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Attorney General

Attorney General Bonta Provides Guidance to Students, Educators on Immigration Enforcement on School Campuses

Press Release / *Attorney General Bonta Provides Guidance to Students, Educat...*

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SACRAMENTO – In the wake of new concerns of immigration enforcement on school campuses, California Attorney General Rob Bonta today highlighted recent guidance to students, families, educators, and school officials to help ensure a safe and secure school environment for all. The first document provides practical guidance to school officials on how to respond if an immigration officer comes to campus. The second document provides guidance and model policies for K-12 public schools to assist them in complying with state law. The final document provides immigrant students and their families with information on their educational rights and protections under the law. These resources can be found in multiple languages at oag.ca.gov/immigrant/resources.

“All children have a constitutional right to access a public education, regardless of their immigration status,” **said Attorney General Bonta**. “Schools are meant to be a safe place for children to learn and grow. Unfortunately, the President’s recent orders have created fear and uncertainty in our immigrant communities. My office is committed to ensuring our educators have the tools and knowledge they need to respond appropriately if immigration officers come to their campus – and that immigrant students and families understand their rights and protections under the law. I encourage schools to keep our office apprised of immigration enforcement occurring on their campuses by emailing immigration@doj.ca.gov. We’re continuing to monitor this issue closely, and we will not hesitate to act if we believe this enforcement goes beyond federal authority under the law.”

Guidance for School Officials if an Immigration Officer Comes to Campus

1. Notify the designated local educational agency administrator of the request, and advise the immigration officer that, before proceeding with the request, and absent exigent circumstances, you must first receive direction from the local educational agency administrator.
2. Ask to see, and make a copy of or note, the officer’s credentials (name and badge number), and the phone number of his/her supervisor.
3. Ask the officer for his/her reason for being on school grounds and to produce any documentation that authorizes school access. Make a copy of all documents provided by the officer.
4. If the officer does not declare that exigent circumstances exist, respond according to the requirements of the officer’s documentation.
5. While you should not consent to access by an immigration enforcement officer unless he/she declares exigent circumstances or has a federal judicial warrant, do not attempt to physically impede an officer, even if he/she appears to lack

authorization to enter. If an officer enters the premises without consent, document his/her actions while on campus.

6. Notify parents or guardians as soon as possible (unless prevented by a judicial warrant or subpoena), and do so before an officer questions or removes a student for immigration-enforcement purposes (unless a judicial warrant has been presented).
7. Provide a copy of those notes, and associated documents collected from the officer to the local educational agency's legal counsel, Superintendent, or other designated administrator.
8. Apprise the California Department of Justice of any attempt by a law-enforcement officer to access a school site or a student for immigration-enforcement purposes by emailing immigration@doj.ca.gov.

The complete Quick Reference for School Officials guide is available in English and Spanish.

Rights of Immigrant Students and Families

- **Right to a Free Public Education:** All children have a right to equal access to free public education, regardless of their or their parents'/guardians' immigration status, under the Equal Protection Clause of the U.S. Constitution.
- **Information Required for School Enrollment:** Schools must accept a variety of documents from the student's parent or guardian to demonstrate proof of child's age or residency and schools are not required to keep a copy of the document used as proof of a child's age.
- **Confidentiality of Personal Information:** Federal and state laws protect student education records and personal information. These laws generally require that schools obtain written consent from parents or guardians before releasing student

information, unless the release of information is for educational purposes, is already public, or is in response to a court order or subpoena.

- **Right to File a Complaint:** Your child has the right to report a hate crime or file a complaint to the school district if he or she is discriminated against, harassed, intimidated, or bullied because of his or her actual or perceived nationality, ethnicity, or immigration status.

The complete Guide for Students and Families is available English, Spanish, Chinese (Simplified), Korean, Tagalog, and Vietnamese.

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