b>	Yes
<b>Consultant:</b>	Olgalilia Ramirez		

**Subject:** Schoolsites: immigration enforcement.

**NOTE:** This bill has been referred to the Committees on Education and *Judiciary*. A “do pass” motion should include referral to the Committee on *Judiciary*.

### SUMMARY

This bill, an urgency measure, establishes the California Safe Haven Schools Act and prohibits, except as required by state or federal law, school officials and employees of a Local Educational Agency (LEA) from allowing immigration enforcement officers to enter a school site without providing valid identification and documentation. It further requires LEAs to limit access to facilities in areas where students are not present when valid identification and documentation are provided.

### BACKGROUND

Existing law:

- 1) Prohibits, except as required by state or federal law or as required to administer a state- or federally supported educational program, school officials and employees of a school district, county office of education, or charter school from collecting information or documents regarding citizenship or immigration status of students or their family members. (Education Code (EC) § 234.7 et seq.)
- 2) Requires the Attorney General (AG), by April 1, 2018, in consultation with the appropriate stakeholders, to publish model policies limiting assistance with immigration enforcement at public schools, to the fullest extent possible consistent with federal and state law, and ensure that public schools remain safe and accessible to all California residents, regardless of immigration status. Existing law requires that the AG in developing the model policies consider all of the following:
  - 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 their designee, the superintendent of the county office of education or their designee, or the principal of the charter school or their designee, as applicable, if an individual requests or gains access to school grounds for purposes related to immigration enforcement.

- c) Procedures for responding to requests for personal information about students or their family members for purposes of immigration enforcement. (EC § 234.7 (f)(1)(A-C inclusive))
- 3) Requires all school districts, county offices of education, and charter schools to adopt the AG's model policies or equivalent policies limiting assistance with immigration enforcement. (EC § 234.7 (g) and Government Code § 7284.8 (a))
- 4) Under the California Values Act, generally prohibits California law enforcement agencies from investigating, interrogating, detaining, detecting, or arresting persons for immigration enforcement purposes. It further provides certain limited exceptions to this prohibition, including transfers of persons pursuant to a judicial warrant and providing certain information to federal authorities regarding serious and violent felons in custody. (Government Code § 7284 -7284.21, inclusive)
- 5) Prohibits a school district from permitting access to pupil records to a person without parental consent or under judicial order, with some exceptions:
  - a) School districts are *required* to permit access to records relevant to the legitimate educational interests of specified requesters, including:
    - i) School officials and employees of the districts, members of a school attendance review board and any volunteer aide (as specified), provided that the person has a legitimate educational interest to inspect a record.
    - ii) Officials and employees of other public schools or school systems where the pupil intends to or is directed to enroll.
    - iii) Other federal, state and local officials as specified.
    - iv) Parents of a pupil 18 years of age or older who is a dependent.
    - v) A pupil 16 years of age or older or having completed the 10<sup>th</sup> grade who requests access.
    - vi) A district attorney, judge or probation officer, in relation to truancy proceedings.
    - vii) A district attorney's office for consideration against a parent for failure to comply with compulsory education laws.
    - viii) A probation officer, district attorney, or counsel of record for a minor, in relation to a criminal investigation or in regard to declaring a person a ward of the court or involving a violation of a condition of probation.
    - ix) A county placing agency when acting as an authorized representative of a state or LEA. (EC § 49076)

- 6) School districts are *authorized* to release information from pupil records to the following:
  - a) Appropriate persons in connection with an emergency if the information is necessary to protect the health or safety of a pupil or other person.
  - b) Agencies or organizations in connection with the application of a pupil for, or receipt of, financial aid.
  - c) The county elections official for the identification of pupils who are eligible to register to vote.
  - d) Accrediting associations in order to carry out accrediting functions.
  - e) Organizations conducting studies on behalf of educational agencies or institutions for the purpose of developing, validating or administering predictive tests, administering student aid programs, and improving instruction.
  - f) Officials and employees of private schools or school systems where the pupil is enrolled or intends to enroll.
  - g) A contractor or consultant with a legitimate educational interest who has a formal written agreement or contract with the school district regarding the provision of outsourced institutional services or functions by the contractor or consultant. (EC § 49076)
- 7) Requires school districts to notify parents in writing of their rights, including the types of pupil records kept by the district, the position of the official responsible for the records, the policies for reviewing and expunging records, and the criteria used by the district to define “school officials and employees” and to determine “legitimate educational interest.” (EC § 49063)
- 8) Under the Information Practices Act defines personal information to mean any information that is maintained by an agency that identifies or describes an individual, including, but not limited to, the individual’s name, social security number, physical description, home address, home telephone number, education, financial matters, and medical or employment history. It includes statements made by, or attributed to, the individual. (Civil Code § 1798.9)
- 9) Existing federal law, under the federal Family Educational Rights and Privacy Act (FERPA) prohibits federal funds from being provided to any educational agency or institution which has a policy or practice of permitting the release of a pupil’s educational records to any individual, agency, or organization without the written consent of the pupil’s parents. FERPA exempts from the general parental consent requirement certain kinds of disclosures, including disclosures to state and local officials for the purposes of conducting truancy proceedings, a criminal investigation, auditing or evaluating an educational program, or in relation to the application for financial aid. (United States Code, Title 20, Section 1232g and Code of Federal Regulations, Title 34, Sections 99.31)

**ANALYSIS**

This bill:

- 1) Establishes the California Safe Haven Schools Act.
- 2) Prohibits, except as required by state or federal law, school officials and employees of a LEA from allowing an officer or employee of an agency conducting immigration enforcement to enter a schoolsite for any purpose without providing valid identification and a valid judicial warrant or a court order, unless exigent circumstances necessitate immediate action.
- 3) Requires that if an officer or employee of an agency conducting immigration enforcement meets the specified valid identification and documentation requirements, the LEA must limit access to facilities where pupils are not present.
- 4) Requires the Attorney General to update its model policies prescribed in existing law on limiting assistance with immigration enforcement at public schools to align with provisions in the bill.
- 5) Includes an urgency clause, based on the need to ensure that as soon as possible, undocumented students and their families do not face fear, uncertainty, and potential disruptions to their education, and that schools remain safe havens where all children, regardless of immigration status, can learn and thrive without fear of enforcement actions.
- 6) Clarifies that the bill does not prohibit or restrict any governmental entity or official from sending to, or receiving from, federal immigration authorities information regarding the citizenship or immigration status, lawful or unlawful, of an individual, or from requesting from federal immigration authorities immigration status information, lawful or unlawful, of any individual, or maintaining or exchanging that information with any other federal, state, or local governmental entity, pursuant to federal law related to communication between government agencies and the Immigration and Naturalization Service.
- 7) Makes several related findings and declarations about the negative effects of immigration enforcement on student engagement, school performance, and school attendance.
- 8) Expresses the intent of the Legislature to do all of the following:
  - a) Safeguard pupils' right to free public education regardless of their and their families' immigration status.
  - b) Reaffirm California's position to provide a safe, secure, and peaceful environment for all pupils to learn.
  - c) Declare that LEAs shall limit their assistance with immigration enforcement agencies where children and pupils are present to the fullest extent possible, consistent with federal and state law.

- d) Ensure that immigration enforcement is restricted to areas where children are not present.

## STAFF COMMENTS

- 1) **Need for the bill.** According to the author, “All children have a constitutional right to attend public schools, regardless of immigration status. Unfortunately, the threat of federal immigration officials coming onto school grounds to detain undocumented students or family members casts a shadow of fear over all California students. This bill is necessary because students cannot learn if they are afraid of being deported or separated from their family members.”
- 2) **AG model policies instruct schools how to respond to immigration enforcement activity.** AB 699 (O'Donnell and Chiu, Chapter 493, Statutes of 2017) required the California AG to issue and publish model policies by April 2018 that limit assistance with immigration enforcement at public schools, thereby ensuring that public schools remain safe and accessible to all California residents regardless of their immigration status. It further mandated that all LEAs adopt these model policies or equivalent policies by July 2018. The AG's guidance and model policies were initially issued in 2018 and subsequently updated in December 2024. Recent concerns and news regarding arrests, detention, and deportations under the Trump administration prompted the update. The updated policies provide LEAs with guidance on managing and responding to various situations, including instances when immigration officials request to access school grounds for enforcement purposes. The model policies also instruct LEAs on how to identify categories of student information not subject to release and ways to protect student information from unauthorized disclosure of their information. The guidance outlines each model policy for adoption by schools, presents background information on related governing law, describes appropriate actions for various circumstances, and includes practical examples to assist schools in understanding and protecting the rights of students and their families. This bill requires that the AG update its model policies to provide additional guidance on the proposed statutory changes.
- 3) **Enforcement actions in or near protected areas.** On January 20, 2025, the acting director of the US Department of Homeland Security issued a memo, effectively rescinding special protection of immigration enforcement activity in or near certain areas. The formerly protected areas included, among other areas, places where children gather, such as schools, daycares, preschools, and other early learning programs, primary and secondary schools, college campuses as well as education-related activities. In April of 2025, a team of homeland security agents entered the front office of two Los Angeles Unified School District (LAUSD) campuses—Russell Elementary School and Lillian Street Elementary School. The agents requested information about the welfare of four students attending Russell Elementary that they identified as unaccompanied minors (which is not true), and in the second incident at Lillian Elementary, they were looking to speak with one student. The two school principals followed LAUSD policy and protocols, requesting to see the identification of the agents and documentation, including a judicial warrant. Documentation was not provided,

which prompted the principals to decline the request based on student privacy laws, including FERPA. Other incidents have been reported across the State. This bill seeks to direct all LEAs on how to handle these types of situations, specifically when immigration authorities have valid documentation and when they do not. LEAs are instructed to deny access to a schoolsite if valid documentation is not provided and to limit access to facilities where students are not present when such documentation is presented, unless otherwise required by state or federal law.

- 4) **The right to education is a fundamental right.** As cited in the AG's "Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues," although California cannot control the actions of federal immigration-enforcement agencies, federal and California laws empower schools to welcome all students and to reassure them of their educational rights and opportunities. Further, under the U.S. Constitution, all students have a right to receive an education without discrimination based on immigration status. In *Plyler v. Doe*, the U.S. Supreme Court recognized that undocumented immigrants are guaranteed due-process and equal-protection rights under the U.S. Constitution and that children cannot be denied equal access to a public education on the basis of their immigration status. Therefore, K-12 schools must provide free public education to all students regardless of their immigration status and regardless of the citizenship status of the students' parents or guardians. Similarly, the California law affirms the equal educational rights of immigrant students. It further affirms that all students and staff, regardless of immigration status, have the right to attend campuses that are safe, secure, and peaceful. Further, the education code prohibits discrimination on the basis of a student's immigration status. This bill's legislative findings and declarations align with these principles.

- 5) **Related legislation.**

SB 48 (Gonzalez, 2025) similar to this bill, an urgency measure, prohibits a LEA, to the extent possible, from granting US immigration authorities access to a schoolsite or its pupils or consenting to searches without a valid judicial warrant or court order. It further specifies how an LEA is to respond to requests from immigration authorities with or without a valid judicial warrant or court order. Unlike SB 48, it limits access to school facilities where pupils are not present when valid documentation is presented. SB 48 is pending hearing in the Assembly Education Committee.

SB 98 (Pérez, 2025) requires LEAs, CSU, each California Community College District, and each Cal Grant qualifying independent institution of higher education and requests UC campuses to issue a notification to the specified individuals when the presence of immigration enforcement is confirmed on their respective campuses or schoolsites. SB 98 is pending hearing in the Assembly Education Committee.

**SUPPORT**

Asian Americans Advancing Justice Southern California (co-sponsor)  
Coalition for Humane Immigrant Rights (co-sponsor)  
AAPIS for Civic Empowerment  
Alameda County Office of Education  
Alliance for a Better Community  
Association of California School Administrators  
Bend the Arc: Jewish Action California  
CA Healthy Nail Salon Collaborative  
California Adult Education Administrators Association  
California Alliance of Child and Family Services  
California Association for Bilingual Education  
California Catholic Conference  
California chapter of the Council on American-Islamic Relations California  
California Charter Schools Association  
California Civil Liberties Advocacy  
California Council for Adult Education  
California County Superintendents  
California Faculty Association  
California Family Resource Association  
California Primary Care Association  
California School Employees Association  
California State Council of Service Employees International Union  
California Teachers Association  
California Undocumented Higher Education Coalition  
Californians Together  
Catalyst California  
CFT- A Union of Educators & Classified Professionals, AFT, AFL-CIO  
Child Abuse Prevention Center  
Children Now  
Chinese for Affirmative Action  
College for All Coalition  
Consejo De Federaciones Mexicanas  
County of Los Angeles Board of Supervisors  
County of Monterey  
Early Edge California  
EdTrust - West  
Empowering Pacific Islander Communities  
Equality California  
First 5 LA  
Fresno Unified School District  
Hispanas Organized for Political Equality  
Hmong Innovating Politics  
Innovate Public Schools  
Kid City Hope Place  
Latino and Latina Roundtable of the San Gabriel and Pomona Valley  
Latino Coalition for a Healthy California  
Long Beach Community College District  
Los Angeles County Office of Education

Los Angeles Unified School District  
Los Angeles Urban Foundation  
Multi-Faith Action Coalition  
Nisei Farmers League  
Oakland Privacy  
Oakland Unified School District  
Partnership for Los Angeles Schools  
Public Advocates  
San Diego Unified School District  
San Francisco Unified School District  
Santa Clara County Office of Education  
Santa Monica Democratic Club  
School Employers Association of California  
Secure Justice  
Seneca Family of Agencies  
Southeast Asia Resource Action Center  
Southern California College Attainment Network  
Teach Plus California  
The Gathering for Justice  
United Administrators of Southern California  
University of California Student Association  
Western Center on Law & Poverty  
1 Individual

**OPPOSITION**

1 Individual

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