
California Attorney General Publishes Updated Guide on the Rights of Undocumented Immigrant Students and Families

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In December 2024, the California Attorney General’s Office (AG) published a [new edition](#) of their guide addressing policies to protect the rights of undocumented students and their families. The guide is titled, “Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California’s K-12 Schools in Responding to Immigration Issues.”

Background

In April 2018, the AG published the first edition of the guide and model policies to equip local educational agencies (LEAs) with information and resources for addressing immigration enforcement actions as well as hate crimes and bullying targeted at immigrants. The AG’s guide was significant because: (1) Assembly Bill (AB) AB 699 required LEAs to adopt the AG’s policies or policies equivalent to the models in the guide on or before July 1, 2018; and (2) the guide served as legal guidance in addressing student privacy issues in general while also providing specific scenarios related to ICE or other immigration-related actions. ([See 2018 Client News Brief No. 17.](#))

Updated Guide

The new edition of the guidance covers three main areas: (1) state and federal protections for students and families; (2) policy recommendations to handle immigration enforcement at schools; and (3) updated model policies. The updated guide also includes helpful resources, such as a quick reference guide for handling immigration issues at schools, a “Know Your Educational Rights” page in multiple languages, and legal resources for families dealing with detention or deportation. Additionally, the AG created a [similar guidance document for the higher education system](#).

The updated guide includes the following substantive changes:

- (1) Districts should update and adopt revised policies by May 1, 2025, models of which are included in the new guide;
- (2) LEAs must record how they verified a student’s age for enrollment purposes, but do not need to keep copies of age verification documents;

- (3) “Eligible student” is included as an individual who could consent to the release of student information;
- (4) Schools are defined as “protected areas” rather than “sensitive locations;” and
- (5) Additional resources related to responding to the detention and deportation of a student’s family member.

The most significant of these changes is the redefining of schools to be “protected areas.” The Department of Homeland Security has issued a [memorandum](#) guiding both U.S. Immigration and Customs Enforcement and U.S. Customs and Border Protection on policy regarding immigration-enforcement actions in or near protected areas. Notably, this policy does not prohibit enforcement actions in “protected areas,” but provides that enforcement actions in or near protected areas should be avoided to the fullest extent possible. Such actions may take place in or near protected areas only when either: (a) prior approval is obtained; or (b) there are exigent circumstances. To the extent that any District policy or regulation contain information and guidance about this issue, they should be revised accordingly. Lozano Smith will monitor any new policies the California School Boards Association may issue based on the updated guidance.

Takeaways

LEAs should familiarize themselves with the new requirements, resources, and model policies included in the AG’s updated guide. The guide essentially serves as a comprehensive legal roadmap to address students’ educational rights while properly handling immigration-related situations.

Lozano Smith can provide additional guidance on these and other immigration-related issues for our school and community college district clients. If you are interested in receiving additional guidance or have any questions regarding immigration enforcement on school campuses, please contact one of the authors of this Client News Brief or any attorney at one of our [eight offices](#) located statewide. You can also subscribe to our [podcasts](#), follow us on [Facebook](#), [X \(formerly Twitter\)](#), and [LinkedIn](#), or download our [mobile app](#).

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