



THE OFFICE OF SENATE MAJORITY WHIP  
**LENA A. GONZALEZ**  
SENATOR 33<sup>RD</sup> SENATE DISTRICT

## SB 48 (Gonzalez) Safe Access to Schools

### SUMMARY

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Senate Bill (SB) 48 would restrict local educational agencies (LEAs) and local law enforcement agencies from cooperating with federal immigration enforcement officers on or near school grounds, providing additional protections for students and families to attend school safely.

### EXISTING LAW

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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

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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)).<sup>1</sup> The incoming 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. Schools are also currently considered “protected areas,” per ICE’s own policies, and federal immigration officers must, to the extent possible, refrain from conducting enforcement actions in or near a protected area.<sup>2</sup>

However, the published “protected area” policy may be modified at any time. Further, LEA governing board policies may be insufficient for immigrant students and families to feel safe to attend school.<sup>3</sup> 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.

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

<sup>2</sup> [https://www.dhs.gov/sites/default/files/publications/21\\_1027\\_opa\\_guidelines-enforcement-actions-in-near-protected-areas.pdf](https://www.dhs.gov/sites/default/files/publications/21_1027_opa_guidelines-enforcement-actions-in-near-protected-areas.pdf).

<sup>3</sup> [10029.2 Enforcement Actions at or Focused on Sensitive Locations.pdf](#)

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

## **SOLUTION**

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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 ICE 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.

Lastly, SB 48 bill would establish a one-mile radius around a schoolsite where California law enforcement agencies will be prohibited from collaborating with, or providing any information about a pupil, pupil's family and household, school employee, or teacher, to immigration authorities regarding any immigration enforcement actions.

## **SPONSOR**

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State Superintendent of Public Instruction Tony Thurmond

## **CONTACT**

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