



Bill Text: CA SB48 | 2025-2026 | Regular Session | Amended California Senate Bill 48

Bill Title: Immigration enforcement: schoolsites: prohibitions on access and sharing information.

Spectrum: Partisan Bill (Democrat 13-0)

Status: (*Engrossed*) 2025-06-09 - Referred to Coms. on ED. and JUD. [SB48 Detail]

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AMENDED IN SENATE APRIL 23, 2025

AMENDED IN SENATE MARCH 24, 2025

CALIFORNIA LEGISLATURE— 2025–2026 REGULAR SESSION

SENATE BILL

NO. 48

Introduced by Senator Gonzalez
(Principal coauthors: Senators Caballero, Durazo, and Reyes)
(Principal coauthor: Assembly Member Muratsuchi)
(Coauthors: Senators Arreguín, Cortese, Pérez, and Rubio)
(Coauthors: Assembly Members Bonta, Mark González, Ortega, and Solache)

December 16, 2024

An act to add Section 234.8 to the Education Code, relating to immigration enforcement, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 48, as amended, Gonzalez. Immigration enforcement: schoolsites: prohibitions on access and sharing information.

Existing law prohibits, except as required by state or federal law or as required to administer a state- or federally supported educational program, school officials and employees of a school district, county office of education, or charter school from collecting information or documents regarding citizenship or immigration status of pupils or their family members.

This bill would prohibit school districts, county offices of education, or charter schools and their ~~personnel~~ *personnel, to the extent possible*, from granting permission to an immigration authority to access *the nonpublic areas of* a schoolsite, producing a pupil for questioning by an immigration authority at a schoolsite, or consenting to a search of any kind ~~at~~ *of the nonpublic areas of* a schoolsite by an immigration authority, unless the immigration authority presents a valid judicial warrant or court order. The bill would require a local educational agency and its personnel, when presented with a valid judicial warrant or court order to carry out the above-described actions, to (1) request valid identification and a written statement of purpose from the immigration authority and retain copies of those documents and (2), as early as possible, notify the designated local educational agency administrator of the request and advise the immigration authority that the local educational agency administrator is required to provide direction before access to the *nonpublic areas of a* schoolsite or pupil may be granted. The bill would require a local educational agency and its personnel, if an immigration authority does not present a valid judicial warrant or court order, to (1), as early as possible, notify the designated local educational agency administrator of the request, (2) deny the immigration authority access to the *nonpublic areas of the* schoolsite, and (3) make a reasonable effort to have the denial witnessed and documented. The bill would also prohibit a local educational agency and its personnel from disclosing or providing, in writing, verbally, or in any other manner, the education records of or any information about a pupil, pupil's family and household, school employee, or teacher to an immigration authority without a valid judicial warrant or court

order directing the local educational agency or its personnel to do so. The bill would also require the Attorney General to publish model policies to assist K–12 schools in responding to immigration issues pursuant to the above-described requirements. By imposing additional duties on local educational agencies, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

This bill would declare that it is to take effect immediately as an urgency statute.

Digest Key

Vote: 2/3 Appropriation: no Fiscal Committee: yes Local Program: yes

Bill Text

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. (a) The Legislature finds and declares all of the following:

- (1) Immigrant families are facing increased threats of deportation.
- (2) According to estimates as recent as 2022, 46 percent of California's 9 million children are part of immigrant families, 1 in 5 California children live in mixed-status families, and 93 percent of children in mixed-status families are United States citizens.
- (3) California schools report that immigration authorities have targeted and detained pupils' parents as they transport the pupils to or from school.
- (4) A report by the United Nations Educational, Scientific, and Cultural Organization found that in the United States, deportation fears have an impact on school attendance.
- (5) The United Nations Educational, Scientific, and Cultural Organization found that the fear is exacerbated if schools allow immigration authorities to search the facilities or collect immigration information on pupils.
- (6) A report by the California Advisory Committee to the United States Commission on Civil Rights found that an increase in families' fear of deportation has a "chilling effect on education for undocumented children and children of undocumented parents," resulting in decreased school attendance and school funding, which is intended to support all pupils.
- (7) Studies have also shown strong associations between increased immigration enforcement and increased absenteeism for Latinx pupils and children from immigrant families. This research also demonstrated that deportation threats have many effects on the academic success of Latinx pupils and pupils from immigrant families, including difficulties with concentration in school, lower achievement in mathematics, repeated grade levels, and an increase in dropout rates in some areas where intense immigration enforcement action takes place.
- (8) Current law guarantees that all children have a right to free public education, regardless of their immigration status, and a right to be in a public school learning environment that is free of discrimination, harassment, bullying, violence, or intimidation based on ethnicity, shared ancestry, or national origin.
- (9) The California Constitution provides all pupils and school personnel, regardless of immigration status, the inalienable right to attend campuses that are safe, secure, and peaceful.
- (10) Increases in school absenteeism cause school revenue to decline in California, where school funding is connected to pupil attendance.

(b) Therefore, it is the intent of the Legislature to do all of the following:

- (1) Keep California's educational resources and personnel focused on providing the stable and secure learning environment to which our pupils have a right regardless of their immigration status.
- (2) Protect needed school revenue that will be diminished as a result of immigration enforcement threats on or near school campuses. These deportation threats cause families, including families of citizens of the United States, to be afraid to send their pupils to school, thereby reducing school revenue and preventing pupils of all backgrounds from obtaining a quality education.
- (3) Assure California families that our schools are not in the business of immigration enforcement and that educational personnel can remain focused on providing quality education to pupils. Pupils' safety, well-being, and access to education are paramount. It is also critical to preserve school funding in the face of declining enrollment and other factors that reduce school revenue. By limiting interruptions in instructional time and fostering an environment where pupils feel safe learning, California will protect pupils, families, and school employees, and preserve schools' attendance-based revenue.

(4) Align state law and the Attorney General's guidance and model policies to assist California's K-12 schools in responding to immigration issues.

SEC. 2. Section 234.8 is added to the Education Code, immediately following Section 234.7, to read:

234.8. (a) (1) A local educational agency and its personnel shall ~~not~~ *not, to the extent possible*, do any of the following, unless pursuant to a valid judicial warrant or court order:

- (A) Grant permission to access *the nonpublic areas of* a schoolsite to an immigration authority.
- (B) Produce a pupil for questioning by an immigration authority at a schoolsite.
- (C) Consent to a search of any kind ~~at~~ *of the nonpublic areas of* a schoolsite by an immigration authority.

(2) If an immigration authority presents a valid judicial warrant or court order to access a schoolsite, have a pupil be produced for questioning at a schoolsite, or conduct a search of any kind at a schoolsite, then the responding local educational agency and its personnel shall do both of the following:

- (A) Request from the immigration authority valid personal identification and a written statement of purposes, and retain a copy of the provided documentation.
- (B) As early as possible, notify the designated local educational agency administrator of the request, and advise the immigration authority that the local educational agency administrator is required to provide direction before access to the schoolsite or pupil may be granted.

(3) If an immigration authority, without a valid judicial warrant or court order, requests access to *the nonpublic areas of* a schoolsite, requests a pupil be produced for questioning at a schoolsite, or demands to conduct a search of any kind ~~at~~ *of the nonpublic areas of* a schoolsite, then the responding local educational agency and its personnel shall do all of the following:

- (A) As early as possible, notify the designated local educational agency administrator of the request.
- (B) Deny the immigration authority access to the *nonpublic areas of the* schoolsite.
- (C) Make a reasonable effort to have the denial witnessed and documented.

(b) A local educational agency and its personnel shall not disclose or provide in writing, verbally, or in any other manner, the education records of or any information about a pupil, pupil's family and household, school employee, or teacher, including, but not limited to, personal information as defined in subdivision (a) of Section 1798.3 of the Civil Code, information about a pupil's home, and information about a pupil's travel schedule, to an immigration authority without a valid judicial warrant or court order directing the local educational agency or its personnel to do so. Any disclosure of a pupil's education records pursuant to a valid judicial warrant or court order shall satisfy the parent notification requirements pursuant to Section 99.31(a)(9)(ii) of Title 34 of the Code of Federal Regulations.

(c) For purposes of this section, the following definitions shall apply:

(1) "Immigration authority" means any federal, state, or local officer, employee, or person performing immigration enforcement functions.

(2) "Immigration enforcement" includes 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.

~~(2)~~

(3) "Local educational agency" means a school district, county office of education, or charter school.

~~(3)~~

(4) "Schoolsite" means an individual school campus of a school district, county office of education, or charter school, an area where a local educational agency's school-sponsored activity is currently being held, or a schoolbus or other transportation provided by a local educational agency.

(d) 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, pursuant to Sections 1373 and 1644 of Title 8 of the United States Code.

(e) The Attorney General shall publish model policies to assist K-12 schools in responding to immigration issues pursuant to the requirements of this section.

SEC. 3. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

SEC. 4. 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. The facts constituting the necessity are:

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, it is necessary that this act take effect immediately.