

Date of Hearing: July 2, 2025

ASSEMBLY COMMITTEE ON EDUCATION
Al Muratsuchi, Chair
SB 48 (Gonzalez) – As Amended April 23, 2025

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

SENATE VOTE:

SUBJECT: Immigration enforcement: schoolsites: prohibitions on access, sharing information, and law enforcement collaboration.

SUMMARY: Prohibits, to the extent possible, a local educational agency's (LEA) personnel from allowing an officer or employee of an agency conducting immigration enforcement from entering schoolsites without a valid judicial warrant or court order, prohibits LEAs from disclosing personal information to immigration authorities without a valid warrant or court order, and requires the Attorney General (AG) to publish model policies for schools on responding to immigration enforcement. Specifically, **this bill:**

- 1) Prohibits LEAs and their employees from granting permission to an immigration authority to access the nonpublic areas of a schoolsite, producing a student for questioning by an immigration authority, or consenting to a search of any kind of the nonpublic areas of a schoolsite by an immigration authority, without a valid judicial warrant or court order.
- 2) Requires the LEA and its personnel to do all of the following if an immigration authority does not have a valid judicial warrant or court order:
 - a) As early as possible, notify the designated LEA administrator of the request;
 - b) Deny the immigration authority access to the nonpublic areas of the schoolsite; and
 - c) Make a reasonable effort to have the denial witnessed and documented.
- 3) Requires the LEA and its personnel to request valid personal identification and a written statement of purposes, to notify the designated LEA administrator of the request and receive direction before providing access to the schoolsite or student, if an immigration authority presents a valid judicial warrant or court order to access a schoolsite, question a student, or conduct a search at the schoolsite.
- 4) Prohibits LEAs and their employees from disclosing the education records of or any information about a student, their family and household, school employee, or teacher, as specified, without a valid judicial warrant or court order. Specifies that any disclosure of a pupil's education records pursuant to a valid judicial warrant or court order must satisfy the parent notification requirements of the federal Family Educational Rights and Privacy Act of 1974 (FERPA).
- 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 of an individual, or from requesting from federal immigration authorities the immigration status information of any individual, or maintaining or exchanging that information with any other federal, state, or local governmental entity.

- 6) Requires the Attorney General (AG) to publish model policies to assist K-12 schools in responding to immigration issues.
- 7) Defines the following terms for purposes of this section:
 - a) “Immigration authority” as any federal, state, or local officer, employee, or person performing immigration enforcement functions.
 - b) “Immigration enforcement” as any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal civil immigration law, and 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.
 - c) “Local educational agency (LEA)” as a school district, county office of education (COE), or charter school.
 - d) “Schoolsite” as an individual school campus of a school district, COE, or charter school, an area where an LEA’s school-sponsored activity is currently being held, or a school bus or other transportation provided by an LEA.
- 8) Specifies that this is an urgency measure to ensure that schools continue to provide children and their families guaranteed access to school campuses without contributing to fear of deportation, harassment, or intimidation by immigration authorities and to retain critically needed attendance-based funding.

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 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 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. (EC 234.7)
- 7) 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: According to the Senate Appropriations Committee:

- 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 of \$1,000 for each LEA, the one-time Proposition 98 General Fund costs would be in the low millions of dollars statewide; and

- The AG could incur one-time General Fund costs, potentially in the low hundreds of thousands of dollars, to develop and publish model policies for school districts.

COMMENTS:

Need for the bill. According to the author, “All children, regardless of immigration status, have the constitutional right to a free education. With each day that passes, the federal government’s efforts to target immigrant communities further jeopardize California’s ability to uphold that constitutional right.

Raids and threats of deportation across our state have ignited fear and anxiety among families. Parents are scared to send their children to school, and children themselves are fearful that they will return home after the school day to never to see their loved ones again. These actions have alarming impacts on student learning, mental health, well-being, and attendance—which in turn impacts school funding and the quality of education students receive. Our schools must not be a battleground for immigration enforcement. Senate Bill 48 sends a clear message: California is committed to protecting our students and their families.

Specifically, SB 48 would prevent school personnel from permitting immigration law enforcement officers access to a school campus without a judicial warrant. The bill will also prevent school personnel from disclosing educational records or any information about a pupil, pupil’s family and household, school employees, or teacher to an immigration law enforcement officer without a judicial warrant.

Schools shape the next generation of leaders and must continue to be a safe, nurturing environment for students to learn and grow together—without disruption and without living in fear that their families will be torn apart.”

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.

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 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 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. Disability Rights California writes, "The U.S. Supreme Court has long guaranteed that all children have a right to a free public education, regardless of immigration status. California has taken several steps to protect this right, including limiting when immigration or citizenship status information about pupils and their families can be collected by school officials, as well as prohibiting the use of state and local law enforcement agencies and school police from engaging in immigration enforcement, except in narrow circumstances.

While these laws have strengthened student safety, fear among the undocumented community persists. Immigration raids near school campuses cause fear among vulnerable communities, and consequently, parents are less likely to feel safe sending their children to school. California schools are working hard on addressing chronic school absenteeism, and threats of immigration raids will greatly undo this work, thereby threatening attendance-based school funding and the quality of education provided

SB 48 will strengthen California's ability to provide a safe and supportive learning environment for students, regardless of their immigration status. Specifically, the bill will prevent an LEA and its staff from granting federal Immigration and Customs Enforcement (ICE) officers permission to access a school campus without a judicial warrant. The bill also prevents LEA personnel from disclosing the education records or any information—formal or informal—about a pupil, pupil's family and household, school employee, or teacher to an ICE officer without a judicial warrant. Finally, SB 48 will establish a one-mile radius around a school site, restricting local law enforcement agencies from cooperating with federal immigration enforcement officers within that zone.

Students and members of mixed-status families are currently facing increased fear of deportation, and the recent immigration raids in the state are only the beginning of the incoming administration's anti-immigrant agenda. Schools must remain a safe space for all students to learn and thrive. Protecting school environments from immigration enforcement is not only a matter of educational access but also one of disability rights and equity."

Arguments in opposition. The United Administrators Southern California writes, "UASC is concerned for our staff when a federal agent appears at our school sites with a valid warrant, signed by a judge, to enter the site or view records. However, they are told to wait until they locate and receive authorization to honor a valid warrant. As we have witnessed, if the Trump Administration is willing to arrest and prosecute a judge who interferes with immigration officials, they will not hesitate to prosecute a school secretary who is following state law. To an immigration official with a valid warrant, failure to allow immediate access to the site or school records can be interpreted as an obstruction of justice and subject to arrest. For this concern,

UASC requests an amendment to remove the language on receiving authorization from the superintendent before allowing agents to follow a valid court order.”

Related legislation. AB 49 (Muratsuchi) of the 2024-25 Session would prohibit 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 judicial warrant, and having received approval from the superintendent of the school district or 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.

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 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
American Association of University Women
American Association of University Women - California
Aspire Public Schools
Bend the Arc: Jewish Action California
California Adult Education Administrators Association
California Association for Bilingual Education
California Association of Food Banks
California Behavioral Health Association
California Charter Schools Association
California Council for Adult Education
California County Superintendents
California Faculty Association
California Federation of Labor Unions
California Latino Legislative Caucus
California Primary Care Association
California School Employees Association
California State Council of Service Employees International Union
California Teachers Association
California Undocumented Higher Education Coalition
CFT-a Union of Educators & Classified Professionals
Children Now
City of Alameda
County of Alameda
County of Monterey
Democrats of Rossmoor
Disability Rights California
Drug Policy Alliance
Drug Policy Alliance
Electronic Frontier Foundation
Equality California
First 5 California
Friends Committee on Legislation of California
Hispanas Organized for Political Equality
Los Angeles County Office of Education
Los Angeles Unified School District
Multi-faith Action Coalition
Oakland Privacy
Oakland Unified School District
Partnership for Los Angeles Schools
San Francisco Unified School District
San Mateo; County of

School Employers Association of California
Secure Justice
Seneca Family of Agencies
The Education Trust - West
Western Center on Law & Poverty
6 Individuals

Opposition

United Administrators of Southern California
6 individuals

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