

Date of Hearing: March 26, 2025

ASSEMBLY COMMITTEE ON EDUCATION
Al Muratsuchi, Chair
AB 419 (Connolly) – As Amended February 19, 2025

[Note: This bill is double referred to the Assembly Judiciary Committee and will be heard by that Committee as it relates to issues under its jurisdiction.]

SUBJECT: Educational equity: immigration enforcement

SUMMARY: Requires local educational agencies (LEAs) to post specified information about immigration enforcement actions at California schools on its website and the website of each school within the LEA in English and any additional languages that a school is required to provide translated documents. Specifically, **this bill:**

- 1) Requires LEAs, in providing information to parents and guardians regarding their child’s rights to a free public education regardless of immigration status, to include a document developed by the Attorney General (AG) known as “Know Your Education Rights: Immigration-Enforcement Actions at California Schools: Guide for Students and Families.”
- 2) Authorizes this information to be provided as part of the annual notification process or any other cost-effective means, as determined by the LEA.
- 3) Requires each LEA to post the guide in the administrative buildings of each schoolsite and to post the guide on its website and on the websites of each of its schools in English and any languages other than English that a school is required to provide translated documents.

EXISTING LAW:

- 1) States that it is the policy of the State of California to afford all persons in public schools, regardless of their disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code, including immigration status, equal rights and opportunities in the educational institutions of the state. (Education Code (EC) 200)
- 2) Prohibits discrimination on the basis of disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code, including immigration status, in any program or activity conducted by an educational institution that receives, or benefits from, state financial assistance or enrolls students who receive state student financial aid. (EC 220)
- 3) Establishes the Safe Place to Learn Act which requires the California Department of Education (CDE) to assess whether LEAs have adopted a policy prohibiting discrimination, harassment, intimidation, and bullying based on specified characteristics, including immigration status, and established a process for receiving and investigating complaints of discrimination, harassment, intimidation and bullying based on those characteristics. (EC 234.1)

- 4) Prohibits school officials and employees of an LEA from collecting information or documents regarding citizenship or immigration status of students or their family members except as required by state or federal law, or as required to administer a state or federally supported educational program. (EC 234.7)
- 5) Requires a superintendent of a school district or county office of education (COE), or principal of a charter school to report to their respective governing board or body of the LEA of 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 and requires the reporting to ensure the confidentiality and privacy of any identifying information. (EC 234.7)
- 6) Requires schools to exhaust any parental instruction relating to a student's care in the emergency contact information it has for the student in the event that a student's parent or guardian is not available to care for the student. (EC 234.7)
- 7) Encourages schools to work with parents or guardians to update the emergency contact information and not to contact Child Protective Services (CPS) to arrange for the pupil's care when the parent or guardian is unavailable, unless the school is unable to arrange for care through the use of emergency contact information or other information or instructions provided by the parent or guardian. (EC 234.7)
- 8) Requires LEAs to:
 - a) Provide information to parents and guardians regarding their children's right to a free public education, regardless of immigration status or religious beliefs. This includes information relating to "know your rights" immigration enforcement established by the AG and may be provided in the annual notification to parents and guardians or any other cost-effective means determined by the LEA; and
 - b) Educate pupils about the negative impact of bullying other pupils based on their actual or perceived immigration status or their religious beliefs and customs.
- 9) Requires the AG, in consultation with stakeholders, to publish model policies limiting assistance with immigration enforcement at public schools, to the fullest extent possible consistent with federal and state law by April 1, 2018. Requires the AG to consider all of the following issues in developing the model policies:
 - 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 the COE or the principal of the charter school if an individual requests or gains access to school grounds for purposes related to immigration enforcement; and
 - c) Procedures for responding to requests for personal information about students or their family members for purposes of immigration enforcement. (EC 234.7)
- 10) Requires all LEAs to adopt the model policies developed by the AG by July 1, 2018. (EC 234.7)

- 11) Requires schools and school districts to provide all notices, reports, statements, or records sent to parents or guardians of enrolled students to be written in the primary language of the family if 15% or more of the students enrolled in the school speak a language other than English. (EC 48985)

FISCAL EFFECT: The Office of Legislative Counsel has keyed this as a possible state-mandated local program.

COMMENTS:

Need for the bill. According to the author, “Every child in California deserves to pursue a public education without fear. In light of recent federal direction to conduct immigration enforcement even in locations like schools, hospitals, and places of worship, students should be aware of the confidentiality of their personal information and armed with resources for emergencies. This legislation will ensure that immigrant students and families know what their rights are, what information is required for school enrollment, and what steps can be taken to protect sensitive information about students and families.”

This bill would require LEAs to provide information to parents regarding their childrens’ rights to a free public education regardless of immigration status as an informational guide, “Know Your Education Rights: Immigration-Enforcement Actions at California Schools: Guide for Students and Families. Would also require schools to post this information on their websites, including in major languages spoken by students enrolled in the school.

Immigration status among California children and parents. Approximately 4.2 million children in California had at least one immigrant parent in 2017-18, according to the Urban Institute. Of these children, 93% are U.S. citizens. Over 1 million children in California have at least one undocumented parent.

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.

In 1994, Proposition 187 was a statewide initiative that would have prohibited public health, social services, and education to undocumented immigrants and would have required law enforcement, teachers, social service, and healthcare workers to verify a person's immigration status. A federal judge found the initiative unconstitutional.

Immigration enforcement changes. A 2021 memo from the U.S. Department of Homeland Security (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.”

An updated memo from the U.S. Department of Justice was issued on January 21, 2025 rescinding 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.”

Harm to children from immigration enforcement. It is not simply enforcement actions themselves, such as detentions, deportations, raids, or traffic stops, that affect undocumented immigrants and their communities, but it is 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 houses or take their children to school because of an impending raid. Within the school, these actions make young people and their families fear 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, higher education and a good job are inaccessible. (Center for American Progress, 2012)

This report further notes that “some youth, particularly those whose parents are undocumented, learn early on that their undocumented status makes them different, vulnerable, and even suspect. This is especially driven home by nervous parents who, when fearful of deportation, may not take their children, including U.S.-born children, to school. Even though research by the Urban Institute found that schools provide a “safe haven” for children who have lost a family member to immigration enforcement, helping these students cope and adjust, the schools can only provide these functions when parents feel comfortable enough to send their children, not fearing immigration reprisal.” (Center for American Progress, 2012)

In addition to impacts on a child's schooling, “families may avoid interacting with officials in social service agencies, even when this means denying children the social, medical, and educational services they need and are entitled to. In the process, children learn to be fearful of authorities who may, at any moment during a regular activity such as attending school, separate them from their families or send them to a country they do not remember or simply do not know.” (Center for American Progress, 2012)

California AG's guidance to schools regarding immigration enforcement. In response to concerns regarding immigration enforcement at schools, the California AG released updated guidance to students, families, and school officials on February 4, 2025, noting that “schools are

meant to be a safe place for children to learn and grow. Unfortunately, the President's recent orders have created fear and uncertainty in our immigrant communities. My office is committed to ensuring our educators have the tools and knowledge they need to respond appropriately if immigration officers come to their campus – and that immigrant students and families understand their rights and protections under the law.”

The guidance advises the following actions if an immigration officer comes to campus:

- a) Notify the designated LEA administrator of the request, and advise the immigration officer that, before proceeding with the request, and absent exigent circumstances, you must first receive direction from the LEA administrator;
- b) Ask to see, and make a copy of or note, the officer's credentials (name and badge number), and the phone number of his/her supervisor;
- c) Ask the officer for his/her reason for being on school grounds and to produce any documentation that authorizes school access. Make a copy of all documents provided by the officer;
- d) If the officer does not declare that exigent circumstances exist, respond according to the requirements of the officer's documentation;
- e) While you should not consent to access by an immigration enforcement officer unless he/she declares exigent circumstances or has a federal judicial warrant, do not attempt to physically impede an officer, even if he/she appears to lack authorization to enter. If an officer enters the premises without consent, document his/her actions while on campus;
- f) Notify parents or guardians as soon as possible (unless prevented by a judicial warrant or subpoena), and do so before an officer questions or removes a student for immigration-enforcement purposes (unless a judicial warrant has been presented);
- g) Provide a copy of those notes, and associated documents collected from the officer to the LEA's legal counsel, Superintendent, or other designated administrator; and
- h) Apprise the California Department of Justice (DOJ) of any attempt by a law-enforcement officer to access a school site or a student for immigration-enforcement purposes.

The California DOJ's website includes a guide for students and families in multiple languages. This bill would require that this guide be posted on school and school district websites.

Arguments in support. The Multicultural Center of Marin writes, “When students are removed from school or placed in a different academic environment due to fear of immigration action, academic performance, attendance, and student achievement often suffer. Aggressive immigration policy can set back educational achievement, and this is exacerbated in situations where students already need extra support. Undocumented students and students in mixed-status families often already face disadvantages related to language and income, and these struggles are worsened by the added obstacle of adjusting to a new academic environment. Every child deserves a public education without fear, and this bill is a step to give immigrant students and families the tools needed to navigate these changing times.”

Related legislation. AB 49 (Muratsuchi) of the 2025-26 Session would prohibit public school employees and officials from allowing United States Immigration and Customs Enforcement (ICE) officers or employees from entering schoolsites or childcare centers without valid identification, a written statement of purpose, a valid judicial warrant, and permission from the superintendent of the school district or county office of education, the principal of a charter school, or the director of the childcare center. Also requires that ICE officers meeting these requirements be limited to accessing facilities where children are not present.

SB 48 (Lena Gonzalez) of the 2025-26 Session, would prohibit an LEA and its personnel from granting permission to a United States Immigration and Customs Enforcement (ICE) officer or other federal official engaged in immigration enforcement to access a school campus without a judicial warrant, requires the LEA to have the denial of permission for access witnessed and documented, and prohibits an LEA from disclosing the education records of a student or information about a student's family, school employee to an ICE officer without a judicial warrant and the written consent of the student's parent. Also prohibits California law enforcement agencies from collaborating with, or providing information on students or school employees to, immigration authorities within one mile of a schoolsite.

SB 98 (Pérez) of the 2025-26 Session would require the governing boards of LEAs, the California State University, each California Community College District, and each Cal Grant qualifying independent institution of higher education and requests the University of California Regents to issue a notification to specified individuals when the presence of immigration enforcement is confirmed on their respective campuses or schoolsites.

AB 1348 (Bains) of the 2025-26 Session, would add immigration enforcement activities to the list of specified emergency situations a school district, COE, or charter school may use to obtain approval of attendance and instructional time credit from the SPI when one or more schools are closed, when schools are kept open but experienced a material decrease in attendance, or when attendance records are lost or destroyed.

AB 699 (O'Donnell) Chapter 493, Statutes of 2017, requires the AG to publish model policies limiting assistance with immigration enforcement at public schools, requires LEAs to adopt the model policies or equivalent policies, and provides education and support to immigrant students and their families.

SB 54 (De León) Chapter 495, Statutes of 2017, limits the involvement of state and local law enforcement agencies in federal immigration enforcement.

REGISTERED SUPPORT / OPPOSITION:

Support

California Alliance of Child and Family Services
 California Association for Bilingual Education
 California Catholic Conference
 California Federation of Labor Unions
 California State Council of Service Employees International Union
 California Undocumented Higher Education Coalition
 Californians Together
 CFT- a Union of Educators & Classified Professionals

County of Marin
Los Angeles County Office of Education
The Multicultural Center of Marin

Opposition

None on file

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