

AMENDED IN ASSEMBLY JUNE 23, 2025

AMENDED IN SENATE APRIL 2, 2025

AMENDED IN SENATE MARCH 24, 2025

AMENDED IN SENATE MARCH 11, 2025

SENATE BILL

No. 98

Introduced by Senator Pérez

(Principal coauthor: Assembly Member Sharp-Collins)

(Coauthors: Senators ~~Arreguin~~ Arreguín, Caballero, and Gonzalez)

(Coauthors: Assembly Members Calderon, Garcia, Solache, and Addis)

January 23, 2025

An act to amend Sections 234.7 and 66093.3 of the Education Code, relating to education, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 98, as amended, Pérez. Elementary, secondary, and postsecondary education: immigration enforcement: notification.

(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 school site 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.~~ 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, and requires the Attorney General, at a minimum, to consider certain issues when developing the model policies, including, among others, procedures for local educational agency employees to notify the specified officials if an individual requests or gains access to school grounds for purposes related to immigration enforcement.

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 require the governing board or body of a local educational agency superintendent of a school district, the superintendent of a county office of education, and the principal of a charter school, or their respective designee, to notify, as specified, all teachers, staff, other school community members that work on the schoolsite, parents, and guardians when the presence of immigration enforcement, as defined, is confirmed on the schoolsite. To the extent that the bill would impose new duties on school districts, county-office offices of education, or charter schools, the bill would impose a state-mandated local program.~~

(2) Existing law establishes the California State University, under the administration of the Trustees of the California State University, the University of California, under the administration of the Regents of the University of California, the California Community Colleges, under the administration of the Board of Governors of the California Community Colleges, and independent institutions of higher education as 4 segments of postsecondary education in the state.

Existing law requires the Trustees of the California State University, the governing boards of community college districts, and independent

institutions of higher education that are qualifying institutions for purposes of the Cal Grant Program, and requests the Regents of the University of California, to the fullest extent consistent with state and federal law, to implement various precautionary measures when federal immigration enforcement activities are undertaken on campuses of those segments, as specified, including, among others, that those postsecondary entities advise all students, faculty, and staff to notify the office of the chancellor or president, or their designee, as soon as possible, if they are advised that an immigration officer is expected to enter, will enter, or has entered the campus to execute a federal immigration order.

This bill would require those postsecondary educational ~~entities~~ *entities, and each campus of those postsecondary educational entities*, to notify, as specified, all students, faculty, staff, and other campus community members when the presence of immigration enforcement, as defined, is confirmed on campus. To the extent that the bill would impose new duties on community college districts, 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.

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. The Legislature finds and declares both of the
- 2 following:
- 3 (a) California is responsible for ensuring access to a quality
- 4 education.
- 5 (b) Ensuring access to a quality education includes creating a
- 6 safe and an inclusive campus environment for all students,
- 7 regardless of their backgrounds or origins.

SEC. 2. 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 program, school officials and employees of a local educational agency shall not collect information or documents regarding citizenship or immigration status of pupils or their family members.

(b) (1) The superintendent of a school district, the superintendent of a county office of education, and the principal of a charter school, as applicable, shall 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.

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

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

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

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

(iii) *A hyperlink to additional resources, including model policies adopted by the local educational agency pursuant to subdivision (g).*

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

(c) If an employee of a school is aware that a pupil's parent or guardian is not available to care for the pupil, the school shall first exhaust any parental instruction relating to the pupil's care in the emergency contact information it has for the pupil to arrange for the pupil's care. A school is encouraged to work with parents or guardians to update the emergency contact information and not to contact Child Protective Services to arrange for the pupil's care unless the school is unable to arrange for care through the use of

1 emergency contact information or other information or instructions
2 provided by the parent or guardian.

3 (d) The governing board or body of a local educational agency
4 shall do ~~all~~ *both* of the following:

5 (1) Provide information to parents and guardians, as appropriate,
6 regarding their children’s right to a free public education, regardless
7 of immigration status or religious beliefs. This information shall
8 include information relating to “know your rights” immigration
9 enforcement established by the Attorney General and may be
10 provided in the annual notification to parents and guardians
11 pursuant to Section 48980 or any other cost-effective means
12 determined by the local educational agency.

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

16 ~~(3) (A) Notify all teachers, staff, other school community~~
17 ~~members that work on the schoolsite, parents, and guardians when~~
18 ~~the presence of immigration enforcement is confirmed on the~~
19 ~~schoolsite.~~

20 ~~(B) A notice provided pursuant to subparagraph (A) shall include~~
21 ~~all of the following information:~~

22 ~~(i) The date and time the immigration enforcement was~~
23 ~~confirmed.~~

24 ~~(ii) The location of the confirmed immigration enforcement.~~

25 ~~(iii) A hyperlink to additional resources, including model~~
26 ~~policies adopted by the local educational agency pursuant to~~
27 ~~subdivision (g).~~

28 ~~(C) A notice provided pursuant to subparagraph (A) shall not~~
29 ~~include any personally identifiable information.~~

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

33 (f) (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) Notwithstanding the rulemaking provisions of the
13 Administrative Procedure Act (Chapter 3.5 (commencing with
14 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
15 Code), the Department of Justice may implement, interpret, or
16 make specific this section without taking any regulatory action.

17 (g) All local educational agencies shall adopt the model policies
18 developed pursuant to subdivision (f), or equivalent policies, by
19 July 1, 2018.

20 (h) For purposes of this section, the following definitions apply:

21 (1) “Immigration enforcement” includes any and all efforts to
22 investigate, enforce, or assist in the investigation or enforcement
23 of any federal civil immigration law, and also includes any and all
24 efforts to investigate, enforce, or assist in the investigation or
25 enforcement of any federal criminal immigration law that penalizes
26 a person’s presence in, entry, or reentry to, or employment in, the
27 United States.

28 (2) “Local educational agency” means a school district, county
29 office of education, or charter school.

30 SEC. 3. Section 66093.3 of the Education Code is amended to
31 read:

32 66093.3. (a) The Trustees of the California State University,
33 the governing board of each community college district in the state,
34 and each independent institution of higher education that is a
35 qualifying institution as defined in subdivision ~~(f)~~ (l) of Section
36 69432.7, shall, and the Regents of the University of California are
37 requested to, do all of the following to the fullest extent consistent
38 with state and federal law:

39 (1) Refrain from disclosing personal information about students,
40 faculty, and staff except: (A) with the consent of the person

1 identified, or if the person is under 18 years of age, with the consent
2 of the parent or guardian of the person identified; (B) as may
3 legally be disclosed under state and federal privacy laws; (C) for
4 the programmatic purpose for which the information was
5 obtained; (D) as part of a directory that does not include residence
6 addresses or individual persons' course schedules and that the
7 person has not elected to opt out of; or (E) in response to a judicial
8 warrant, court order, or subpoena.

9 (2) Advise all students, faculty, and staff to notify the office of
10 the chancellor or president, or their designee, as soon as possible,
11 if they are advised that an immigration officer is expected to enter,
12 will enter, or has entered the campus to execute a federal
13 immigration order.

14 ~~(3) (A) Notify all students, faculty, staff, and other campus~~
15 ~~community members when the presence of immigration~~
16 ~~enforcement is confirmed on campus.~~

17 ~~(B) A notice provided pursuant to subparagraph (A) shall include~~
18 ~~all of the following information:~~

19 ~~(i) The date and time the immigration enforcement was~~
20 ~~confirmed.~~

21 ~~(ii) The location of the confirmed immigration enforcement.~~

22 ~~(iii) A hyperlink to additional resources, including the~~
23 ~~information posted on its internet website pursuant to paragraph~~
24 ~~(10).~~

25 ~~(C) A notice provided pursuant to subparagraph (A) shall not~~
26 ~~include any personally identifiable information.~~

27 ~~(4)~~

28 (3) If there is reason to suspect that a student, faculty, or staff
29 person has been taken into custody as a result of an immigration
30 enforcement action, the college or university, as soon as possible,
31 shall notify the person's emergency contact that the person has
32 been taken into custody.

33 ~~(5)~~

34 (4) Comply with a request from an immigration officer for
35 access to nonpublic areas of the campus only upon presentation
36 of a judicial warrant. This paragraph shall not apply to an
37 immigration officer's request for access or information related to
38 the operation of international student, staff, or faculty programs,
39 employment verification efforts, or other nonenforcement activities.

40 ~~(6)~~

(5) Advise all students, faculty, and staff responding to or having contact with an immigration officer executing a federal immigration order, to refer the entity or individual to the office of the chancellor or president, or their designee, for purposes of verifying the legality of any warrant, court order, or subpoena.

~~(7)~~

(6) Designate a staff person to serve as a point of contact for any student, faculty, or staff person who may or could be subject to an immigration order or inquiry on campus. Unless the disclosure is permitted by state and federal education privacy law, faculty and staff persons shall be prohibited from discussing the personal information, including immigration status information, of any student, faculty, or staff person with anyone, or revealing that personal information to anyone. This paragraph shall not be construed as requiring a college or university to hire staff to fulfill the requirements of this paragraph.

~~(8)~~

(7) Maintain a contact list of legal services providers who provide legal immigration representation, and provide it free of charge to any and all students who request it. The list shall include, but not be limited to, the organization's name and contact number, email address, and office address.

~~(9)~~

(8) Adopt and implement, by March 1, 2019, the model policy developed by the Attorney General or an equivalent policy pursuant to the California Values Act (Chapter 17.25 (commencing with Section 7284) of Division 7 of Title 1 of the Government Code), limiting assistance with immigration enforcement to the fullest extent possible consistent with federal and state law.

~~(10)~~

(9) (A) Post on its internet website in a conspicuous location, and provide via email quarterly or each semester to all students, faculty, and staff:

(i) A copy of the policy adopted pursuant to paragraph ~~(9)~~: (8).

(ii) Guidance informing them of their rights under state and federal immigration laws and how to respond to a federal immigration action or order.

(B) Update the information posted on its internet website pursuant to subparagraph (A) as often as is necessary to reflect

1 any changes to federal and state immigration laws and university
2 or college policies and procedures.

3 ~~(11)~~

4 (10) In the event that an undocumented student is subject to a
5 federal immigration order, ensure that all of the following occur:

6 (A) In the event that an undocumented student is detained,
7 deported, or is unable to attend to the student's academic
8 requirements due to the actions of an immigration officer in relation
9 to a federal immigration order, the college or university shall make
10 all reasonable efforts to assist the student in retaining any eligibility
11 for financial aid, fellowship stipends, exemption from nonresident
12 tuition fees, funding for research or other educational projects,
13 housing stipends or services, or other benefits the student has been
14 awarded or received, and permit the student to be reenrolled if and
15 when the student is able to return to the college or university. It is
16 the intent of the Legislature that, in implementing this paragraph,
17 California colleges and universities make reasonable and good
18 faith efforts to provide for a seamless transition in a student's
19 reenrollment and reacquisition of campus services and supports.

20 (B) That staff is available to assist, in a sensitive manner,
21 undocumented students, and other students, faculty, and staff who
22 may be subject to a federal immigration order or inquiry, or who
23 may face similar issues, and whose education or employment is
24 at risk because of federal immigration actions.

25 (C) (i) All students, faculty, staff, and campus community
26 members are notified when the presence of immigration
27 enforcement is confirmed on campus.

28 (ii) A notice provided pursuant to clause (i) shall include all of
29 the following:

30 (I) The date and time the immigration enforcement was
31 confirmed.

32 (II) The location of the confirmed immigration enforcement.

33 (III) A hyperlink to additional resources, including the
34 information posted on its internet website pursuant to paragraph
35 (10).

36 (iii) A notice provided pursuant to clause (i) shall not include
37 any personally identifiable information.

38 (b) (1) *Each campus of the California Community Colleges, of*
39 *the California State University, and of each independent institution*
40 *of higher education that is a qualifying institution as defined in*

subdivision (l) of Section 69432.7 shall, and each campus of the University of California is requested to, notify all students, faculty, staff, and other campus community members when the presence of immigration enforcement is confirmed on campus.

(2) A notice provided pursuant to paragraph (1) shall include all of the following information:

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

(ii) The location of the confirmed immigration enforcement.

(iii) A hyperlink to additional resources, including the information posted on its internet website pursuant to paragraph (9) of subdivision (a).

(3) A notice provided pursuant to paragraph (1) shall not include any personally identifiable information.

~~(b)~~

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

(1) “Immigration enforcement” includes any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal civil immigration law, and also includes 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) “Immigration officer” means any state, local, or federal law enforcement officer who is seeking to enforce immigration law.

SEC. 4. 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. 5. 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:

In order to ensure the safety of all students, teachers, faculty, and staff by preventing panic and to promote a greater sense of calm and security on schoolsites and campuses, it is necessary that this act take effect immediately.

1
2 REVISIONS:
3 Heading—Line 5.
4

O