

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2025-2026 Regular Session

SB 307 (Cervantes)
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ID

SUBJECT

Public postsecondary education: immigration enforcement

DIGEST

This bill requires the Trustees of the California State University, and requests the Regents of the University of California, to take a number of actions and adopt a system-wide policy aimed at maintaining the enrollment, financial aid, and academic resources of an undocumented student who is subject to a federal immigration order.

EXECUTIVE SUMMARY

Immigration enforcement and the risk of deportation or family separation it presents is a serious stressor for many immigrant families and students in California. Recent increased immigration enforcement and federal policy changes regarding immigration enforcement on schoolsites have further increased fears among California university communities that undocumented and noncitizen students or their family members will be subject to immigration enforcement actions while at school. However, California has enacted numerous laws to limit public universities and certain independent institutions of higher education's assistance with immigration enforcement, and to ensure universities take various actions to assist their undocumented and non-citizen students. SB 307 builds on these laws by requiring the Trustees of the California State University (CSU), and requests the Regents of the University of California (UC), to ensure that staff and the designated Dreamer Resource Liaison assist undocumented students subject to a federal immigration order have access to all the financial aid and academic resources available to them. It also requires the CSU and requests the UC to ensure that an undocumented student's detention, deportation, or inability to satisfy academic requirements because of immigration enforcement do not affect their qualification for in-state tuition, and that the CSU and UC adopt system-wide policies for a student who is detained or deported or otherwise unable to attend classes due to immigration enforcement to be re-enrolled and retain their academic status upon providing a written statement of their intent to return to the university. SB 307 is sponsored by the

California Faculty Association, and is supported by SEIU California. The Committee has received no timely letters of opposition. SB 307 previously passed the Senate Education Committee by a vote of 6 to 1.

PROPOSED CHANGES TO THE LAW

Existing law:

- 1) Establishes the UC as a public trust to be administered by the Regents of the UC, and grants the Regents full powers of organization and government, subject only to such legislative control as may be necessary to insure security of its funds, compliance with the terms of its endowments, statutory requirements around competitive bidding and contracts, sales of property, and the purchase of materials, goods and services. (Cal. Const., Art. IX, Sec. (9)(a).)
- 2) Confers upon the CSU Trustees the powers, duties, and functions with respect to the management, administration, control of the CSU system and provides that the Trustees are responsible for the rule of government of their appointees and employees. (Edu. Code §§ 66606, 89500, et seq.)
- 3) Prohibits law enforcement agencies from using agency or department moneys or personnel to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes, as specified, place peace officers under the supervision of federal agencies, use immigration authorities as interpreters for law enforcement matters, transfer an individual to immigration authorities unless authorized by a judicial warrant, provide office space exclusively dedicated to immigration authorities, and contract with the federal government for the use of law enforcement agency facilities to house individuals as federal detainees for the purposes of civil immigration custody, as specified. (Gov. Code § 7284.6.)
- 4) Requires the Attorney General, by April 1, 2018, and in consultation with the appropriate stakeholders, to publish model policies limiting assistance with immigration enforcement at public schools, public libraries, health facilities operated by the state or a political subdivision thereof, courthouses, Division of Labor Standards Enforcement facilities, the Agricultural Labor Relations Board, the Division of Workers Compensation, and shelters, 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.
 - a) Requires all public schools, health facilities operated by the state or a political division thereof, and courthouses to implement the Attorney General's model policy, or an equivalent.
 - b) Encourages the Agricultural Relations Board, the Division of Workers' Compensation, the Division of Labor Standards Enforcement, shelters, libraries, and all other organizations and entities that provide services

related to physical or mental health and wellness, education, or access to justice, including the University of California, to adopt the model policy. (Gov. Code § 7284.8.)

- 5) Defines, for the purposes of the California Values Act, including (4), above, “public schools” to include all elementary and secondary schools under the jurisdiction of local governing boards or a charter school board, the CSU, and California Community Colleges. (Gov. Code § 7284.4(j).)
- 6) Requires the Trustees of the CSU, the governing board of each community college district, each independent institution of higher education that is Cal-grant eligible, and requests the Regents of the UC, to take various actions relating to immigration enforcement on campus and students’ immigration-related personal information to the fullest extent consistent with state and federal law, including:
 - a) refraining from disclosing personal information about students, faculty, and staff, except with specified consent or in other limited circumstances;
 - b) advising 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 campus to execute a federal immigration order;
 - c) notifying the emergency contact of a student, faculty, or staff person as soon as possible, if there is reason to suspect that the individual has been taken into custody as a result of an immigration enforcement action;
 - d) complying with a request from an immigration officer for access to a non-public area of campus only when presented with a judicial warrant, with limited exceptions for non-enforcement activities;
 - e) advising 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 the purpose of verifying the legality of any warrant, court order, or subpoena;
 - f) designating a staff person to serve as a point of contact for any student, faculty, or staff who may or could be subject to an immigration order or inquiry on campus;
 - g) maintaining a contact list of legal services providers that provide legal immigration representation, and provide this list free of charge to any students who request it;
 - h) adopting and implementing, by March 1, 2019, the model policies developed by the Attorney General or an equivalent policy limiting assistance with immigration enforcement to the fullest extent possible consistent with federal and state law;
 - i) posting on its website and providing by email each quarter or semester to all students, faculty, and staff a copy of the school’s policies limiting assistance with immigration enforcement and guidance relating to their

rights under state and federal immigration laws, among other information; and

- j) ensuring, in the event that an undocumented student is subject to a federal immigration order, that the student can retain eligibility for various school benefits and re-enrollment, and that staff is available to assist students, faculty, and staff who may be subject to a federal immigration order or inquiry. (Edu. Code § 66093.3.)

This bill:

- 1) Requires the Trustees of the CSU, and requests the Regents of the UC, to do the following in the event that an undocumented student is subject to a federal immigration order:
 - a) Ensure that staff and the designated Dreamer Resource Liaison at the institution assists undocumented students in accessing all financial aid and academic resources available to undocumented students; and
 - b) Ensure that an undocumented student's detention, deportation, or inability to satisfy the student's academic requirements at the institution due to the actions of immigration authorities in relation to an immigration order do not affect the student's qualification for the exemption from paying non-resident tuition as provided for in law as long as the student still meets the requirements for non-resident tuition.
- 2) Requires the Trustees of the CSU, and requests the Regents of the UC, to adopt a system-wide policy addressing course grades, administrative withdrawal, and re-enrollment for undocumented students who are unable to attend their courses by the final drop date due to the student's detention, deportation, or inability to attend courses due to the actions of immigration authorities on an immigration order. Specifies that this policy must include a timeframe during which a student withdrawn for non-attendance is re-enrolled and retains the same academic status that they held before their withdrawal, upon submitting written confirmation of their intent to return.
- 3) Defines, for the purposes of its provisions, "institution" to mean a CSU or a UC campus.

COMMENTS

1. Author's statement

According to the author:

In California, a significant number of undocumented college students face formidable obstacles due to their ineligibility for DACA, creating a complex web

of challenges for both the students themselves and the institutions they attend. These challenges encompass not only employment and access to financial aid but also the constant threat of deportation, which looms over their educational aspirations. It is estimated that around 17,000 individuals in California are excluded from DACA because of decisions made during the Trump administration and various court rulings. Furthermore, nearly 100,000 Californians are ineligible for other reasons, adding to the complexity of their situation. With approximately 83,000 undocumented college students, California is home to the largest population of its kind in the United States. This demographic represents a vibrant and diverse cohort of young individuals eager to pursue their dreams yet hindered by their status. Recognizing their potential, our higher education systems must go beyond merely designating specific spaces and personnel to support undocumented youth. It is imperative that they establish comprehensive policies that not only facilitate support but also provide tangible resources for Dreamer Resource Liaisons. These resources should encompass well-structured plans and navigational tools aimed at empowering students to chart a successful course for their futures, ensuring that they receive the guidance and assistance necessary to thrive despite the obstacles they face.

SB 307 seeks to empower our universities to implement comprehensive support systems for undocumented students, ensuring they receive not only legal assistance but also proactive measures that prioritize their educational journey. This legislation encourages institutions to develop tailored strategies and policies that facilitate the continuation of higher education for these students, safeguarding against potential disruptions. In an environment where the current federal administration has committed to mass deportations, undocumented students face an urgent threat to their stability and safety. While all undocumented individuals are at risk, those without DACA face an even greater vulnerability. Therefore, it is imperative that we take definitive and preemptive actions to shield undocumented students from the fluctuating immigration policies that may jeopardize their academic pursuits and the relentless efforts they have invested in their education. By fostering a supportive and secure educational environment, we can help ensure that these students can thrive and achieve their dreams despite the challenges they encounter.

2. California's undocumented and non-citizen students are essential members of their communities and California's schools

There are an estimated 408,000 undocumented students enrolled in colleges and universities across the United States.¹ 182,000 of these students are students with

¹ American Immigration Council and Presidents' Alliance on Higher Education and Immigration, "Undocumented Students in U.S. Higher Education" (Jun. 2024), available at <https://www.higheredimmigrationportal.org/research/undocumented-students-in-higher-education-updated-march-2021/> (hereafter American Immigration Council).

Deferred Action for Childhood Arrivals (DACA) or who are eligible for DACA, a program created by President Obama in 2012 that provides temporary protection from deportation and the opportunity for employment authorization to certain undocumented youth who entered the United States as children and have, or are, completing some amount of school.² In California alone, there are an estimated 87,000 undocumented university students.³ Many of California's undocumented students have DACA, though the numbers of DACA recipients in California universities have been decreasing in recent years, as the time-based requirements for DACA mean that fewer and fewer incoming undocumented university students are eligible for DACA, and ongoing lawsuits around DACA have prevented the federal government from approving new applications since July 16, 2021. With the lawsuits against DACA continuing to progress amid an administration hostile to the program, the future of DACA remains uncertain. If DACA is ended, DACA recipients will lose their protections from deportation and once again be at risk of deportation like all undocumented individuals.

Undocumented Californians are important members of their academic communities and California communities at large. Many undocumented students are studying to enter fields greatly impacted by worker shortages, or conduct vital research in important fields of academic study. Additionally, 6,784 DACA recipients work in education, and another 23,369 DACA recipients work in STEM or health professions.⁴ Undocumented Californians also contribute millions to the California economy and in taxes every year.

3. Non-citizen Californians hold a variety of immigration statuses

The term “undocumented” generally refers to a person who is in the United States without immigration status from the federal government. Many undocumented Californians arrived to the United States when they were young, and have long attended California schools. About 76% of undocumented students arrived in the United States when they were children or adolescents, and those who arrived to the United States as adults have lived in the United States for eight years on average.⁵ Many came to the United States with family, and were too young to remember the journey. Lacking immigration status can be incredibly limiting; without immigration status, individuals are usually ineligible for federal public benefits and federal student loans, and may become subject to a deportation proceeding by federal immigration authorities at any time. In addition, undocumented persons are generally not authorized to work in the United States.

² *Id.*

³ *Id.* Higher Ed Immigration Portal, “California” (accessed Jun 13, 2024), available at <https://www.higheredimmigrationportal.org/state/california/> (*hereafter* Higher Ed Immigration Portal).

⁴ *Id.*

⁵ American Immigration Council, *supra* note 1.

An undocumented person may have entered the United States without any visa or immigration status, or they may have entered with an immigration status that has since expired. A person with a visa that is expiring is generally expected to renew or apply to adjust their status to a new category of immigration status, or depart the United States. However, many visas are only designed to be temporary, and eligibility for and availability of permanent immigration status – called lawful permanent residency, or a green card – is incredibly limited. Even those who qualify for a green card may have to wait a decade or even more than two decades to be able to receive it due to backlogs and administrative delays. Without immigration reform from Congress, the United States' immigration system continues to be broken and fails to provide meaningful opportunities for undocumented students and those who wish to stay in the United States to do so with immigration status.

In addition to undocumented individuals and DACA recipients, many other individuals with immigration status or visas call California's public schools and universities home for education or for work. These include international students, who are in the United States on student visas that have strict requirements regarding their education and employment. There are an estimated 14,000 international students in California.⁶ Many other students and school employees in the state are recipients of immigration statuses like u-nonimmigrant status or asylum, which provide temporary status and the ability to apply for lawful permanent residency. Others have lawful permanent residency, and simply have not obtained U.S. Citizenship yet or do not qualify for citizenship.

4. Immigration enforcement poses significant risk of harm to undocumented and non-citizen students in California

Any person in the United States who is not a citizen has some level of risk that they could be deported from the United States. In order to be deported from the United States, an individual needs to be found to have triggered a ground of deportability. There are numerous grounds of deportability, such as making a false claim to U.S. Citizenship or being convicted of certain criminal offenses.⁷ An individual who is present in the United States without ever having been admitted or paroled into the United States by an immigration officer is deportable, as is an individual who has violated their immigration status or has had their immigration status expire. Thus, an undocumented person is always at risk of being subject to immigration enforcement activities by the federal government. However, many undocumented individuals reside in the United States for many years or without ever being subject to immigration enforcement, in part because the federal government's capacity for enforcing immigration laws is limited.

⁶ Higher Ed Immigration Portal, *supra* note 3.

⁷ See 8 U.S.C. § 1227.

If an individual is apprehended by an officer for immigration enforcement purposes, and the officer believes the individual is undocumented or has done something to trigger a ground of deportability, they may be placed into a deportation proceeding before an immigration judge. Deportation proceedings are informal, administrative proceedings, in which an administrative law judge makes a determination of whether the individual should be granted relief from deportation and some type of immigration status, such as asylee status, or be deported. While such proceedings often take years to resolve, the result of either failing to appear at such a proceeding or failing to defend against the government's charges of deportability is that the individual is ordered removed from the United States. So serious are the consequences of deportation proceedings that one immigration judge has called deportation proceedings "death penalty cases heard in traffic court."⁸ If an individual has an outstanding removal order, they may be detained and removed at any time, except in narrow circumstances.

In addition, under a process called expedited removal, if an immigration officer stops an individual who cannot provide documentation proving that they have legal status to reside in the United States and that they have been in the United States for a certain period of time, they may be removed through an expedited process without the ability to defend against their deportation before an immigration judge.⁹ For much of the time that expedited removal has existed, it was limited to stops within 100 miles of the United States border and cases in which the detained individual was unable to prove that they have resided in the United States for at least two weeks.¹⁰ However, under President Trump's first term, and again under his second term, expedited removal was expanded to be available throughout the entire United States, and to require that a detained individual must be able to prove that they have been in the United States for at least the past two years. When an individual is stopped by an immigration officer and placed in either expedited removal or a removal proceeding, they may be detained in immigration detention, sometimes indefinitely while awaiting their case or deportation.

5. Increased immigration enforcement activity has significant impacts on those targeted by such enforcement and their families

President Trump, since re-entering the White House, has promised to ramp up immigration enforcement and greatly increase deportations. Already, he has attempted to make due on this promise, through various executive actions that have declared a national emergency at the southern border, halted refugee admission, expanded who immigration enforcement officers can prioritize for deportation, expanded expedited removal, increased the hiring of immigration officers, and expanded immigration detention. In addition, the Trump Administration ended long-standing federal policy

⁸ Dana Leigh Marks, "Immigration judge: death penalty cases in a traffic court setting," CNN (Jun. 26, 2014), <https://www.cnn.com/2014/06/26/opinion/immigration-judge-broken-system/index.html>.

⁹ 8 U.S.C. § 1225(b).

¹⁰ American Immigration Council, "Fact Sheet: A primer on expedited removal," (Feb. 2025), available at <https://www.americanimmigrationcouncil.org/research/expedited-removal>.

that limited immigration enforcement activity at “sensitive locations” like schools, places of worship, courthouses, and healthcare facilities.¹¹ The rescission of this policy places non-citizen students at California’s universities at greater risk of immigration enforcement activity on campus. Already, there have been numerous high-profile reports of non-citizen university students being detained by immigration officials near or on university facilities, and the Trump administration has moved to revoke the student visas of hundreds of international students across the country without explanation.¹²

The consequences of the threat of immigration enforcement activity and these recent changes in policy regarding such activity is significant. Research has shown that many immigrant youth experience high levels of mental health symptoms like anxiety, depression, and post-traumatic stress due to fears of immigration enforcement and separation from their family due to immigration enforcement.¹³ Stressors related to immigration status and the risk of deportation negatively impact all aspects of an undocumented or non-citizen’s life. The fear of immigration-related consequences has resulted in many immigrants skipping medical care, being under-insured, and being hesitant to access vital assistance programs like those for health care coverage.¹⁴ In addition, a deportation can severely impact the individual deported, sending them to a country in which they have not lived for many years or where they fear for their life, and separating them from their families. Family members of those subject to immigration enforcement often suffer as well, through the psychological pain of family separation as well as through financial strain and other hardships as a result.

¹¹ See Benjamine C. Huffman, Memorandum: Enforcement Actions in or Near Protected Areas, Dept. of Homeland Sec. (Jan. 20, 2025), available at <https://www.nafsa.org/regulatory-information/dhs-rescinds-biden-protected-areas-enforcement-policy>; James A. Puleo, Memorandum: Enforcement Activities at Schools, Places of Worship, or at funerals or other religious ceremonies, Imm. & Nationality Svcs., HQ 807-P (May 17, 1993); Dept. of Homeland Sec., “Secretary Mayorkas Issues New Guidance for Enforcement Action at Protected Areas,” (Oct. 27, 2021), available at <https://www.dhs.gov/archive/news/2021/10/27/secretary-mayorkas-issues-new-guidance-enforcement-action-protected-areas>.

¹² Jake Offenhartz, “Immigration agents arrest Palestinian activist who helped lead Columbia University protests,” Associated Press (Mar. 9, 2025), <https://apnews.com/article/columbia-university-mahmoud-khalil-ice-15014bcb921f21a9f704d5acdcae7a8>; Jake Offenhartz, “Turkish student at Tufts University detained, video shows masked people handcuffing her,” Associated Press (Mar. 26, 2025), <https://apnews.com/article/tufts-student-detained-massachusetts-immigration-6c3978da98a8d0f39ab311e092ffd892>; Kimmy Yam, “Student visa terminations have quickly hit over half of all states. What’s behind it,” NBC News (Apr. 10, 2025), <https://www.nbcnews.com/news/asian-america/international-students-revoked-visas-reasons-why-rcna200313>.

¹³ Randy Capps & Michael Fox, “How the fear of immigration enforcement affects the mental health of latino youth,” Migration Policy Institute (Dec. 2020), <https://www.migrationpolicy.org/news/how-fear-immigration-enforcement-affects-mental-health-latino-youth>.

¹⁴ Kaiser Family Foundation, “Key facts on health coverage of immigrants” (Jan. 15, 2025), <https://www.kff.org/racial-equity-and-health-policy/fact-sheet/key-facts-on-health-coverage-of-immigrants/>

6. Recent California laws aim to limit the use of state resources for immigration enforcement activity

Given recent developments in federal immigration policy in the last eight years and the risks that California's undocumented and non-citizen university students face, the Legislature has passed various laws in recent years aimed at protecting the state's undocumented and non-citizen students and minimizing the disruption that immigration enforcement activities can have at the state's educational institutions. In 2017, the Legislature passed the California Values Act (SB 54, De León, Ch. 495, Stats. 2017). SB 54 limited local law enforcement agencies' sharing of inmate information with federal immigration agencies, and prohibited law enforcement agencies from using their resources for immigration enforcement or from cooperating in immigration enforcement activities. In addition, SB 54 required the Attorney General to publish various model policies regarding local entities' involvement or cooperation with immigration enforcement. These model policies included policies for limiting assistance with immigration enforcement at public schools, public libraries, health care facilities, courthouses, various state agencies, and universities, which public schools, health care facilities operated by the state, and courthouses were required to implement.

The Attorney General issued its guidance and model policies in 2018, though they were updated in December 2024. The model policies for colleges and universities include that colleges and universities must provide students and their families with an annual notice of the institution's policies for privacy of students' personal information, including information regarding their immigration status, and that colleges and universities must advise all students, faculty, and staff to immediately notify the office of the chancellor or president, or their designee, when they are advised that an immigration officer is planning to, will, or has entered the campus for immigration enforcement purposes.¹⁵ In addition, the model policies require that, if there is reason to suspect that a student, faculty member, or staff member has been taken into custody for immigration enforcement, the college or university must notify the person's emergency contact that the person may have been taken into custody. SB 54 encouraged, but did not require, that the UC, CSU, and California Community Colleges (CCC) implement these model policies.

The Legislature also passed AB 21 (Kalra, Ch. 488, Stats. 2017) that same year, which required public higher educational institutions and each Cal Grant-eligible institution of higher education to adopt the Attorney General's model policies for colleges and universities. AB 21 also placed a variety of additional requirements on the CSU, CCC, and independent higher education institutions, and requested that the University of California comply with such requirements. These requirements included that they:

¹⁵ California Attorney General, Promoting a Safe and Secure Campus for All: guidance and model policies to assist California's colleges and universities in responding to immigration issues, Cal. Dept. of Just. (Dec. 2024), available at <https://oag.ca.gov/news/press-releases/attorney-general-bonta-issues-guidance-educational-rights-immigrant-students-and>.

refrain from disclosing the personal information of students, faculty, and staff; require campus leadership to verify immigration enforcement requests on campus and the officer's authority to engage in such activity; provide immigration legal assistance information and resources available to students upon request; and guarantee that students impacted by immigration enforcement do not lose eligibility for enrollment and other benefits. AB 21 required universities to make all reasonable efforts to assist a student subject to an immigration order to retain their eligibility for financial aid, fellowship stipends, exemption from non-resident tuition, housing stipends or services, and other funding or benefits they received. This requirement was meant to ensure that universities make a reasonable and good-faith effort to provide for a seamless transition in the reenrollment and re-acquisition of campus services and support for a student who is subject to an immigration enforcement order.

7. SB 307 aims to build upon these policies to support CSU and UC students subject to a federal immigration order

SB 307 builds upon these efforts. It requires CSU Trustees, and requests the UC Regents, to take a number of actions to support an undocumented student subject to a federal immigration order. These actions are to: ensure that staff and the designated Dreamer Resource Liaison assist undocumented students in accessing all financial aid and academic resources available to them; and ensure that an undocumented student's detention, deportation, or inability to satisfy the student's academic requirements at the institution due to the actions of immigration authorities in relation to an immigration order do not affect the student's qualification for the exemption from paying nonresident tuition. This second requirement is more strict than the current requirement under AB 21, which only required that the university make reasonable efforts in assisting the student in retaining their eligibility.

SB 307 also requires the CSU Trustees, and request the UC Regents, to adopt a statewide policy addressing course grades, administrative withdrawal, and re-enrollment for undocumented students who are unable to attend their courses due to the student's detention or deportation. This policy must include a timeframe during which a student withdrawn for non-attendance is reenrolled and provided the same academic status that they held prior to their withdrawal, if they provide a written confirmation of their intent to return to the institution.

SUPPORT

California Faculty Association (sponsor)

California State Council of Service Employees International Union (SEIU California)

OPPOSITION

None received

RELATED LEGISLATION

Pending Legislation:

SB 98 (Pérez, 2025) requires the governing bodies of local educational agencies and California State Universities, community colleges, and specified independent institutions of higher education, and requests the Regents of the University of California, to notify students or their parents and guardians, teachers and other specified school community members when immigration enforcement activity is confirmed on the schoolsite or campus. SB 98 is currently pending before the Senate Appropriations Committee.

SB 48 (Gonzalez, 2025) prohibits a local educational agency and its personnel from granting an immigration official access to schoolsites without a judicial warrant, and from providing information about a student, their family and household, school employees, or a teacher without a judicial warrant. SB 48 also prohibits California law enforcement agencies from collaborating with, or providing any information about a student, the student's family and household, a school employee, or a teacher to immigration authorities regarding immigration enforcement actions that could be or are taking place within a one mile radius of any schoolsite. SB 48 is currently pending before the Senate Education Committee.

AB 419 (Connolly, 2025) requires the governing board or body of a local educational agency to post the "Know Your Educational Rights" guide developed by the Attorney General in the administrative buildings and on the website of the local educational agency and at each of its schoolsites, including in each language other than English that the school is required to translate documents into pursuant to existing law. AB 419 is currently pending before the Assembly Education Committee.

AB 49 (Muratsuchi, 2025) prohibits school officials and employees of a local educational agency, or employees of a day care facility, from allowing a federal immigration officer to enter a schoolsite or day care facility for any purpose without providing valid identification, a written statement of purpose, and a valid judicial warrant, and without receiving approval from specified school officials, and limits an approved official's access to only facilities where students or children are not present. AB 49 is currently pending before the Assembly Education Committee.

Prior Legislation:

SB 959 (Hurtado, 2019) would have defined "pupil," for the purposes of existing law that provides what school officials and employees of a school district cannot do with information related to the citizenship or immigration status of a pupil or their family members, and related provisions, to mean a child enrolled in a childcare or development program, transitional kindergarten, kindergarten, or the first through

twelfth grades. SB 959 died in the Senate Education Committee due to COVID-19 related bill limits.

SB 54 (De León, Ch. 495, Stats. 2017) prohibited state and local law enforcement agencies from using money or personnel to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes, subject to exception, and required the issuance and adoption by various entities of model policies limiting assistance with immigration enforcement and limiting the availability of information for immigration enforcement.

AB 699 (O'Donnell, Ch. 493, Stats. 2017) included immigration status in the list of specified characteristics for which law states it is the policy of the State of California to provide equal rights and opportunities in the state's educational institutions, and prohibited school officials and employees of a school district, county office of education, or charter school from collecting information or documents regarding the citizenship or immigration status of pupils or their family members. Required specified school officials to take certain actions in response to requests for information or access to a schoolsite by an immigration officer for the purposes of immigration enforcement, required the Attorney General to publish, by April 1, 2018, model policies limiting assistance with immigration enforcement at public schools, and required all local educational agencies to adopt these model policies or equivalent policies.

AB 21 (Kalra, Ch. 488, Stats. 2017) required the Trustees of the California State University, the governing boards of community college districts, and independent institutions of higher education, and requested the Regents of the University of California, to take certain actions regarding immigration enforcement activities on campus, including: refraining from disclosing personal information concerning students, faculty, and staff except under specified circumstances; advising all students, faculty, and staff to notify the office of the chancellor or president as soon as possible if they are advised that an immigration officer will or has entered campus to execute an immigration order; complying with a request from an immigration officer for access to a non-public area of campus only upon the presentation of a judicial warrant; and designating a staff person to serve as a point of contact for those who may be subject to immigration actions, among other requirements. Required such institutions of higher education to adopt and implement the model policy limiting assistance with immigration enforcement developed by the Attorney General, or an equivalent.

PRIOR VOTES:

Senate Education Committee (Ayes 6, Noes 1)
