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THIRD READING

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Bill No: AB 49  
Author: Muratsuchi (D), Gonzalez (D), Ortega (D) and Celeste Rodriguez (D),  
et al.  
Amended: 8/26/25 in Senate  
Vote: 27 - Urgency

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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

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**SUBJECT:** Schoolsites: immigration enforcement

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

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**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, judicial subpoena, or court order.

*Senate Floor Amendments of 8/26/25:* 1) reinforce student privacy protections by explicitly prohibiting the release of a student's education records without parent consent; 2) reaffirms that a LEA or school official has the right to consult legal

counsel to assess and, if appropriate, challenge the validity of court documents presented by immigration enforcement officials; 3) replace references to “immigration authority” with the more specific term to reflect immigration enforcement activity conducted by an officer or employee of an agency; and 4) strike unnecessary provisions that aim to avoid chaptering conflicts with SB 98 (Perez, 2025).

## **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, subpoena, or a court order. Any school official or employee shall, to the extent practicable, request a valid identification from an officer or employee of an agency conducting immigration enforcement seeking to enter a nonpublic area of a schoolsite. This bill reaffirms that a LEA or school official has the right to consult legal counsel to assess and, if appropriate, challenge the validity of court documents in a court of competent jurisdiction.
- 2) Prohibits LEAs, to the extent practicable, from disclosing or providing in writing, verbally, or in any other manner, the education records or personal information, as defined, of or any information about a student, the student's family and household without the student's parents' or guardians' written consent, a school employee, or a teacher to an officer or employee of an agency conducting immigration enforcement absent 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.

## 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 instruct LEAs on how to handle these types of situations, specifically when immigration enforcement officials have valid documentation and when they do not. LEAs are directed to deny access to a schoolsite and are prohibited from disclosing any information including education records about a student or their family without parent consent, 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:

- This 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 this bill's requirement for the Attorney General to update its model policies would not result in additional costs to the state.

**SUPPORT:** (Verified 8/26/25)

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 Asian Pacific American Bar Association  
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  
City of Los Angeles  
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  
Oxnard Union High 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 8/26/25)

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  
8/27/25 16:20:37

\*\*\*\* **END** \*\*\*\*