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AMENDED IN SENATE JUNE 23, 2025

AMENDED IN ASSEMBLY APRIL 21, 2025

AMENDED IN ASSEMBLY APRIL 2, 2025

CALIFORNIA LEGISLATURE—2025–26 REGULAR SESSION

ASSEMBLY BILL

No. 49

**Introduced by Assembly Members ~~Muratsuchi and Ortega~~
Muratsuchi, Ortega, and Celeste Rodriguez, and Senator Gonzalez
(Principal coauthors: Assembly Members Carrillo and Fong)
(Principal coauthor: Senator Gonzalez)
(Coauthors: Assembly Members Addis, Arambula, Bonta, Bryan,
Connolly, Elhawary, Mark González, Kalra, Lee, Lowenthal,
Quirk-Silva, ~~Celeste Rodriguez~~, Solache, Wilson, and Zbur)**

December 2, 2024

An act to amend Section 234.7 of the Education Code, relating to education, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 49, as amended, Muratsuchi. Schoolsites: immigration enforcement.

(1) 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. Existing law requires the superintendent of a school district, the superintendent of a county office of education, and the

principal of a charter school, as applicable, to report to the respective governing board or body of the local educational agency in a timely manner 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 in a manner that ensures the confidentiality and privacy of any potentially identifying information.

This bill would prohibit school officials and employees of a local educational agency from allowing an ~~officer or employee of an agency conducting immigration enforcement~~ immigration authority to enter a ~~nonpublic area of a schoolsite~~ for any purpose without providing valid identification and being presented with a valid judicial warrant or a court order, ~~unless exigent circumstances necessitate immediate action.~~ *order. The bill would require school officials and employees of a local educational agency, to the extent practicable, to request valid identification of any immigration authority seeking to enter a nonpublic area of a schoolsite. The bill would require the local educational agency, if the officer or employee meets those requirements, to limit access to facilities where pupils are not present. 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, a pupil's family and household, a school employee, or a teacher to an immigration authority without a valid judicial warrant or judicial subpoena, or court order directing the local educational agency or its personnel to do so. By imposing additional duties on local educational agencies, the bill would impose a state-mandated local program.*

(2) Existing law requires the Attorney General, by April 1, 2018, in consultation with the appropriate stakeholders, to publish model policies limiting assistance with immigration enforcement at public schools, to the fullest extent possible consistent with federal and state law, and ensuring that public schools remain safe and accessible to all California residents, regardless of immigration status, as provided. *Existing law requires local educational agencies, by July 1, 2018, to adopt those model policies developed by the Attorney General or equivalent policies.*

This bill would require the Attorney ~~General~~ General, by December 1, 2025, to update those model policies to ensure that the policies align with the above-described prohibition on school officials and employees of local educational agencies allowing ~~officers or employees of agencies conducting immigration enforcement~~ immigration authorities to enter a ~~nonpublic area of a schoolsite~~ without providing identification and

~~a valid judicial warrant or judicial subpoena, or a court order, and the above-described requirement that local educational agencies limit the access of those officers or employees to facilities where pupils are not present, as provided.~~ order, and requirements for local educational agencies, as provided. The bill also would require a local educational agency to update its model policy by March 1, 2026, and to make the policy available to the State Department of Education upon request. By imposing additional duties on local educational agencies, the bill would impose a state-mandated local program.

(3) This bill would make these provisions severable.

(3)

(4) 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.

(5) This bill would incorporate additional changes to Section 234.7 of the Education Code proposed by SB 98 to be operative only if this bill and SB 98 are enacted and this bill is enacted last.

(4)

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

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. This act shall be known, and may be cited, as the
2 California Safe Haven Schools Act.

3 SEC. 2. (a) The Legislature finds and declares all of the
4 following:

5 (1) California is home to 10,600,000 immigrants, with 49 percent
6 of these immigrants coming from Latin America and 41 percent
7 of them born in Asia.

8 (2) While over one-half of the state's immigrants are naturalized
9 as United States citizens, about 1,800,000 of these immigrants are
10 undocumented.

(3) In the 2017 federal fiscal year, during the first Trump administration, there was a 174-percent increase in deportations of immigrants with no criminal record.

(4) Research shows that the effects of immigration enforcement seriously hurt pupils' engagement and performance at school. Pupils coming from families with "likely unauthorized immigrants" have as much as a 25.2-percent increase in the probability of dropping out of school as enforcement increases. There is also a direct correlation between increased deportations within a school district and increased chronic absenteeism and achievements in math among pupils.

(5) When immigration enforcement agencies partner with law enforcement agencies to enforce immigration law, Hispanic pupil enrollment in our public schools is reduced by 7.3 percent. Additionally, these partnerships displace over 300,000 Hispanic pupils as enforcement causes these families to move away or prevents families from moving into these communities.

(6) The United States Supreme Court held in *Plyler v. Doe* (457 U.S. 202) that denying pupils who are undocumented immigrants a free public education, which is offered to other children who are citizens or documented immigrants, violates the equal protection clause of the Fourteenth Amendment to the United States Constitution.

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

(1) Safeguard pupils' right to free public education regardless of their, and their families', immigration status.

(2) Reaffirm California's position to provide a safe, secure, and peaceful environment for all pupils to learn.

(3) Declare that local educational agencies shall limit their assistance with immigration enforcement agencies where children and pupils are present to the fullest extent possible, consistent with federal and state law.

(4) Ensure that immigration enforcement is restricted to areas where children are not present.

SEC. 3. Section 234.7 of the Education Code is amended to read:

234.7. (a) Except as required by state or federal law, or as required to administer a state or federally supported educational

1 program, school officials and employees of a local educational
2 agency shall not do either of the following:

3 (1) Collect information or documents regarding citizenship or
4 immigration status of pupils or their family members.

5 ~~(2) Allow an officer or employee of an agency conducting~~
6 ~~immigration enforcement~~ *immigration authority* to enter a
7 *nonpublic area of a schoolsite* for any purpose without providing
8 ~~valid identification and being presented with a valid judicial~~
9 ~~warrant or a court order, unless exigent circumstances necessitate~~
10 ~~immediate action.~~ *order. Any school official or employee of a local*
11 *educational agency shall, to the extent practicable, request a valid*
12 *identification of any immigration authority seeking to enter a*
13 *nonpublic area of a schoolsite.*

14 ~~(b) (1) If an officer or employee of an agency conducting~~
15 ~~immigration enforcement meets the requirements set forth in~~
16 ~~paragraph (2) of subdivision (a), the local educational agency shall~~
17 ~~limit access to facilities where pupils are not present.~~

18 *(b) Notwithstanding any other law, a local educational agency*
19 *and its personnel shall, to the extent practicable, not disclose or*
20 *provide in writing, verbally, or in any other manner, the education*
21 *records of or any information about a pupil, a pupil's family and*
22 *household, a school employee, or a teacher, including, but not*
23 *limited to, personal information as defined in subdivision (a) of*
24 *Section 1798.3 of the Civil Code, information about a pupil's home,*
25 *and information about a pupil's travel schedule, to an immigration*
26 *authority without a valid judicial warrant or judicial subpoena,*
27 *or court order directing the local educational agency or its*
28 *personnel to do so. Any disclosure of a pupil's education records*
29 *pursuant to a valid judicial warrant or judicial subpoena, or court*
30 *order shall satisfy the parent notification requirements pursuant*
31 *to Section 99.31(a)(9)(ii) of Title 34 of the Code of Federal*
32 *Regulations.*

33 (2)

34 (c) The superintendent of a school district, the superintendent
35 of a county office of education, and the principal of a charter
36 school, as applicable, shall report to the respective governing board
37 or body of the local educational agency in a timely manner any
38 requests for information or access to a schoolsite by an officer or
39 employee of a law enforcement agency for the purpose of enforcing

1 the immigration laws in a manner that ensures the confidentiality
2 and privacy of any potentially identifying information.

3 ~~(e)~~

4 (d) If an employee of a school is aware that a pupil's parent or
5 guardian is not available to care for the pupil, the school shall first
6 exhaust any parental instruction relating to the pupil's care in the
7 emergency contact information it has for the pupil to arrange for
8 the pupil's care. A school is encouraged to work with parents or
9 guardians to update the emergency contact information and not to
10 contact Child Protective Services to arrange for the pupil's care
11 unless the school is unable to arrange for care through the use of
12 emergency contact information or other information or instructions
13 provided by the parent or guardian.

14 ~~(d)~~

15 (e) The governing board or body of a local educational agency
16 shall do both of the following:

17 (1) Provide information to parents and guardians, as appropriate,
18 regarding their children's right to a free public education, regardless
19 of immigration status or religious beliefs. This information shall
20 include information relating to "know your rights" immigration
21 enforcement established by the Attorney General and may be
22 provided in the annual notification to parents and guardians
23 pursuant to Section 48980 or any other cost-effective means
24 determined by the local educational agency.

25 (2) Educate pupils about the negative impact of bullying other
26 pupils based on their actual or perceived immigration status or
27 their religious beliefs and customs.

28 ~~(e)~~

29 (f) This section does not prohibit the governing board or body
30 of a local educational agency from establishing stronger standards
31 and protections.

32 ~~(f)~~

33 (g) (1) The Attorney General, by April 1, 2018, in consultation
34 with the appropriate stakeholders, shall publish model policies
35 limiting assistance with immigration enforcement at public schools,
36 to the fullest extent possible consistent with federal and state law,
37 and ensuring that public schools remain safe and accessible to all
38 California residents, regardless of immigration status. The Attorney
39 General shall, at a minimum, consider all of the following issues
40 when developing the model policies:

1 (A) Procedures related to requests for access to school grounds
2 for purposes related to immigration enforcement.

3 (B) Procedures for local educational agency employees to notify
4 the superintendent of the school district or their designee, the
5 superintendent of the county office of education or their designee,
6 or the principal of the charter school or their designee, as
7 applicable, if an individual requests or gains access to school
8 grounds for purposes related to immigration enforcement.

9 (C) Procedures for responding to requests for personal
10 information about pupils or their family members for purposes of
11 immigration enforcement.

12 (2) The Attorney General ~~shall~~ *shall, no later than December*
13 *1, 2025, update the model policies described in paragraph (1) to*
14 *ensure that these policies align with the prohibition applicable to*
15 *school officials and employees of local educational agencies as*
16 *described in paragraph (2) of subdivision (a), and the requirements*
17 *for local educational agencies as described in paragraph (1) of*
18 *subdivision (b), both as amended by Assembly Bill 49 of the*
19 ~~2025–26 Regular Session~~ *agencies, as described in this section.*

20 (3) Notwithstanding the rulemaking provisions of the
21 Administrative Procedure Act (Chapter 3.5 (commencing with
22 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
23 Code), the Department of Justice may implement, interpret, or
24 make specific this section without taking any regulatory action.

25 ~~(g)~~

26 (h) All local educational agencies shall adopt the model policies
27 developed pursuant to paragraph (1) of subdivision ~~(f)~~, (g), or
28 equivalent policies, by July 1, ~~2018~~ *2018, and shall update those*
29 *policies to align with this section, including paragraph (2) of*
30 *subdivision (g), by March 1, 2026.*

31 ~~(h)~~

32 (i) This section does not prohibit or restrict any governmental
33 entity or official from sending to, or receiving from, federal
34 immigration authorities, information regarding the citizenship or
35 immigration status, lawful or unlawful, of an individual, or from
36 requesting from federal immigration authorities immigration status
37 information, lawful or unlawful, of any individual, or maintaining
38 or exchanging that information with any other federal, state, or
39 local governmental entity, pursuant to Sections 1373 and 1644 of
40 Title 8 of the United States Code.

1 (j) (1) A local educational agency shall maintain its policy
2 adopted pursuant to subdivision (h) and make the policy available
3 to the department upon request.

4 (2) Local educational agencies may be subject to monitoring
5 and auditing by the department to ensure compliance with the
6 requirements of this section.

7 (i)

8 (k) For purposes of this section, ~~“local educational agency”~~
9 ~~means a school district, county office of education, or charter~~
10 ~~school; the following definitions apply:~~

11 (1) “Immigration authority” means any federal, state, or local
12 officer, employee, or person performing immigration enforcement
13 functions.

14 (2) “Immigration enforcement” includes any and all efforts to
15 investigate, enforce, or assist in the investigation or enforcement
16 of any federal civil immigration law, and any and all efforts to
17 investigate, enforce, or assist in the investigation or enforcement
18 of any federal criminal immigration law that penalizes a person’s
19 presence in, entry, or reentry to, or employment in, the United
20 States.

21 (3) “Local educational agency” means a school district, county
22 office of education, or charter school.

23 (4) “Schoolsite” means an individual school campus of a school
24 district, county office of education, or charter school, an area
25 where a local educational agency’s school-sponsored activity is
26 currently being held, or a schoolbus or other transportation
27 provided by a local educational agency.

28 SEC. 3.5. Section 234.7 of the Education Code is amended to
29 read:

30 234.7. (a) Except as required by state or federal law, or
31 as required to administer a state or federally supported educational
32 program, school officials and employees of a local educational
33 agency shall not ~~collect information or documents regarding~~
34 ~~citizenship or immigration status of pupils or their family members.~~
35 ~~do either of the following:~~

36 (1) Collect information or documents regarding citizenship or
37 immigration status of pupils or their family members.

38 (2) Allow an immigration authority to enter a nonpublic area
39 of a schoolsite for any purpose without being presented with a
40 valid judicial warrant or a court order. Any school official or

1 *employee of a local educational agency shall, to the extent*
2 *practicable, request a valid identification of any immigration*
3 *authority seeking to enter a nonpublic area of a schoolsite.*

4 *(b) Notwithstanding any other law, a local educational agency*
5 *and its personnel shall, to the extent practicable, not disclose or*
6 *provide in writing, verbally, or in any other manner, the education*
7 *records of or any information about a pupil, a pupil's family and*
8 *household, a school employee, or a teacher, including, but not*
9 *limited to, personal information as defined in subdivision (a) of*
10 *Section 1798.3 of the Civil Code, information about a pupil's home,*
11 *and information about a pupil's travel schedule, to an immigration*
12 *authority without a valid judicial warrant or judicial subpoena,*
13 *or court order directing the local educational agency or its*
14 *personnel to do so. Any disclosure of a pupil's education records*
15 *pursuant to a valid judicial warrant or judicial subpoena, or court*
16 *order shall satisfy the parent notification requirements pursuant*
17 *to Section 99.31(a)(9)(ii) of Title 34 of the Code of Federal*
18 *Regulations.*

19 ~~(b)~~

20 *(c) (1) The superintendent of a school district, the*
21 *superintendent of a county office of education, and the principal*
22 *of a charter school, as applicable, shall report to the respective*
23 *governing board or body of the local educational agency in a timely*
24 *manner any requests for information or access to a schoolsite by*
25 *an officer or employee of a law enforcement agency for the purpose*
26 *of enforcing the immigration laws in a manner that ensures the*
27 *confidentiality and privacy of any potentially identifying*
28 *information.*

29 *(2) (A) The superintendent of a school district, the*
30 *superintendent of a county office of education, and the principal*
31 *of a charter school, or their respective designee, shall notify all*
32 *teachers, staff, other school community members that work on a*
33 *schoolsites, parents, and guardians when the presence of*
34 *immigration enforcement is confirmed on the schoolsite.*

35 *(B) A notice provided pursuant to subparagraph (A) shall*
36 *include all of the following information:*

37 *(i) The date and time the immigration enforcement was*
38 *confirmed.*

39 *(ii) The location of the confirmed immigration enforcement.*

1 (iii) A hyperlink to additional resources, including model
2 policies adopted by the local educational agency pursuant to
3 subdivision (h).

4 (C) A notice provided pursuant to subparagraph (A) shall not
5 include any personally identifiable information.

6 (e)

7 (d) If an employee of a school is aware that a pupil's parent or
8 guardian is not available to care for the pupil, the school shall first
9 exhaust any parental instruction relating to the pupil's care in the
10 emergency contact information it has for the pupil to arrange for
11 the pupil's care. A school is encouraged to work with parents or
12 guardians to update the emergency contact information and not to
13 contact Child Protective Services to arrange for the pupil's care
14 unless the school is unable to arrange for care through the use of
15 emergency contact information or other information or instructions
16 provided by the parent or guardian.

17 (d)

18 (e) The governing board or body of a local educational agency
19 shall do both of the following:

20 (1) Provide information to parents and guardians, as appropriate,
21 regarding their children's right to a free public education, regardless
22 of immigration status or religious beliefs. This information shall
23 include information relating to "know your rights" immigration
24 enforcement established by the Attorney General and may be
25 provided in the annual notification to parents and guardians
26 pursuant to Section 48980 or any other cost-effective means
27 determined by the local educational agency.

28 (2) Educate pupils about the negative impact of bullying other
29 pupils based on their actual or perceived immigration status or
30 their religious beliefs and customs.

31 ~~(e) Nothing in this section prohibits~~

32 (f) *This section does not prohibit* the governing board or body
33 of a local educational agency from establishing stronger standards
34 and protections.

35 (f)

36 (g) (1) The Attorney General, by April 1, 2018, in consultation
37 with the appropriate stakeholders, shall publish model policies
38 limiting assistance with immigration enforcement at public schools,
39 to the fullest extent possible consistent with federal and state law,
40 and ensuring that public schools remain safe and accessible to all

1 California residents, regardless of immigration status. The Attorney
2 General shall, at a minimum, consider all of the following issues
3 when developing the model policies:

4 (A) Procedures related to requests for access to school grounds
5 for purposes related to immigration enforcement.

6 (B) Procedures for local educational agency employees to notify
7 the superintendent of the school district or ~~his or her~~ *their* designee,
8 the superintendent of the county office of education or ~~his or her~~
9 *their* designee, or the principal of the charter school or ~~his or her~~
10 *their* designee, as applicable, if an individual requests or gains
11 access to school grounds for purposes related to immigration
12 enforcement.

13 (C) Procedures for responding to requests for personal
14 information about pupils or their family members for purposes of
15 immigration enforcement.

16 (2) *The Attorney General shall, no later than December 1, 2025,*
17 *update the model policies described in paragraph (1) to ensure*
18 *that these policies align with the prohibition applicable to school*
19 *officials and employees of local educational agencies as described*
20 *in paragraph (2) of subdivision (a), and the requirements for local*
21 *educational agencies, as described in this section.*

22 ~~(2)~~

23 (3) Notwithstanding the rulemaking provisions of the
24 Administrative Procedure Act (Chapter 3.5 (commencing with
25 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
26 Code), the Department of Justice may implement, interpret, or
27 make specific this section without taking any regulatory action.

28 ~~(g)~~

29 (h) All local educational agencies shall adopt the model policies
30 developed pursuant to *paragraph (1) of subdivision ~~(f)~~, (g), or*
31 *equivalent policies, by July 1, ~~2018~~. 2018, and shall update those*
32 *policies to align with this section, including paragraph (2) of*
33 *subdivision (g), by March 1, 2026.*

34 (i) *This section does not prohibit or restrict any governmental*
35 *entity or official from sending to, or receiving from, federal*
36 *immigration authorities, information regarding the citizenship or*
37 *immigration status, lawful or unlawful, of an individual, or from*
38 *requesting from federal immigration authorities immigration status*
39 *information, lawful or unlawful, of any individual, or maintaining*
40 *or exchanging that information with any other federal, state, or*

1 local governmental entity, pursuant to Sections 1373 and 1644 of
2 Title 8 of the United States Code.

3 (j) (1) A local educational agency shall maintain its policy
4 adopted pursuant to subdivision (h) and make the policy available
5 to the department upon request.

6 (2) Local educational agencies may be subject to monitoring
7 and auditing by the department to ensure compliance with the
8 requirements of this section.

9 ~~(h)~~

10 (k) For purposes of this section, ~~“local educational agency”~~
11 ~~means a school district, county office of education, or charter~~
12 ~~school.~~ the following definitions apply:

13 (1) “Immigration authority” means any federal, state, or local
14 officer, employee, or person performing immigration enforcement
15 functions.

16 (2) “Immigration enforcement” includes any and all efforts to
17 investigate, enforce, or assist in the investigation or enforcement
18 of any federal civil immigration law, and any and all efforts to
19 investigate, enforce, or assist in the investigation or enforcement
20 of any federal criminal immigration law that penalizes a person’s
21 presence in, entry, or reentry to, or employment in, the United
22 States.

23 (3) “Local educational agency” means a school district, county
24 office of education, or charter school.

25 (4) “Schoolsite” means an individual school campus of a school
26 district, county office of education, or charter school, an area
27 where a local educational agency’s school-sponsored activity is
28 currently being held, or a schoolbus or other transportation
29 provided by a local educational agency.

30 SEC. 4. The provisions of this act are severable. If any
31 provision of this act or its application is held invalid, that invalidity
32 shall not affect other provisions or applications that can be given
33 effect without the invalid provision or application.

34 ~~SEC. 4.~~

35 SEC. 5. If the Commission on State Mandates determines that
36 this act contains costs mandated by the state, reimbursement to
37 local agencies and school districts for those costs shall be made
38 pursuant to Part 7 (commencing with Section 17500) of Division
39 4 of Title 2 of the Government Code.

1 *SEC. 6. Section 3.5 of this bill incorporates amendments to*
2 *Section 234.7 of the Education Code proposed by this bill and*
3 *Senate Bill 98. That section of this bill shall only become operative*
4 *if (1) both bills are enacted and become effective on or before*
5 *January 1, 2026, (2) each bill amends Section 234.7 of the*
6 *Education Code, and (3) this bill is enacted after Senate Bill 98,*
7 *in which case Section 234.7 of the Education Code, as amended*
8 *by Senate Bill 98, shall remain operative only until the operative*
9 *date of this bill, at which time Section 3.5 of this bill shall become*
10 *operative, and Section 3 of this bill shall not become operative.*

11 ~~SEC. 5.~~

12 *SEC. 7. This act is an urgency statute necessary for the*
13 *immediate preservation of the public peace, health, or safety within*
14 *the meaning of Article IV of the California Constitution and shall*
15 *go into immediate effect. The facts constituting the necessity are:*

16 *According to the Migration Policy Institute, 133,000 children*
17 *between 3 and 17 years of age who are undocumented are enrolled*
18 *in California public schools, and 750,000 students in kindergarten*
19 *and grades 1 to 12, inclusive, have at least one parent who is*
20 *undocumented. In order to ensure, as soon as possible, that these*
21 *students and their families do not face fear, uncertainty, and*
22 *potential disruptions to their education, and that schools remain*
23 *safe havens where all children, regardless of immigration status,*
24 *can learn and thrive without fear of enforcement actions, it is*
25 *necessary that this act take effect immediately.*