
THIRD READING

Bill No: AB 49
Author: Muratsuchi (D), Gonzalez (D), Ortega (D) and Celeste Rodriguez (D),
et al.
Amended: 7/17/25 in Senate
Vote: 27 - Urgency

SENATE EDUCATION COMMITTEE: 6-1, 7/9/25
AYES: Pérez, Ochoa Bogh, Cabaldon, Cortese, Gonzalez, Laird
NOES: Choi

SENATE JUDICIARY COMMITTEE: 11-1, 7/15/25
AYES: Umberg, Allen, Arreguín, Ashby, Caballero, Durazo, Laird, Stern, Wahab,
Weber Pierson, Wiener
NOES: Niello
NO VOTE RECORDED: Valladares

SENATE APPROPRIATIONS COMMITTEE: 5-2, 8/18/25
AYES: Caballero, Cabaldon, Grayson, Richardson, Wahab
NOES: Seyarto, Dahle

ASSEMBLY FLOOR: 62-9, 5/27/25 - See last page for vote

SUBJECT: Schoolsites: immigration enforcement

SOURCE: Coalition for Humane Immigrant Rights
Asian Americans Advancing Justice Southern California

DIGEST: 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.

ANALYSIS:

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 (GOV) § 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. (GOV § 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 as specified. (EC § 49076)
- 6) School districts are *authorized* to release information from pupil records under limited circumstances as specified. (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)

This bill:

- 1) 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.

- 2) 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.
- 3) Requires the AG, no later than December 1, 2025, to update its model policies prescribed in existing law to align with this bill's prohibition.
- 4) Requires LEAs to update its model policies to align with this bill's provisions by March 1, 2026 and to make the policy available to the California Department of Education.
- 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) Becomes operative only if the proposed changes to EC § 234.7 by SB 98 (Perez, 2025) are enacted and this bill is enacted last.

Comments

- 1) *Need for this 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) *Enforcement action 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, 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 are instructed to deny access to a schoolsite and are prohibited from disclosing any information including education records about a student, their family, a school employee, or a teacher if valid documentation is not presented.

- 3) *Right to public education.* 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.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: Yes

According to the Senate Appropriations Committee analysis, this bill would have the following 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.

SUPPORT: (Verified 8/19/25)

Asian Americans Advancing Justice Southern California (co-source)
Coalition for Humane Immigrant Rights (co-source)
State Superintendent of Public Instruction Tony Thurmond
AAPIS for Civic Empowerment
Alameda County Office of Education
All Voting Members of the North Westwood Neighborhood Council
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 Immigrant Policy Center
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
Central American Resource Center of California
CFT- A Union of Educators & Classified Professionals, AFT, AFL-CIO
Child Abuse Prevention Center
Children Now
Chinese for Affirmative Action
City of Oakland
CleanEarth4Kids.org
College for All Coalition
Consejo De Federaciones Mexicanas
County of Los Angeles Board of Supervisors

County of Monterey
County of San Mateo
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
Lead Filipino
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
What We All Deserve

Woodcraft Rangers
1 Individual

OPPOSITION: (Verified 8/19/25)

1 Individual

ASSEMBLY FLOOR: 62-9, 5/27/25

AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Connolly, Davies, Elhawary, Fong, Gabriel, Garcia, Gipson, Mark González, Haney, Harabedian, Hart, Irwin, Jackson, Kalra, Krell, Lee, Lowenthal, McKinnor, Muratsuchi, Ortega, Pacheco, Papan, Patel, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

NOES: DeMaio, Ellis, Gallagher, Hadwick, Hoover, Patterson, Sanchez, Ta, Tangipa

NO VOTE RECORDED: Castillo, Chen, Dixon, Flora, Jeff Gonzalez, Lackey, Macedo, Nguyen

Prepared by: Olgalilia Ramirez / ED. / (916) 651-4105
8/20/25 23:06:50

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