



THE OFFICE OF SENATE MAJORITY WHIP
LENA A. GONZALEZ
SENATOR 33RD SENATE DISTRICT

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

Superintendent Tony Thurmond (cosponsor)
California Federation of Teachers, AFL-CIO (cosponsor)
Alameda County Office of Education
Alum Rock Union Elementary School District
Asian Americans Advancing Justice SoCal
Aspire Public Schools
Berryessa Union School District
California Alliance of Child and Family Services
California Ass’n for Bilingual Education
California Civil Liberties Advocacy
California Charter Schools Ass’n
California Federation of Labor Unions, AFL-CIO
California School Employees Ass’n (CSEA)
California State PTA
Californians Together
Campbell Union High School District
Children’s Institute
Children Now
Chinese for Affirmative Action
CHIRLA
City of Santa Ana
County of Alameda
County of Santa Cruz
Democrats of Rossmoor
Drug Policy Alliance
Electronic Frontier Foundation
Ella Baker Center for Human Rights
El Rancho Unified School District
First Five California
Fremont Union High School District
Friends Committee on Legislation of CA
LA County School Trustee Association
LA County Democratic Party
Los Altos School District
MALDEF
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
Nossaman
Oak Grove School District
Oakland Privacy
Orchard School District
Pacific Juvenile Defender Center
Pomona Unified School District
Roosevelt Elementary School PTA
Santa Barbara Women’s Political Committee
Santa Clara County Office of Education
Santa Clara County School Boards Ass’n
Santa Clara Unified School District
Santa Cruz County Board of Supervisors
Santa Monica Democratic Club
Santa Monica Alternative Schoolhouse PTSA
SEIU California State Council
Sunnyvale School District
The Lincoln Middle School PTA, inc
Thirty-Third District PTA
Visión y Compromiso

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