

**SENATE JUDICIARY COMMITTEE**  
**Senator Thomas Umberg, Chair**  
**2025-2026 Regular Session**

AB 49 (Muratsuchi)  
Version: June 23, 2025  
Hearing Date: July 15, 2025  
Fiscal: Yes  
Urgency: Yes  
ID

**SUBJECT**

Schoolsites: immigration enforcement

**DIGEST**

This bill prohibits school officials and employees of a local educational agency from allowing an officer conducting immigration enforcement to enter a schoolsite for any purpose, unless the officer or employee provides valid identification and a valid judicial warrant or court order, or exigent circumstances necessitate immediate action.

**EXECUTIVE SUMMARY**

Immigration enforcement and the risk of deportation or family separation it presents is a serious stressor for many immigrant families and students in California. Recent increased immigration enforcement and federal policy changes regarding immigration enforcement on schoolsites have further increased fears among California schools and communities that undocumented and noncitizen students or their family members will be subject to immigration enforcement actions while at school. The consequences of the threat of increased immigration enforcement activity is significant, both on school attendance and on the well-being of students and their families. AB 49 prohibits school officials and employees of a local educational agency from allowing an officer or employee of an agency conducting immigration enforcement to enter a schoolsite for any purpose, unless the officer or employee provides valid identification and a valid judicial warrant or court order, or exigent circumstances necessitate immediate action. Additionally, even where an officer or agent of an agency conducting immigration enforcement meets those requirements, AB 49 would require school officials and employees to limit the officer's access to facilities where children are not present. AB 49 is sponsored by the Coalition for Humane Immigrant Rights LA (CHIRLA), Asian Americans Advancing Justice – Southern California, the Santa Clara Office of Education, and the State Superintendent of Public Instruction, and is supported by a coalition of school districts, immigrant rights groups, and other organizations. The

Committee has received no timely letters of opposition. AB 49 previously passed out of the Senate Education Committee by a vote of 7 to 2.

### **PROPOSED CHANGES TO THE LAW**

Existing law:

- 1) Prohibits law enforcement agencies from using agency or department moneys or personnel to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes, as specified, place peace officers under the supervision of federal agencies, use immigration authorities as interpreters for law enforcement matters, transfer an individual to immigration authorities unless authorized by a judicial warrant, provide office space exclusively dedicated to immigration authorities, and contract with the federal government for the use of law enforcement agency facilities to house individuals as federal detainees for the purposes of civil immigration custody, as specified. (Gov. Code § 7284.6.)
- 2) Requires the Attorney General, by April 1, 2018, and in consultation with the appropriate stakeholders, to publish model policies limiting assistance with immigration enforcement at public schools, public libraries, health facilities operated by the state or a political subdivision thereof, courthouses, Division of Labor Standards Enforcement facilities, the Agricultural Labor Relations Board, the Division of Workers Compensation, and shelters, to the fullest extent possible consistent with federal and state law, and ensuring that public schools remain safe and accessible to all California residents, regardless of immigration status.
  - a) Requires all public schools, health facilities operated by the state or a political division thereof, and courthouses to implement the Attorney General's model policy, or an equivalent.
  - b) Encourages the Agricultural Labor Relations Board, the Division of Workers' Compensation, the Division of Labor Standards Enforcement, shelters, libraries, and all other organizations and entities that provide services related to physical or mental health and wellness, education, or access to justice, including the University of California, to adopt the model policy. (Gov. Code § 7284.8.)
- 3) Defines, for the purposes of the California Values Act, including (2), above, "public schools" to include all elementary and secondary schools under the jurisdiction of local governing boards or a charter school board, the California State University, and California Community Colleges. (Gov. Code § 7284.4(j).)
- 4) 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 the citizenship or immigration status of a student or their family members. (Ed. Code § 234.7(a).)

- 5) Requires the superintendent of a school district and county office of education, and the principal of a charter school, to report to their respective governing board or body in a timely manner and in a manner that ensures the confidentiality and privacy of any potentially identifying information, any requests for information or access to a schoolsite by an officer or employee of a law enforcement agency for the purpose of enforcing immigration law. (Ed. Code § 234.7(b).)
- 6) Requires the governing board or body of a local educational agency 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, including information relating to "know your rights" regarding immigration enforcement established by the Attorney General; and
  - b) educate students about the negative impact of bullying other students based on their actual or perceived immigration status or religious beliefs and customs. (Ed. Code § 234.7(d).)
- 7) Requires the Attorney General, by April 1, 2018, and 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 ensuring that public schools remain safe and accessible to all California residents, regardless of immigration status. Requires the Attorney General to consider, at a minimum, all of the following in developing the model policies:
  - a) procedures related to requests for access to school grounds for purposes related to immigration enforcement;
  - b) procedures for local educational agency employees to notify specified officers of the governing board or body of public or charter schools 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. (Ed. Code § 234.7(f).)
- 8) Requires local educational agencies to adopt the model policies developed by the Attorney General pursuant to (7), above, by July 1, 2018. (Ed. Code § 234.7(g).)

This bill:

- 1) Establishes the "California Safe Haven Schools Act."

- 2) Makes specified findings and declarations related to California's immigrant community, immigration enforcement and its effect on students, and students' rights to a public education regardless of immigration status.
- 3) Specifies that it is the intent of the Legislature to:
  - a) safeguard students' 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 students to learn;
  - c) declare that local educational agencies (LEAs) must limit their assistance with immigration enforcement agencies where children and students are present to the fullest extent possible, consistent with federal and state law; and
  - d) ensure that immigration enforcement is restricted to areas where children are not present.
- 4) Prohibits school officials and employees of an LEA, except as required by state or federal law or as required to administer a state or federally supported educational program, from:
  - a) collecting information or documents regarding citizenship or immigration status of pupils or their family members; or
  - b) 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.
- 5) Specifies that, if an officer or employee of an agency conducting immigration enforcement meets the requirements under (4)(b), above, the LEA must limit access to facilities where pupils are not present.
- 6) Requires the Attorney General to update the model policies on limiting assistance with immigration enforcement at public schools to ensure that the policies align with the prohibition and exception described in (4), above.
- 7) Specifies that its provisions and existing statutory provisions do 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, or any individual, or maintaining or exchanging that information with any other federal, state, or local government entity, pursuant to specified federal law.

## COMMENTS

### 1. Author's statement

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. California's undocumented and non-citizen students are essential members of their communities and California's schools

California is home to about 10.6 million immigrants, accounting for 22% of the foreign-born population nationwide.<sup>1</sup> In 2023, 27% of the state's population was foreign born, the highest of any state. There are an estimated 133,000 undocumented children in California public K-12 schools, and one in five California children live in a mixed-status household where at least one member is not a U.S. Citizen.<sup>2</sup> About 76% of undocumented students arrived in the United States when they were children or adolescents, and those who arrived to the United States as adults have lived in the United States for eight years on average.<sup>3</sup> Undocumented and non-citizen Californians are important members of their communities who are entitled to various constitutionally-protected rights and to live in their communities without the fear of being forcibly deported to a foreign country. Moreover, in the case *Plyler v. Doe*, the Supreme Court ruled that all children in the United States, regardless of their immigration status, have a constitutionally-protected right to a free public education. (*Plyler v. Doe* (1982) 457 U.S. 202.)

### 3. "Death penalty cases being heard in traffic court"

The federal government, primarily through the Immigration and Customs Enforcement agency (ICE), enforces federal immigration laws in the interior of the country, through

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<sup>1</sup> Marisol Cuellar Mejia et al., Fact Sheet: Immigrants in California, Public Policy Institute of California (Jan. 2025), available at <https://www.ppic.org/publication/immigrants-in-california/>.

<sup>2</sup> Migration Policy Institute, "Profile of the unauthorized population: California" (accessed Apr. 13, 2025), <https://www.migrationpolicy.org/data/unauthorized-immigrant-population/state/CA#>; Office of Digital Services, "Immigration and California families," Ca.gov (accessed Apr. 13, 2025), <https://www.ca.gov/immigration/>.

<sup>3</sup> American Immigration Council and Presidents' Alliance on Higher Education and Immigration, "Undocumented Students in U.S. Higher Education" (Jun. 2024), available at <https://www.higheredimmigrationportal.org/research/undocumented-students-in-higher-education-updated-march-2021/> (hereafter American Immigration Council).

placing individuals suspected of being deportable in deportation proceedings, carrying out expedited removals, or executing outstanding deportation orders. In order to be deported from the United States, an individual needs to be found to have triggered a ground of deportability. There are numerous grounds of deportability, such as making a false claim to U.S. Citizenship or being convicted of certain criminal offenses. (8 U.S.C. § 1227.) An individual who is present in the United States without ever having been admitted or paroled into the United States by an immigration officer is deportable, as is an individual who has violated their immigration status or has had their immigration status expire. Thus, an undocumented person is always at risk of being subject to immigration enforcement activities by the federal government. However, any person in the United States who is not a citizen has some level of risk that they could be deported from the United States.

If an individual is apprehended by an official for immigration enforcement purposes, and the officer believes the individual is undocumented or has done something to trigger a ground of deportability, they may be placed into a deportation proceeding before an immigration judge to determine whether they are deportable or have any defenses to deportation. While such proceedings often take years to resolve, the result of either failing to appear at such a proceeding or failing to defend against the government's charges of deportability is that the individual is ordered removed from the United States. So serious are consequences of deportation proceedings that one immigration judge has called them "death penalty cases heard in traffic court."<sup>4</sup> When an individual is stopped by an immigration officer and placed in a removal proceeding, they may be detained in immigration detention and separated from their families, sometimes indefinitely while awaiting their case or deportation.

#### 4. Increased immigration enforcement is harming school attendance and communities across the state

President Trump, since re-entering the office, has promised to ramp up immigration enforcement and greatly increase deportations, and in doing so has understandably stoked considerable fear among immigrant communities. Shortly after taking office, President Trump ended long-standing federal policy that limited immigration enforcement activity at "sensitive locations" like schools, places of worship, and funerals and other religious ceremonies.<sup>5</sup> In 2021, the Biden administration strengthened this sensitive locations policy with new guidance that expanded the protected, sensitive locations to include places like licensed daycare centers, medical

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<sup>4</sup> Dana Leigh Marks, "Immigration judge: death penalty cases in a traffic court setting," CNN (Jun. 26, 2014), <https://www.cnn.com/2014/06/26/opinion/immigration-judge-broken-system/index.html>.

<sup>5</sup> See Benjamine C. Huffman, Memorandum: Enforcement Actions in or Near Protected Areas, Dept. of Homeland Sec. (Jan. 20, 2025), available at <https://www.nafsa.org/regulatory-information/dhs-rescinds-biden-protected-areas-enforcement-policy> (hereafter Huffman memo); James A. Puleo, Memorandum: Enforcement Activities at Schools, Places of Worship, or at funerals or other religious ceremonies, Imm. & Nationality Svcs., HQ 807-P (May 17, 1993).

facilities, places where children gather, crisis centers, disaster relief centers, community-based organizations, homeless shelters, and domestic violence shelters.<sup>6</sup> However, on January 2025, the Trump Administration rescinded the sensitive locations policy, and instead explicitly permitted immigration enforcement officers to conduct enforcement activities in any location at their individual discretion.<sup>7</sup>

The consequences of the threat of increased immigration enforcement activity are significant. Schools across the country have reported experiencing considerable drops in school attendance as students and their families fear being stopped or questioned by immigration authorities at or on their way to school.<sup>8</sup> One report found a 22 percent increase in school absences in Central Valley school districts coincided with recent increased immigration raids in those communities.<sup>9</sup> There also have been numerous reports of immigration authorities attempting to carry out immigration enforcement activities at or near schools across the country, including a report of immigration agents who attempted to enter two Los Angeles elementary schools in April.<sup>10</sup> In addition, research has shown that many immigrant youth experience high levels of mental health symptoms like anxiety, depression, and post-traumatic stress due to fears of immigration enforcement and separation from their family due to immigration enforcement.<sup>11</sup> Stressors related to immigration status and the risk of deportation negatively impact all aspects of an undocumented or non-citizen individual's life, including their education. In addition, a deportation can severely impact the individual deported, sending them to a country in which they have not lived for many years or where they fear for their life, and separating them from their families.

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<sup>6</sup> Dept. of Homeland Sec., "Secretary Mayorkas Issues New Guidance for Enforcement Action at Protected Areas," (Oct. 27, 2021), available at <https://www.dhs.gov/archive/news/2021/10/27/secretary-mayorkas-issues-new-guidance-enforcement-action-protected-areas> (hereafter Mayorkas memo).

<sup>7</sup> See, Huffman memo, *supra* note 5.

<sup>8</sup> Jasmine Garsd, "The prospect of immigration agents entering schools is sending shockwaves among communities," NPR (Feb. 4, 2025), <https://www.npr.org/2025/02/04/nx-s1-5277170/schools-ice-immigration>.

<sup>9</sup> Thomas Dee, *Recent Immigration Raids Increased Student Absences*, Annenberg Institute 25-1202 (Jun. 2025), available at <https://edworkingpapers.com/ai25-1202>.

<sup>10</sup> Austin Turner, "Homeland security agents showed up at 2 L.A. schools. Here's what happened next," KTLA 5 (Apr. 10, 2025) <https://ktla.com/news/local-news/2-l-a-schools-deny-entry-for-federal-agents-as-immigration-enforcement-fears-ramp-up/>; Matt Masterson, "Immigration agents detain man outside Chicago charter school, officials say," WTTW (Feb. 27, 2025), <https://news.wttw.com/2025/02/27/immigration-agents-detain-man-outside-chicago-charter-school-officials-say>.

<sup>11</sup> Randy Capps & Michael Fox, "How the fear of immigration enforcement affects the mental health of latino youth," Migration Policy Institute (Dec. 2020), <https://www.migrationpolicy.org/news/how-fear-immigration-enforcement-affects-mental-health-latino-youth>.

5. Recent California laws aim to protect California's noncitizen students and make California's institutions a safe place for immigrants

Given recent developments in federal immigration policy in the last eight years and the risks that California's undocumented and noncitizen students face relating to immigration enforcement activity, the Legislature has passed various laws aimed at protecting the state's undocumented and noncitizen students and minimizing the disruption that immigration enforcement activities can have at the state's educational institutions. In 2017, the Legislature passed AB 699 (O'Donnell, Ch. 493, Stats. 2017) to ensure that all students in California public schools have equal access to education regardless of their immigration status. AB 699 prohibits a school from collecting information or documents regarding a pupil or their family members' immigration status and requires school officials to report to their governing bodies any requests for information or access to the schoolsite for the purpose of immigration enforcement.

In addition, AB 699 requires that, by April 2018, the Attorney General issue and publish model policies for public schools regarding limiting assistance with immigration enforcement at schools. AB 699 requires all local educational agencies to adopt the Attorney General's model policies or an equivalent. The Attorney General issued its guidance and model policies in 2018, though they were updated in December 2024. The model policies for K-12 schools include that: personnel should not inquire specifically about a student or their parent or guardian's citizenship or immigration status; local educational agencies avoid disclosing information that might indicate a student or their family's immigration status; schools should prohibit access to school grounds during school hours for all outsiders who have not registered; entry to the schoolsite by immigration enforcement officers is reported to on-site police and administrators; any request for access to a school by an immigration officer, including of specific information requested from the officer, be reported to an administrator; and school personnel generally do not consent to an immigration officer's access to the school without a valid warrant or a claim of exigent circumstances.<sup>12</sup> AB 699 also requires that the governing body of a local educational agency must provide parents and guardians of students with a variety of resources and information regarding their children's right to a free public education regardless of immigration status or religious beliefs, including a "know your rights" guide established by the Attorney General. (Ed. Code § 234.7(d).)

The same year that the Legislature passed AB 699, it also passed two other immigration-related bills: AB 450 (Chiu, Ch. 492, Stats. 2017) and SB 54 (De León, Ch. 495, Stats. 2017). AB 450 prohibited an employer from providing voluntary consent to an immigration officer to enter a non-public area of the workplace without being provided a judicial warrant, and placed a similar prohibition on providing immigration officers

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<sup>12</sup> California Attorney General, Promoting a Safe and Secure Learning Environment for All: guidance and model policies to assist California's K-12 schools in responding to immigration issues, Cal. Dept. of Just. (Dec. 2024), available at <https://oag.ca.gov/news/press-releases/attorney-general-bonta-issues-guidance-educational-rights-immigrant-students-and>.

access to the employer's employee records. SB 54 prohibited law enforcement agencies from using their resources for immigration enforcement or from cooperating in immigration enforcement activities.

6. AB 49 aims to limit immigration enforcement activities at California schools

AB 49 aims to build upon these laws and protect California public school students' learning environment from interruption by immigration enforcement activities. Specifically, it prohibits the school officials and employees of a local educational agency from allowing an officer or employee of an agency conducting immigration enforcement to enter a schoolsite for any purpose, unless the officer or employee provides valid identification and a valid judicial warrant or court order, or exigent circumstances necessitate immediate action. Additionally, even if an officer or agent of an agency conducting immigration enforcement meets those requirements, AB 49 would require school officials and employees to limit the officer's access to facilities where children are not present.

AB 49 also requires the Attorney General to update its model policies to reflect the changes made by this bill. It also specifies that it does not prohibit or restrict any government entity or official from sending to, or receiving from, federal immigration authorities information regarding the citizenship or immigration status of an individual or from requesting from federal immigration authorities immigration status information, or maintaining or exchanging such information, pursuant to specified sections the U.S. Code. AB 49 is an urgency measure that will apply immediately upon enactment.

7. Amendments

The author has agreed to amendments that will add definitions for immigration authority and immigration enforcement, specify that its prohibition on allowing an immigration authority access to a schoolsite applies to the nonpublic areas of the schoolsite, and that will remove subdivision (b)(1) of Education Code section 234.7 that is added in Section three of the bill. A mock-up of these amendments is attached to the end of this analysis. In addition, the author will be taking amendments that incorporate provisions of SB 48 (Gonzalez), a substantially similar bill, add chaptering out provisions related to SB 98 (Pérez), and add co-authors.

**SUPPORT**

Asian Americans Advancing Justice – Southern California (sponsor)  
Coalition for Humane Immigrant Rights LA (CHIRLA) (sponsor)  
Santa Clara County Office of Education (sponsor)  
State Superintendent of Public Instruction Tony Thurmond (sponsor)  
Aapis for Civic Empowerment

Alameda County Office of Education  
Bend the Arc: Jewish Action California  
CA Healthy Nail Salon Collaborative  
California Association for Bilingual Education  
California Charter Schools Association  
California County Superintendents  
California Faculty Association  
California Family Resource Association  
California School Employees Association  
California State Council of Service Employees International Union  
Californians Together  
Catalyst California  
CFT - a Union of Educators & Classified Professionals, Aft, AFL-CIO  
Child Abuse Prevention Center  
Cleaneearth4kids.org  
County of Los Angeles Board of Supervisors  
County of Monterey  
Early Edge California  
Equality California  
First 5 LA  
Fresno Unified School District  
Hispanas Organized for Political Equality  
Hmong Innovating Politics  
Jewish Community Relations Council Bay Area  
Long Beach Community College District  
Los Angeles County Office of Education  
Monterey; County of  
Multi-faith Action Coalition  
Nisei Farmers League  
Oakland Unified School District  
Partnership for Los Angeles Schools  
San Diego Unified School District  
San Francisco Unified School District  
Santa Monica Democratic Club  
School Employers Association of California  
Secure Justice  
Southeast Asia Resource Action Center  
Teach Plus California  
The Education Trust - West  
The Gathering for Justice  
United Administrators of Southern California  
University of California Student Association  
Western Center on Law & Poverty  
What We All Deserve (WWAD)

Yolo County Board of Education

### **OPPOSITION**

None received

### **RELATED LEGISLATION**

#### **Pending Legislation:**

SB 98 (Cervantes, 2025) requires the governing bodies of local educational agencies and California State Universities, community colleges, and specified independent institutions of higher education, and requests the Regents of the University of California, to notify students or their parents and guardians, teachers, and other specified school community members when immigration enforcement activity is confirmed on the schoolsite or campus. SB 98 is currently pending before the Assembly Appropriations Committee.

SB 48 (Gonzalez, 2025) prohibits a local educational agency and its personnel from granting an immigration official access to schoolsites without a judicial warrant, and from providing information about a student, their family and household, school employees, or a teacher without a judicial warrant. SB 48 also prohibits California law enforcement agencies from collaborating with, or providing any information about a student, the student's family and household, a school employee, or a teacher to immigration authorities regarding immigration enforcement actions that could be or are taking place within a one mile radius of any schoolsite. SB 48 is currently pending before the Assembly Judiciary Committee.

AB 419 (Connolly, 2025) requires the governing boards or bodies of local educational agencies post the Attorney General's "Know Your Educational Rights" guide, in every language in which the Attorney General provides it, in the administrative buildings of the agency, on the internet website of the agency, and at each of the agency's schoolsite. AB 419 is currently pending before the Senate Appropriations Committee.

#### **Prior Legislation:**

SB 959 (Hurtado, 2019) would have defined "pupil," for the purposes of existing law that provides what school officials and employees of a school district cannot do with information related to the citizenship or immigration status of a pupil or their family members, and related provisions, to mean a child enrolled in a childcare or development program, transitional kindergarten, kindergarten, or the first through twelfth grades. SB 959 died in the Senate Education Committee.

SB 54 (De León, Ch. 495, Stats. 2017) prohibited state and local law enforcement agencies from using money or personnel to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes, subject to exception, and required the issuance and adoption by various entities of model policies limiting assistance with immigration enforcement and limiting the availability of information for immigration enforcement.

AB 699 (O'Donnell, Ch. 493, Stats. 2017) included immigration status in the list of specified characteristics for which law states it is the policy of the State of California to provide equal rights and opportunities in the state's educational institutions, and prohibited school officials and employees of a school district, county office of education, or charter school from collecting information or documents regarding the citizenship or immigration status of pupils or their family members. Required specified school officials to take certain actions in response to requests for information or access to a schoolsite by an immigration officer for the purposes of immigration enforcement, required the Attorney General to publish, by April 1, 2018, model policies limiting assistance with immigration enforcement at public schools, and required all local educational agencies to adopt these model policies or equivalent policies. Required the governing body of local educational agencies to provide specified information of their rights to parents and guardians of students.

AB 450 (Chiu, Ch. 492, Stats. 2017) prohibited an employer from providing voluntary consent to an immigration officer to enter a non-public area of the workplace without being provided a judicial warrant. AB 450 also prohibited an employer from providing immigration officers voluntary consent to access, review, or obtain an employer's employee records without a subpoena or judicial warrant, except for in the context of a valid request to review I-9 employment eligibility verification forms and related records.

AB 21 (Kalra, Ch. 488, Stats. 2017) required the Trustees of the California State University, the governing boards of community college districts, and independent institutions of higher education, and requested the Regents of the University of California, to take certain actions regarding immigration enforcement activities on campus, including: refraining from disclosing personal information concerning students, faculty, and staff except under specified circumstances; advising all students, faculty, and staff to notify the office of the chancellor or president as soon as possible if they are advised that an immigration officer will or has entered campus to execute an immigration order; complying with a request from an immigration officer for access to a non-public area of campus only upon the presentation of a judicial warrant; and designating a staff person to serve as a point of contact for those who may be subject to immigration actions, among other requirements. Required such institutions of higher education to adopt and implement the model policy limiting assistance with immigration enforcement developed by the Attorney General, or an equivalent.

**PRIOR VOTES:**

Assembly Floor (Ayes 62, Noes 9)

Assembly Appropriations Committee (Ayes 11, Noes 4)

Assembly Judiciary Committee (Ayes 8, Noes 2)

Assembly Education Committee (Ayes 7, Noes 2)

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**Mock-up of Amendments for AB-49 (Muratsuchi (A) , Ortega (A))**  
*(Amendments may be subject to technical changes by Legislative Counsel)*

**THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:**

**SECTION 1.** This act shall be known, and may be cited, as the California Safe Haven Schools Act.

**SEC. 2.** (a) The Legislature finds and declares all of the following:

(1) California is home to 10,600,000 immigrants, with 49 percent of these immigrants coming from Latin America and 41 percent of them born in Asia.

(2) While over one-half of the state's immigrants are naturalized as United States citizens, about 1,800,000 of these immigrants are undocumented.

(3) In the 2017 federal fiscal year, during the first Trump administration, there was a 174-percent increase in deportations of immigrants with no criminal record.

(4) Research shows that the effects of immigration enforcement seriously hurt pupils' engagement and performance at school. Pupils coming from families with "likely unauthorized immigrants" have as much as a 25.2-percent increase in the probability of dropping out of school as enforcement increases. There is also a direct correlation between increased deportations within a school district and increased chronic absenteeism and achievements in math among pupils.

(5) When immigration enforcement agencies partner with law enforcement agencies to enforce immigration law, Hispanic pupil enrollment in our public schools is reduced by 7.3 percent. Additionally, these partnerships displace over 300,000 Hispanic pupils as enforcement causes these families to move away or prevents families from moving into these communities.

(6) The United States Supreme Court held in *Plyler v. Doe* (457 U.S. 202) that denying pupils who are undocumented immigrants a free public education, which is offered to other children who are citizens or documented immigrants, violates the equal protection clause of the Fourteenth Amendment to the United States Constitution.

(b) Therefore, it is the intent of the Legislature to do all of the following:

(1) Safeguard pupils' right to free public education regardless of their, and their families', immigration status.

(2) Reaffirm California's position to provide a safe, secure, and peaceful environment for all pupils to learn.

(3) Declare that local educational agencies 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.

(4) Ensure that immigration enforcement is restricted to areas where children are not present.

**SEC. 3.** Section 234.7 of the Education Code is amended to read:

**234.7.** (a) 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 local educational agency shall not do either of the following:

(1) Collect information or documents regarding citizenship or immigration status of pupils or their family members.

(2) Allow an *immigration authority* officer or employee of an agency conducting immigration enforcement to enter the nonpublic areas of a schoolsite for any purpose without providing valid identification and a valid judicial warrant or a court order, unless exigent circumstances necessitate immediate action.

~~(b) (1) If an officer or employee of an agency conducting immigration enforcement meets the requirements set forth in paragraph (2) of subdivision (a), the local educational agency shall limit access to facilities where pupils are not present.~~

(2) The superintendent of a school district, the superintendent of a county office of education, and the principal of a charter school, as applicable, shall report to the respective governing board or body of the local educational agency in a timely manner any requests for information or access to a schoolsite by an officer or employee of a law enforcement agency for the purpose of enforcing the immigration laws in a manner that ensures the confidentiality and privacy of any potentially identifying information.

(c) If an employee of a school is aware that a pupil's parent or guardian is not available to care for the pupil, the school shall first exhaust any parental instruction relating to the pupil's care in the emergency contact information it has for the pupil to arrange for the pupil's care. A school is encouraged to work with parents or guardians to update the emergency contact information and not to contact Child Protective Services to arrange for the pupil's care unless the school is unable to arrange for care through the use of emergency contact information or other information or instructions provided by the parent or guardian.

(d) The governing board or body of a local educational agency shall do both of the following:

(1) Provide information to parents and guardians, as appropriate, regarding their children's right to a free public education, regardless of immigration status or religious beliefs. This information shall include information relating to "know your rights" immigration enforcement established by the Attorney General and may be provided in the annual notification to parents and guardians pursuant to Section 48980 or any other cost-effective means determined by the local educational agency.

(2) Educate pupils about the negative impact of bullying other pupils based on their actual or perceived immigration status or their religious beliefs and customs.

(e) This section does not prohibit the governing board or body of a local educational agency from establishing stronger standards and protections.

(f) (1) The Attorney General, by April 1, 2018, in consultation with the appropriate stakeholders, shall publish model policies limiting assistance with immigration enforcement at public schools, to the fullest extent possible consistent with federal and state law, and ensuring that public schools remain safe and accessible to all California residents, regardless of immigration status. The Attorney General shall, at a minimum, consider all of the following issues when developing the model policies:

(A) Procedures related to requests for access to school grounds for purposes related to immigration enforcement.

(B) Procedures for local educational agency 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 pupils or their family members for purposes of immigration enforcement.

(2) The Attorney General shall update the model policies described in paragraph (1) to ensure that these policies align with the prohibition applicable to school officials and employees of local educational agencies as described in paragraph (2) of subdivision (a), and the requirements for local educational agencies as described in paragraph (1) of subdivision (b), both as amended by Assembly Bill 49 of the 2025–26 Regular Session.

(3) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the

Government Code), the Department of Justice may implement, interpret, or make specific this section without taking any regulatory action.

(g) All local educational agencies shall adopt the model policies developed pursuant to paragraph (1) of subdivision (f), or equivalent policies, by July 1, 2018.

(h) This section 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 Sections 1373 and 1644 of Title 8 of the United States Code.

(i) For purposes of this section, the following definitions shall apply:

(1) "local educational agency" means a school district, county office of education, or charter school.

(2) "immigration authority" means any federal, state, or local officer, employee, or person performing immigration enforcement functions.

(3) "immigration enforcement" includes any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal civil immigration law, and any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal criminal immigration law that penalizes a person's presence in, entry, or reentry to, or employment in, the United States.

**SEC. 4.** If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

**SEC. 5.** This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

According to the Migration Policy Institute, 133,000 children between 3 and 17 years of age who are undocumented are enrolled in California public schools, and 750,000 students in kindergarten and grades 1 to 12, inclusive, have at least one parent who is undocumented. In order to ensure, as soon as possible, that these 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, it is necessary that this act take effect immediately.