

Date of Hearing: April 9, 2025

ASSEMBLY COMMITTEE ON EDUCATION
Al Muratsuchi, Chair
AB 49 (Muratsuchi) – As Amended April 2, 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: Schoolsites: immigration enforcement

SUMMARY: Prohibits public school employees and officials from allowing an officer or employee of an agency conducting immigration enforcement from entering schoolsites without valid identification and a valid, signed judicial warrant, and having received approval from the superintendent of the school district or county office of education (COE), or the principal of a charter school. Also requires that officers or employees of the agency conducting immigration enforcement who meet these requirements be limited to accessing facilities where students are not present. Specifically, **this bill:**

- 1) Establishes the California Safe Haven Schools Act.
- 2) Prohibits public school employees and officials of a local educational agency (LEA), except as required by state or federal law, from allowing an officer or employee of an agency conducting immigration enforcement from entering schoolsites without valid identification and a valid, signed judicial warrant, and having received approval from the superintendent of the school district or COE, or the principal of a charter school.
- 3) Requires that officers or employees of the agency conducting immigration enforcement who meet these requirements be limited to accessing facilities where students are not present.
- 4) Expresses the intent of the Legislature to safeguard students' rights to free, public education regardless of their or their family's immigration status; reaffirm California's position to provide a safe, secure, and peaceful environment for all students to learn; require that LEAs limit their assistance with immigration enforcement agencies where students are present to the fullest extent possible, consistent with federal and state law; and ensure immigration enforcement is restricted to areas where children are not present.
- 5) Makes other technical and clarifying amendments.

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) Section 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, 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 Section 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 Section 234.1)
- 4) Prohibits LEAs from collecting information or documents regarding citizenship or immigration status of students or their family members. (EC 234.7)
- 5) Requires the superintendent of a school district or COE and the principal of a charter school to report to the respective governing board or body of the LEA any requests for information or access to a schoolsite by a law enforcement official for the purpose of enforcing the immigration laws in a manner that ensures the confidentiality and privacy of any potentially identifying information. (EC 234.7)
- 6) Requires that if a school employee is aware that a student's parent or guardian is not available to care for them, the school first exhausts any parental instruction relating to the student's care in the emergency contact information it has to arrange for the student's care. Encourages schools to work with parents or guardians to update the emergency contact information and not to contact Child Protective Services to arrange for the student's care 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)
- 7) 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 Attorney General (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. (EC 234.7)
- 8) 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)

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, “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.”

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 more recent communication from the U.S. Department of Justice was issued on January 21, 2025, which 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 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 approved by the voters. It would have prohibited the provision of 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.

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 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 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)

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

The initial guidance issued by the AG was released on March 30, 2018 to help California's public K-12 schools and other LEAs to develop policies to protect the rights of undocumented students and their families. The guide was designed to help schools better understand protections that safeguard the privacy of undocumented students and their families, and to serve as a model for local school districts.

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.

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.”

Recommended Committee Amendments. *Staff recommends that the bill be amended as follows:*

- 1) Remove that a valid judicial warrant be signed.
- 2) Remove the requirement to receive approval from the Superintendent of the school district or COE or principal of the charter school prior to granting access to an immigration officer.
- 3) Add “court order” or “exigent circumstances necessitating immediate action” to the conditions granting access to an immigration officer.
- 4) Add an urgency clause at the request of the author.
- 5) Add co-authors.

Related legislation. SB 48 (Gonzalez) of the 2025-26 Session, an urgency measure, would prohibit an LEA from granting an ICE officer permission to access a school campus without a judicial warrant and would require an LEA to have the denial of permission for access witnessed and documented, to the extent possible. Prohibits an LEA from disclosing or providing the education records or any information about a student or their family to an ICE officer without a judicial warrant and the written consent of the student’s parent or guardian. Also prohibits California law enforcement agencies from collaborating with, or providing information about,

students or their families, or school employees, to immigration authorities during immigration enforcement actions taking place 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 495 (Celeste Rodriguez) of the 2025-26 Session encourages schools to work with parents or guardians to update their student's emergency contact information; provide information to parents, including the AG's guidance on responding to immigration issues, as well as information related to plans for family safety; and require LEAs to revise their model policies on responding to immigration enforcement as necessary to align with updates to the model policies developed by the AG. The bill also establishes the Family Preparedness Plan Act of 2025 and authorizes a court to appoint guardians of a minor when the parent is temporarily unavailable to care for the child due to immigration administrative actions. This bill would also prohibit licensed childcare facilities and employees of such facilities from collecting information or documents regarding citizenship or immigration status of children or their family members and require reporting to the Department of Social Services and the AG of any requests for information or access to the facility by an officer or employee of a law enforcement agency conducting immigration enforcement actions. The bill also requires the AG, by April 1, 2026, to publish model policies limiting assistance with immigration enforcement at childcare facilities and requires all licensed childcare facilities to adopt the model policies by July 1, 2026.

AB 419 (Connolly) of the 2025-26 Session requires 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.

AB 85 (Essayli) of the 2025-26 Session requires law enforcement officials to cooperate with immigration authorities by detaining and transferring an individual and providing release information if a person has been convicted of a felony.

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. Requires the AG to publish model policies limiting assistance with immigration enforcement to the fullest extent possible consistent with federal and state law at public schools, public libraries, health facilities operated by the state or a political subdivision of the state, courthouses, Division of Labor Standards Enforcement facilities, the Division of Workers Compensation, and shelters, and ensuring that they remain safe and accessible to all California residents, regardless of immigration status. Requires all public schools, health facilities operated by the state or a political subdivision of the state, and courthouses to implement the model policy or an equivalent policy.

REGISTERED SUPPORT / OPPOSITION:

Support

Alameda County Office of Education
Alliance College-ready Public Schools
Alum Rock Union Elementary School District
Asian Americans Advancing Justice Southern California
Berryessa Union School District
Bet Tzedek Legal Services
California Academy of Child and Adolescent Psychiatry
California Adult Education Administrators Association
California Alliance of Child and Family Services
California Association for Bilingual Education
California Association of Black Lawyers
California Catholic Conference
California Charter Schools Association
California Council for Adult Education
California County Superintendents
California Family Resource Association
California Healthy Nail Salons Collaborative
California Immigrant Policy Center
California School Employees Association
California State PTA
California Undocumented Higher Education Coalition
Californians for Justice
Californians Together
Cambrian School District
Campbell Union High School District
Center for Asian Americans in Action
CFT- a Union of Educators & Classified Professionals
Child Abuse Prevention Center and Its Affiliates Safe Kids California, Prevent Child Abuse
California and The California Family Resource Association
Child Care Resource Center
Children's Institute
Chinese for Affirmative Action/aacre
Christ United Presbyterian Church, San Francisco
Coalition for Humane Immigrant Rights
El Rancho Unified School District
First 5 Alameda County
First 5 Association of California
Fremont Union High School District
Fresno Unified School District
Friends Committee on Legislation of California
Hispanas Organized for Political Equality
Hmong Innovating Politics
Japanese American Citizens League - San Jose Chapter
Japanese American Citizens League - Watsonville- Santa Cruz Chapter
Japanese American Citizens League, Northern California-Western Nevada-Pacific

Japantown Task Force
Little Tokyo Service Center
Local Early Education Planning Council of Santa Clara County
Los Altos School District
Los Angeles County Democratic Party
Los Angeles County School Trustee Association
Milpitas Unified School District
Morgan Hill Unified School District
Mount Pleasant Elementary School District
Mountain View Los Altos High School District
Multi-faith Action Coalition
Nisei Farmers League
Oak Grove School District
Oakland Privacy
Orchard School District
Pacific Juvenile Defender Center
Pomona Unified School District
Public Advocates
Roosevelt Elementary School PTA
Santa Clara County Office of Education
Santa Clara County School Boards Association
Santa Clara Unified School District
Santa Monica Alternative Schoolhouse PTSA
Santa Monica Democratic Club
Secure Justice
Seneca Family of Agencies
Southeast Asia Resource Action Center
Sunnyvale School District
Teach Plus California
The Education Trust - West
The Lincoln Middle School Parent-teachers Association
Thirty-third District PTA
Over 800 individuals

Opposition

Eight individuals

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