



SB 48 (Gonzalez) Safe Access to Schools

SUMMARY

Senate Bill (SB) 48 would restrict local educational agencies (LEAs) from cooperating with federal immigration enforcement officers at schoolsites, unless presented with a judicial warrant, providing additional protections for students and families to attend school safely.

EXISTING LAW

The Federal Family Educational Rights and Privacy Act (FERPA) restricts LEAs from releasing certain private student information without parental or guardian consent.

Assembly Bill (AB) 699 (O'Donnell, Chapter 493, Statutes of 2017) prohibits school officials and employees of an LEA from collecting or requesting the citizenship or immigration status of pupils or their family members, except under narrow circumstances. The bill also required the Attorney General (AG) to create model policies regarding how LEAs should handle requests for access to information and school grounds for the purposes of immigration enforcement. Finally, the bill required all LEAs to adopt the AG's model policies, or equivalent policies, by July 1, 2018.

BACKGROUND/PROBLEM

The U.S. Supreme Court has long guaranteed that all children have a right to a free public education, regardless of immigration status (*Plyler v. Doe*, 457 U.S.

202 (1982)).¹ The current federal administration has repeatedly vowed to carry out “the largest deportation program in American history,” consequently threatening this right and California’s educational promise to its students.

In the face of unprecedented deportation threats, schools and communities must provide students and their families guaranteed access to school campuses without fear of deportation, harassment, or intimidation by Immigration and Customs Enforcement (ICE) officers.

Currently, LEAs can provide some meaningful protections for their students against immigration enforcement if they have implemented the Attorney General’s relevant model policies and provide staff with appropriate training and counsel. However, LEA governing board policies may be insufficient for immigrant students and families to feel safe to attend school.² The threat of wide-scale deportations of undocumented persons is expected to have a significant chilling effect on education for undocumented children and children of undocumented parents, resulting in decreased school attendance and attendance-based school funding intended to support all pupils.

If immigration raids take place on campuses, parents will be less likely to send their students to schools, creating learning loss for students, and decreased funding for our already overburdened schools.

¹ [Access to Education - Rule of Law | United States Courts](#)

² [10029.2 Enforcement Actions at or Focused on Sensitive Locations.pdf](#)

SOLUTION

SB 48 would strengthen California's ability to provide a safe and supportive learning environment for students, regardless of their immigration status. Specifically, the bill would prevent an LEA and its staff from granting an immigration officer permission to access a school campus without a judicial warrant. Additionally, SB 48 would prevent LEA personnel from disclosing the education records or any information about a pupil, pupil's family and household, school employee, or teacher to an ICE officer without a judicial warrant.

SUPPORT

State Superintendent Tony Thurmond (cosponsor)
California Federation of Teachers, AFL-CIO (cosponsor)
California State PTA (cosponsor)
Alameda County Office of Education
Alum Rock Union Elementary School District
Asian Americans Advancing Justice SoCal
Aspire Public Schools
Bend the Arc: Jewish Action California
Berryessa Union School District
California Adult Education Administrators Association
California Alliance of Child and Family Services
California Association for Bilingual Education (CABE)
CABE individual members
California Association of Food Banks
California Civil Liberties Advocacy
California Charter Schools Association
California Community Foundation
California Council for Adult Education
California County Superintendents
California Faculty Association
California Federation of Labor Unions, AFL-CIO
California Immigrant Policy Center
California School Employees Association (CSEA)
California Teachers Association
Californians Together
Cambrian School District
Campbell Union High School District
Catalyst California
Center for Human Rights and Constitutional Law
Children's Institute
Children Now
Chinese for Affirmative Action
CHIRLA
City of Alameda
City of Santa Ana
City of Soledad

City of San Jose
County of Alameda
County of Monterey
County of San Mateo
County of Santa Cruz
Davis College Democrats
Democrats of Rossmore
Disability Rights California
Drug Policy Alliance
Early Edge California
Electronic Frontier Foundation
Ella Baker Center for Human Rights
El Rancho Unified School District
Equality California
First Five California
Fremont Union High School District
Fresno Unified School District
Friends Committee on Legislation of CA
Hispanas Organized for Political Equality (HOPE)
Jasjit Singh, President, Sacramento City Unified School District
Jorgel Chavez, Mayor of Bell Gardens
Long Beach Community College District
Los Angeles County Office of Education
Los Angeles County School Trustee Association
Los Angeles County Democratic Party
Los Altos School District
Loyola Marymount University – the Center for Equity for English Learners
MALDEF
Mexican-American Legal Defense and Ed Fund
Milpitas Unified School District
Morgan Hill Unified School District
Mount Pleasant Elementary School District
Mountain View Los Altos High School District
Multi-Faith Action Coalition
Nextgen California
Nossaman LLP
Northern California College Promise Coalition
Oak Grove School District
Oakland Privacy
Orchard School District
Pacific Juvenile Defender Center
Partnership for Los Angeles Schools
Pomona Unified School District
Public Advocates
Public School Defenders Hub
Roosevelt Elementary School PTA
Sacramento County Young Democrats
San Mateo County Board of Supervisors
San Mateo County Juvenile Justice & Delinquency Prevention Commission

Santa Barbara Women's Political Committee
Santa Clara County Office of Education
Santa Clara County School Boards Association
Santa Clara Unified School District
Santa Cruz County Board of Supervisors
Santa Monica Democratic Club
Santa Monica Alternative Schoolhouse PTSA
Secure Justice
SEIU California State Council
Seneca Family of Agencies
Sunnyvale School District
Teachers Association of Long Beach
The Education Trust - West
The Lincoln Middle School PTA, Inc
Thirty-Third District PTA
Visión y Compromiso
Western Center on Law and Poverty

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