

California Expands School District Obligations to Protect Students, Families, and Employees from Immigration Enforcement

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In response to the rescission of federal agency policies limiting immigration enforcement on school grounds (see Lozano Smith's [2025 Client News Brief Number 9](#)), Governor Newsom signed Assembly Bill (AB) 49 and Senate Bill (SB) 98, both of which took effect immediately. These bills aim to expand protections for students, families, and employees of school districts by creating new obligations when and if immigration enforcement officers attempt to access school sites or request educational records or information.

AB 49

Under existing law, school officials and employees are prohibited from collecting information about citizenship or immigration status of students or their family members. In addition, a school district superintendent or charter school principal must report to their governing board any request for information or access to a school site by immigration enforcement officers. AB 49 expands these requirements.

AB 49 prohibits school officials and employees, to the extent practical, from allowing immigration enforcement officers access to nonpublic areas of a school site without first being presented with a valid judicial warrant, subpoena, or court order. School officials and employees will also have a duty to request valid identification from an immigration officer attempting to enter nonpublic areas of campus. Furthermore, the bill prohibits a local educational agency and its personnel from disclosing to immigration officers any education records or information about school employees, teachers, or students and their families without a parent's written consent, unless the school district is first presented with a valid judicial warrant, subpoena, or court order.

California's Attorney General is already required to publish model policies that school districts must adopt limiting assistance with immigration enforcement at public schools. AB 49 would require the Attorney General to update those model policies by December 1, 2025, to ensure they align with the prohibitions described in the bill. Similarly, school districts will now be required to update their model policies to reflect these changes by March 1, 2026, and make them available to the California Department of Education upon request.

SB-98

Under existing law, school districts are required to enact comprehensive safety plans that include procedures to address a variety of safety concerns.

Similarly, a charter school petition is required to contain such a plan. SB 98 adds new provisions related to immigration enforcement to the existing safety plan requirements.

Specifically, by March 1, 2026, comprehensive school safety plans must include procedures specifically designed to notify parents and guardians of students, as well as teachers, administrators, and school personnel of the presence of immigration enforcement on campus. The bill authorizes the denial of a charter school petition if it does not include a safety plan that contains these procedures.

For public secondary educational entities including community college districts, California State University, the University of California, and qualifying institutions under the Cal Grant Program, existing requirements involve implementing precautionary measures when federal immigration enforcement activities are occurring or expected to be undertaken on campus. These precautionary measures include advising students, faculty, and staff to notify the office of the chancellor or president if immigration enforcement is or will be present on campus. SB 98 expands mandatory precautions for these secondary institutions by requiring them to notify all students, staff, faculty, and other campus community members once they confirm the presence of immigration enforcement on campus.

Takeaways

AB 49 and SB 98 create additional duties for school districts, charter schools, and secondary educational institutions when federal immigration enforcement officers either attempt to enter campus or request records and information. School districts should be aware of these new requirements so that their personnel can comply in a safe and practical manner. These laws supplement existing laws rather than replace them, meaning school districts' current responsibilities concerning federal immigration enforcement remain in place. School districts should make sure they update their policies and practices to reflect these changes.

There is a real possibility that provisions of these new laws could conflict with federal regulation, potentially placing school districts following State law under tension with respect to federal law or policy. When faced with a request for information or access to campus by immigration enforcement officers, school districts should consult with legal counsel to be sure they are aware of potential liabilities and determine the best steps forward.

If you have any questions about AB 49 or SB 98, or need guidance on how to implement these policies or respond to immigration enforcement requests, please contact the authors of this Client News Brief or an attorney at one of our [eight offices](#) located statewide. You can also subscribe to our [podcast](#), follow us on [Facebook](#) and [LinkedIn](#), or download our [mobile app](#).

As the information contained herein is necessarily general, its application to a particular set of facts and circumstances may vary. For this reason, this News Brief does not constitute legal advice. We recommend that you consult with your counsel prior to acting on the information contained herein.