

SENATE THIRD READING
SB 98 (Pérez)
As Amended August 28, 2025
2/3 vote. Urgency

SUMMARY

Requires the governing boards of school districts and county offices of education, and the governing boards of charter schools, to include procedures for notifying parents and school staff when immigration enforcement is confirmed on the school site within the school safety plan. Requires the California State University (CSU), each California Community College (CCC) District (CCD), and each Cal Grant qualifying independent institution of higher education and requests the University of California (UC) Regents to issue a notification to specified individuals when the presence of immigration enforcement is confirmed on their respective campuses or schoolsites. This measure contains an urgency clause and is effective through January 1, 2031.

Major Provisions

- 1) Requires when a comprehensive school safety plan is next reviewed on or before March 1, 2026 through January 1, 2031, it include procedures to notify parents and guardians, teachers, administrators, and other school personnel when the school confirms the presence of immigration enforcement on the schoolsite.
- 2) Requires the content and timing of the notification to consider the safety and well-being of the students, employees, and community members of the schoolsite in the issuing of such notifications.
- 3) Authorizes the notification to include a hyperlink to additional resources for families with information about their educational rights, state laws that protect parents' and students' privacy and confidentiality, and, if available, counseling or support services.
- 4) Applies the notification requirements to charter schools through January 1, 2031.
- 5) Requires the CSU Trustees, each CCD governing board, and an independent institution of higher education that is a Cal Grant qualifying institution, through January 1, 2031, to notify all students, faculty, and other campus community members who work on campus when the presence of immigration enforcement at a campus is confirmed, to the fullest extent consistent with state and federal law.
- 6) Requires the notifications in (1) and (5) to include all of the following:
 - a) The date and time the immigration enforcement was confirmed;
 - b) The location of the confirmed immigration enforcement; and
 - c) A hyperlink to additional resources, including model policies related to immigration enforcement adopted by the LEA.
- 7) Prohibits the notifications from including any personally identifiable information.

- 8) Specifies that these provisions do not prohibit the governing board or body of an LEA from establishing stronger standards or protections.
- 9) Defines "immigration enforcement" as any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal civil immigration law, and also includes 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 (U.S.).
- 10) Is an urgency statute in order to ensure the safety of all students, faculty, and staff by preventing panic and to promote a greater sense of calm and security on schoolsites and campuses.

COMMENTS

New federal policy on immigration enforcement in schools. Since 1993, the Department of Homeland Security (DHS), formerly known as the Immigration and Naturalization Service, has had a policy to "attempt to avoid apprehension of persons and to tightly control investigative operations on the premises of schools, places of worship, funerals and other religious ceremonies." In 2011, the DHS reaffirmed the policy of avoiding enforcement actions at "sensitive locations" such as schools and churches, unless exigent circumstances exist, a law enforcement action leads to a sensitive location, or prior approval is obtained.

A 2021 memo from the U.S. DHS reiterated guidance for Immigration and Customs Enforcement (ICE) and Customs and Border Protection (CBP) in or near sensitive locations and included the following statement:

To the fullest extent possible, we should not take an enforcement action in or near a location that would restrain people's access to essential services or engagement in essential activities. Such a location is referred to as a protected area.

The memo includes examples of protected areas, including "a school, such as a pre-school, primary or secondary school, vocational or trade school, or college or university." It also included "a place where children gather, such as a playground, recreation center, childcare center, before- or after-school care center, foster care facility, group home for children, or school bus stop."

A communication from the U.S. Department of Justice issued on January 21, 2025, rescinded guidelines for ICE and CBP enforcement actions that prohibit law enforcement activity in or near so-called "sensitive areas." The memo notes that federal law prohibits state and local actors from resisting, obstructing, and otherwise failing to comply with lawful immigration-related commands and requests. A DHS spokesperson noted, "Criminals will no longer be able to hide in America's schools and churches to avoid arrest. The Trump Administration will not tie the hands of our brave law enforcement, and instead trusts them to use common sense."

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.

As of 2024, there are an estimated 408,000 undocumented students enrolled in colleges and universities across the United States. Of these students, 182,000 are students with Deferred Action for Childhood Arrivals (DACA), or who are eligible for DACA.

According to the Author

According to the author, "Ensuring access to education in a safe space for all students is largely a state responsibility. Unfortunately, school campuses have begun to see an increased presence of immigration enforcement entities on campuses. The presence of immigration enforcement on campus can have detrimental effects on the student body and staff – especially for those who may be undocumented or otherwise without permanent status. A 2018 study from the American Psychological Association found that immigrant youth, especially those in mixed-status families, experience higher levels of anxiety and depression due to fears of deportation and family separation.

Although schools and higher education institutions in California have guidelines for individuals on their rights and how to engage with immigration enforcement agents when they are present on campus, there are no requirements for school or campus administration to inform the campus community of their presence on campus.

SB 98 addresses the aforementioned gap by requiring that students and the school are notified of immigration enforcement on campus. These timely notifications are imperative for schools to be able to prevent panic, promote a sense of security, and maintain an environment where all students— regardless of immigration status—feel safe and supported. This bill will give students and educators peace of mind in the classroom while also maintaining the state's commitment that educational institutions are safe places where students can learn, teachers can educate, and schools can be a place exclusively dedicated to teaching and uplifting the next generation."

Arguments in Support

The Fresno Unified School District writes, "The presence of immigration enforcement officers can have detrimental effects on the student body and staff. Although schools and higher education institutions in California have guidelines for individuals on their rights and how to engage with immigration enforcement agents when they are present on campus, there are no requirements for school or campus administration to inform the campus community of their presence on campus.

SB 98 addresses this gap by requiring that the school community is notified of confirmed immigration enforcement efforts on campus. These notifications are important for schools to be able to prevent panic, promote a sense of security, and maintain an environment where all students—regardless of immigration status—feel safe and supported.

This bill will give students and educators peace of mind in the classroom while also maintaining the state's commitment that educational institutions are safe places where students can learn, teachers can educate, and schools can be a place exclusively dedicated to teaching and uplifting the next generation."

Arguments in Opposition

An individual writes, "Immigration officers are legally permitted to enforce the law in any location. This does nothing but hamper enforcement and endanger officers."

FISCAL COMMENTS

- 1) Collectively statewide, to develop and update the necessary policies, training, and technology systems to ensure all students, faculty, and staff are notified regarding the presence of federal immigration authorities. This estimate assumes a cost of \$16,000 to \$24,000 per community college district to perform these tasks and primarily consists of updating existing protocols and procedures regarding immigration enforcement actions and clarifying the responsibilities of the district chancellor or college president.
- 2) One-time Proposition 98 General Fund costs of an unknown but potentially significant amount for public schools to incorporate immigration enforcement notification procedures into their comprehensive school safety plans pursuant to the requirements of the bill as proposed to be amended.

If each of the state's approximate total of 2,300 LEAs incur costs of \$250 on average to update policies or resources to comply with this bill, total costs statewide would be around \$1.2 million.

- 3) The UC and CSU indicate that any costs resulting from the bill would be minor and absorbable within existing resources.

VOTES

SENATE FLOOR: 29-8-3

YES: Allen, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Cortese, Durazo, Gonzalez, Grayson, Laird, Limón, McGuire, McNerney, Menjivar, Ochoa Bogh, Padilla, Pérez, Richardson, Rubio, Smallwood-Cuevas, Stern, Umberg, Wahab, Weber Pierson, Wiener

NO: Alvarado-Gil, Choi, Dahle, Grove, Jones, Seyarto, Strickland, Valladares

ABS, ABST OR NV: Hurtado, Niello, Reyes

ASM EDUCATION: 7-2-0

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

NO: Hoover, Castillo

ASM HIGHER EDUCATION: 7-2-1

YES: Fong, Boerner, Jackson, Muratsuchi, Patel, Celeste Rodriguez, Sharp-Collins

NO: DeMaio, Tangipa

ABS, ABST OR NV: Jeff Gonzalez

ASM APPROPRIATIONS: 11-3-1

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

NO: Dixon, Ta, Tangipa

ABS, ABST OR NV: Jeff Gonzalez

UPDATED

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

FN: 0001291