
SENATE COMMITTEE ON APPROPRIATIONS

Senator Anna Caballero, Chair
2025 - 2026 Regular Session

AB 49 (Muratsuchi) - Schoolsites: immigration enforcement

Version: July 17, 2025

Urgency: Yes

Hearing Date: August 18, 2025

Policy Vote: ED. 6 - 1, JUD. 11 - 1

Mandate: Yes

Consultant: Lenin Del Castillo

Bill Summary: This bill, an urgency measure, prohibits local educational agencies (LEAs) from allowing immigration enforcement officers to enter nonpublic areas of a schoolsite without providing a valid judicial warrant or court order.

Fiscal Impact:

- The bill's requirements could result in a reimbursable state mandate. These activities include the development of policies, procedures, and training for faculty and staff with responding to requests from immigration authorities. Assuming a cost between of \$500 and \$1,000 for each LEA, one-time Proposition 98 General Fund costs would be in hundreds of thousands to low millions of dollars statewide.
- The Department of Justice indicates that the bill's requirement for the Attorney General to update its model policies would not result in additional costs to the state.

Background: Existing law 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.

Existing law requires the superintendent of a school district, the superintendent of a county office of education, and the principal of a charter school, as applicable, to report to the respective governing board or body of the LEA 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.

Existing law requires the Attorney General 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 Attorney General, in developing the model policies, consider specified procedures, including those related to requests for access to school grounds for purposes related to immigration enforcement and 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.

Existing law requires all school districts, county offices of education, and charter schools to adopt the Attorney General's model policies or equivalent policies limiting assistance with immigration enforcement.

Proposed Law: This bill 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 nonpublic area of a schoolsite for any purpose without being presented with a valid judicial warrant or a court order. Any school official or employee shall request a valid identification of any immigration authority seeking to enter a nonpublic area of a schoolsite.

This bill provides that LEAs, to the extent practicable, shall not disclose or provide in writing, verbally, or in any other manner, the education records or personal information, as defined, of or any information about a pupil, the pupil's family and household, a school employee, or a teacher to an immigration authority without a valid judicial warrant or judicial subpoena, or court order directing the LEA or its personnel to do so.

This bill requires the Attorney General, no later than December 1, 2025, to update its model policies prescribed in existing law to align with the bill's prohibition.

This bill requires LEAs to update its model policies to align with the bill's provisions by March 1, 2026 and to make the policy available to the CDE.

This bill 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. The bill shall only become operative if the proposed changes to Education Code Section 234.7 by SB 98 (Perez, 2025) are enacted and this bill is enacted last.

Related Legislation: SB 98 (Perez, 2025) would require LEAs, the CSU, community college districts, and each Cal Grant qualifying independent institution of higher education, and requests the UC, to issue a notification to specified individuals when the presence of immigration enforcement is confirmed on their respective campuses or schoolsites. SB 98 is pending in the Assembly Appropriations Committee.

SB 48 (Gonzalez, 2025), similar to this bill, would prohibit an LEA from granting US immigration authorities access to a schoolsite or its pupils or consenting to searches without a valid judicial warrant or court order. SB 48 is pending in the Assembly Judiciary Committee.

Staff Comments: 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, pre-schools, and other early learning programs, primary and secondary schools, college

campuses as well as education-related activities. This bill would direct all LEAs on how to handle these types of situations, specifically when immigration authorities have valid documentation and when they do not. LEAs would be 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. 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."

-- END --