

(Without Reference to File)

CONCURRENCE IN SENATE AMENDMENTS

AB 49 (Muratsuchi, et al.)

As Amended August 26, 2025

2/3 vote

SUMMARY

Establishes, as an urgency measure, 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 officer or employee of an agency conducting immigration enforcement to enter a school site without providing a valid judicial warrant or court order. Prohibits LEAs from providing information about pupil's, their families, teachers, and school employees, to immigration authorities.

Senate Amendments

- 1) Utilizes the term “officer or employee of an agency conducting immigration enforcement” in lieu of the term “immigration authority.”
- 2) Clarifies that these requirements not be construed to limit an LEA’s or school official’s right to consult with counsel or challenge the validity of a warrant, subpoena, or court order in a court of competent jurisdiction.
- 3) Removes references to “exigent circumstances necessitating immediate action” in relation to the prohibition of school officials and employees allowing an immigration authority to enter a nonpublic area of a schoolsite without a valid judicial warrant or court order.
- 4) Requires the Attorney General (AG) to update the model policies limiting assistance with immigration enforcement at public schools by December 1, 2025, and requires LEAs to update their policies by March 1, 2026.
- 5) Specifies that 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.
- 6) Requires an LEA to maintain its policy on limiting assistance with immigration enforcement, update the policy as necessary, and make the policy available to the California Department of Education (CDE) upon request and specifies that LEAs may be subject to specified monitoring and auditing by the CDE to ensure compliance with this requirement.
- 7) States that 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. States that 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.

8) Makes other technical and clarifying changes.

COMMENTS

Immigration status among California students and parents. According to the Public Policy Institute of California (PPIC), an estimated 133,000 California public school students are undocumented. Almost one in eight students—about 750,000 young people—have at least one parent who is undocumented; the ratio is higher if it includes grandparents, aunts and uncles, cousins, neighbors, and friends. California also has the second largest population of unaccompanied minors in the United States—nearly 100,000 in 2024. These children are required to enroll in school while navigating deportation proceedings.

Right to public education. The U.S. Supreme Court, in a 1982 decision, *Plyler v. Doe*, upheld the right of undocumented children to free public education. The lawsuit stemmed from a 1975 Texas law that authorized school districts to deny enrollment of children and withhold state funds for the education of children not legally admitted to the U.S. The Supreme Court argued that the denial of public education would be a violation of the U.S. Constitution's Fourteenth Amendment, which does not allow states to deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

Harm to children from immigration enforcement. According to a report from the Center for American Progress, it is not simply enforcement actions themselves, such as detentions, deportations, raids, or traffic stops, that affect undocumented immigrants and their communities, but also the fear of enforcement actions. The expansion of immigration enforcement pushes even those with legal status to fear that their loved ones could be deported. This fear can take many forms, such as individuals refusing to leave their homes or take their children to school due to an impending raid. Within the school, these actions instill fear in young people and their families, making them perceive schools as a place where family members may be detained. In some cases, ICE officers detained parents after they dropped their children off at school. Students may underperform or exit school early based on fears of detention or the knowledge that, without legal status, access to higher education and a good job are inaccessible. (Center for American Progress, 2012)

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.”

Arguments in Support

According to the California Alliance of Child and Family Services, “Concerns about increased immigration enforcement near sensitive locations, such as schools and childcare centers, can create fear and uncertainty among immigrant families. The Trump administration's threats to

intensify deportations and reconsider protections for these areas amplify anxieties during his upcoming tenure. Schools should continue to serve as places where children can learn and thrive without fear, regardless of their or their family's immigration status.

AB 49 strengthens these protections for undocumented students and their families by codifying the California Attorney General's model policies, which aim to restrict the involvement of schools in immigration enforcement activities. These policies ensure that federal immigration agents cannot detain undocumented students or their families on or near school property without proper judicial warrants or legal authority.

Schools are one of the last places immigrant families feel safe. 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. Students cannot learn if they are under threat of deportation or separation from their family members. Children should not be afraid to come to school, and parents should not be afraid to send their children to school.”

Arguments in Opposition

An individual writes, “The immigration authorities are well within their rights to enter school property – be it either public or private school – and remove illegal aliens for deportation. AB 49 should be voted down and the illegal aliens should be deported. With so many unknowns about these people, being safe rather than sorry is the logical and proper course of action.”

FISCAL COMMENTS

According to the Senate Appropriations Committee:

- 1) 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.
- 2) 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.

VOTES:

ASM EDUCATION: 7-2-0

YES: Muratsuchi, Addis, Alvarez, Bonta, Garcia, Lowenthal, Patel

NO: Hoover, Castillo

ASM JUDICIARY: 8-2-2

YES: Kalra, Bryan, Connolly, Harabedian, Pacheco, Papan, Stefani, Zbur

NO: Dixon, Sanchez

ABS, ABST OR NV: Bauer-Kahan, Macedo

ASM APPROPRIATIONS: 11-4-0

YES: Wicks, Arambula, Calderon, Caloza, Elhawary, Fong, Mark González, Hart, Pacheco, Pellerin, Solache

NO: Sanchez, Dixon, Ta, Tangipa

ASSEMBLY FLOOR: 62-9-8

YES: 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

NO: DeMaio, Ellis, Gallagher, Hadwick, Hoover, Patterson, Sanchez, Ta, Tangipa

ABS, ABST OR NV: Castillo, Chen, Dixon, Flora, Jeff Gonzalez, Lackey, Macedo, Nguyen

UPDATED

VERSION: August 26, 2025

CONSULTANT: Debbie Look / ED. / (916) 319-2087

FN: 0001534