Promoting a Safe and Secure Learning Environment for All:

Guidance and Model Policies to Assist California's TK-12 Schools in Responding to Requests for Access and Information for Immigration Enforcement Purposes

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Table of Contents

Introduction 3

Section 1: Gathering and Handling Student and Family Information 8

Section 2: Sharing Information Regarding Students, Their Families, and Employees 15

Section 3: Responding to Requests for Access to Schoolsites for Immigration Enforcement Purposes 24

Section 4: Responding to the Detention or Deportation of a Student's Family Member 33

Section 5: Responding to Hate Crimes and Bullying Related to National Origin or Ethnicity 37

Endnotes 41

Appendix A: Quick Reference for School Officials 46

Appendix B: ICE (Immigrations and Customs Enforcement) "Arrest Warrant" (Form I-200) and "Removal Warrant" (Form I-205) 50

Appendix C: Federal Search and Seizure Warrant (Form AO 93) 52

Appendix D: Federal Arrest Warrant (Form AO 442) 53

Appendix E: DHS Immigration Enforcement Subpoena (Form I-138) 54

Appendix F: Federal Judicial Subpoena 55

Appendix G: Know Your Educational Rights 56

Introduction

California's public schools serve nearly six million children and their families.[1] The State's educators have the incredible opportunity, and responsibility, to create and maintain secure and peaceful learning environments for all students, regardless of nationality or immigration status.[2] In a state in which nearly half of all children have at least one immigrant parent,[3] the ways in which our schools handle immigration issues are critically important.

Approximately 133,000 undocumented children attend California's public K-12 schools.[4] The State and its educators must do everything within their control to make all California schools safe havens for California's students and families.

Immigration enforcement threats have led immigrant families to ask whether it is safe to send their children to school. Although California cannot control the actions of federal immigration enforcement agencies, federal and California laws empower schools to welcome all students and to reassure them of their educational rights and opportunities. Under the U.S. Constitution, all students have a right to receive an education without discrimination based on immigration status. In *Plyler v. Doe*, the U.S. Supreme Court recognized that undocumented immigrants are guaranteed due process and equal protection rights under the U.S. Constitution, and that children cannot be denied equal access to a public education because of their immigration status. Therefore, schools must provide free public education to all students regardless of their immigration status and regardless of the citizenship status of the students' parents or guardians.[5]

California law similarly affirms the equal educational rights of immigrant students. In California, all children between the ages of 6 and 18 years, who are not otherwise exempt (e.g., those who are homeschooled), must be enrolled in school.[6] Under the California Constitution, all students and staff—regardless of immigration status—"have the inalienable right to attend campuses which are safe, secure and peaceful."[7] The California Supreme Court has affirmed that an immigrant student's right to equal educational opportunity is "a vitally important right in our society."[8] And the U.S. Supreme Court has ruled that the federal government cannot commandeer state and local governments.[9] Protections are expressly codified in California law to outlaw discrimination on the basis of a student's immigration status "in any program or activity conducted by an educational institution that receives, or benefits from, state financial assistance, or enrolls pupils who receive state financial aid."[10]

Purpose of This Guide

This guidance was initially published in 2018, pursuant to Assembly Bill (AB) No. 699 (O'Donnell and Chiu; 2017-2018 Regular Session). AB 699 amended California Education Code section 234.7 to mandate that the Attorney General, by April 1, 2018, publish model policies ". . . limiting assistance with immigration enforcement at public schools, to the fullest extent possible consistent with federal and state law, and ensuring that public schools remain safe and accessible to all California residents regardless of immigration status."[11] AB 699 further required that by July 1, 2018, all local educational agencies in California, including all school districts, county offices of education, and charter schools, adopt these or equivalent policies.

In December 2024, California Attorney General Rob Bonta updated this guidance to equip local educational agencies with the updated information and resources necessary to continue to provide safe, welcoming environments for all students and to safeguard the rights and privacy of students and their families.

In September and October 2025, the Governor signed into law several bills that amended Education Code section 234.7: AB 49, AB 419, and AB 495.[12] AB 49 became effective immediately, on September 20, 2025. AB 49 will remain in effect until January 1, 2026, at which point the operative provisions of AB 495 relating to the Education Code amendments will take effect, superseding AB 49 (which was to take effect January 1, 2026) and AB 419.[13]

Effective January 1, 2026, AB 495 amends Education Code section 234.7 as follows:

- **Access to nonpublic areas:** prohibits school officials and employees of a local educational agency, unless required by state or federal law, or required to administer a state or federally supported educational program, from allowing an officer or employee of an agency conducting immigration enforcement to enter a nonpublic area of a schoolsite for any purpose, unless the person seeking entry presents them with a valid judicial warrant, judicial subpoena, or a court order.
    - School officials must, if possible, ask the person to provide valid identification if they are seeking to enter a nonpublic area of a schoolsite.
    - This does not limit the right of a local educational agency and its officials to consult with counsel or challenge the validity of a warrant, subpoena, or court order in a court of competent jurisdiction.
- **Access to documents or information:** prohibits a local educational agency and its personnel from disclosing or providing, in writing, verbally, or in any other manner, and to the extent practicable, any information about a pupil, including their education records, or information about the pupil's family and household to an officer or employee of an agency conducting immigration enforcement, unless that officer or employee provides a valid judicial warrant, judicial subpoena, or court order requesting the information. This prohibition applies as well to any information about a school employee or teacher.
    - This includes "personal information," as defined by Civil Code section 1798.3. "Personal information" means "any information that is maintained by an agency that identifies or describes an individual, including, but not limited to, the individual's name, social security number, physical description, home address, home telephone number, education, financial matters, and medical or employment history. It includes statements made by, or attributed to, the individual."[14]

- This includes information about a pupil's home and travel schedule.

- The **Attorney General** is to update its previous guidance and model policies by **December 1, 2025.**

- **All local educational agencies** must update existing policies to reflect all requirements in Section 234.7 by **March 1, 2026** and must maintain this policy and make it available to the California Department of Education upon request.

- **All local educational agencies** must adopt the "Know Your Educational Rights" checklist for students and families, as updated by the Attorney General, by the school year following any updates the Attorney General provides; this checklist must be posted in every language that the Attorney General provides, and must be posted at its administrative offices and the internet sites of the agency and the internet sites of every schoolsite.

- **All local educational agencies** may be subject to monitoring and auditing by the California Department of Education to ensure policies are in compliance.

- Added **definitions** for "immigration enforcement" (identical to that provided in the Values Act, Gov. Code, § 7284.4, subd. (f)) and "schoolsite."

Scope of Education Code section 234.7

All local educational agencies in California are subject to this updated guidance and the provisions of Education Code section 234.7. As noted above, Section 234.7 defines a "local educational agency" as "a school district, county office of education, or charter school."[15] The requirements of Section 234.7, as amended by AB 495 and AB 49, thus apply to all officials and employees of a local educational agency, and to every program operated by a local educational agency. This includes not only K-12 schools, but preschool programs, transitional kindergarten programs, aftercare programs, summer school programs, continuation programs, and any other program operated by a local educational agency, in other words, any program operated by a school district, county office of education, or charter school.

This updated guide:

- discusses procedures for responding to requests for information regarding students, families, employees, or teachers, or access to any nonpublic area of a schoolsite, when the purpose for doing so is to enforce immigration laws;

- includes model policies for responding to these requests;

- includes procedures to respond to hate crimes and bullying that target immigrants; and

- explains AB 495's amendments to California laws that set forth new requirements for designating a guardian or caretaker and related laws.[16]

Also new in this update is a new "Know Your Educational Rights" quick reference guide for students and their families at Appendix G (translations of which will be made available in different languages). As discussed below, AB 495 requires local educational agencies to provide information related to this "Know Your Educational Rights" guide to parents and guardians, either as part of the annual notification to parents and guardians pursuant to Education Code section 48980 or any other cost-effective means determined by the local educational agency. This "Know Your Educational Rights" guide must be posted by local educational agencies in the agency's administrative buildings and on the internet sites of the

agency and the internet sites of each of its schoolsites. It must be posted in every language provided by the Attorney General and updated the school year following any updates published by the Attorney General.[17]

AB 495 requires local educational agencies to provide information relating to this guidance and the model policies contained herein to families, including information related to plans for family safety, the Caregiver's Authorization Affidavit in Family Code section 6552, and the importance of families providing schools with, and regularly updating, emergency contact information, including secondary and additional contact information. Agencies may provide this information in their annual notification to parents and guardians, as required by Education Code section 48980, or any other cost-effective means determined by the agency.[18]

A Quick Reference for School Officials for responding to on-campus immigration enforcement and requests for student and family information is also included as Appendix A.

This guide offers local educational agencies governing law and model policies for handling and responding to the following circumstances:

1. Gathering and Handling Student and Family Information.

2. Sharing Information Regarding Students, Families, and Employees.

3. Responding to Requests for Information Regarding Students, Families, and Employees for Immigration Enforcement Purposes.

4. Responding to Requests for Access to Schoolsites for Immigration Enforcement Purposes.

5. Responding to the Detention or Deportation of a Student's Family Member.

6. Responding to Hate Crimes and Bullying Related to National Origin or Ethnicity.

This guide is intended to help school officials form practical plans to protect the rights of students and their families regarding requests for access or information for immigration enforcement purposes. Local educational agencies must comply with several state laws in this regard.

The Values Act (SB 54)

The Values Act (Senate Bill 54 [SB 54]) became effective January 4, 2018. SB 54 prohibits "California law enforcement agencies" from engaging in immigration enforcement activities, subject to certain exceptions.[19] This includes "school police or security departments," which include "police and security departments of the California State University, the California Community Colleges, charter schools, county offices of education, schools, and school districts."[20] The California Attorney General's Office has issued several law enforcement bulletins regarding SB 54, which local educational agencies with police or security departments should review to ensure their officers comply with the restrictions on immigration enforcement in SB 54.[21]

SB 54 also required the Attorney General to publish model policies limiting assistance with immigration enforcement to the fullest extent possible consistent with federal and state law at public schools,[22] public libraries, courthouses, shelters, among other entities and organizations operated by the state or a political subdivision of the state.[23] The Attorney General published these policies (including the original version of this guide, which included model policies) in 2018.

To the extent that local educational agencies have developed policies that are aligned with or provide greater protections for students and families, this guide is not intended to supersede those policies.[24] Rather, this guide offers foundational policies reflecting the requirements that at minimum should be present in the policies of any California local educational agency. Local educational agencies that have already adopted policies should use this updated guide as a resource to ensure alignment and to distribute the checklist for school officials, Know Your Educational Rights checklist for students and families, and resource pages for students and families, where appropriate.

Local educational agency policies must substantially reflect the model policies here except where contrasting laws or circumstances require adjustments. If you have reason to believe that a school is not following the model policies identified in this guidance, please e-mail the ***Bureau of Children's Justice in the California Department of Justice,*** *at* ***BCJ@doj.ca.gov***, or submit a complaint on the Bureau's website at ***https://oag.ca.gov/bcj/complaint****.*

The laws, regulations, and policies cited in this guidance and the model policies are based on laws in existence as of January 1, 2026. Educational agencies are encouraged to consult with their attorneys should any of the laws, regulations, or policies cited in this guidance change.

01 Gathering and Handling Student and Family Information

Purpose

Provide school administrators with policies for collecting and retaining information to prevent unnecessary collection of information on the immigration status of students and their families.

Governing Law

1. Social Security Numbers

Every individual has a considerable privacy interest in retaining the confidentiality of their Social Security number.[25] California law bars school districts, county offices of education, and charter schools from collecting or soliciting Social Security numbers, or the last four digits thereof, from students or their parents or guardians, unless otherwise required to do so by state or federal law.[26] While solicitation of a parent's or guardian's last four digits of their Social Security number—or a statement that the parent does not possess a Social Security number— is a way to establish eligibility for a free or reduced-price lunch,[27] there is no federal or California law that requires schools to collect Social Security numbers from students or their parents and guardians for enrollment purposes. Therefore, local educational agencies may not collect or solicit a student's or parent's/guardian's Social Security number or Social Security card during the school enrollment process.

2. Enrollment Information

During the student enrollment process, school districts in particular must verify certain information, including a student's residency in the district and age. Education Code section 48204.1 requires school districts to accept "reasonable evidence" of residency in the district and lists the types of documents that school districts must accept, at a minimum, as proof of residency:

- Property tax payment receipts
- Rental property contract, lease, or payment receipts
- Utility service contract, statements, or payment receipts
- Pay stubs
- Voter registration
- Correspondence from a government agency
- Declaration of residency executed by the parent or legal guardian of a pupil.

While a district must accept these listed documents, the district may choose to accept other types, as well.[28] Also, parents and guardians are not required to provide every document listed.

To prove age, Education Code section 48002 permits school districts to accept the following:

- Certified copy of birth record
- Statement by the local registrar or county recorder certifying the date of birth
- Baptism certificate duly attested
- Passport

- When none of the foregoing is obtainable, an affidavit of the parent, guardian, or custodian, or any other appropriate means of proving the child's age.

A local educational agency's refusal to accept alternative proof of residency or age on the basis of a child's or a parent's/guardian's actual or perceived race, color, national origin, citizenship, or immigration status may constitute a violation of federal and California civil rights laws.[29] And while local educational agencies are required to note the method by which the student's age was verified as part of the permanent student record, they are not required to maintain a copy of the document used to show age.[30]

Additionally, the federal McKinney-Vento Homeless Assistance Act requires schools to immediately enroll a homeless child or youth even if they are unable to provide proof of residency or age or other documentation normally required for enrollment.[31]

School officials and employees of local educational agencies should never ask about the citizenship or immigration status of students or their parents or guardians for the purpose of establishing in-district residency. California law prohibits school officials or employees of local educational agencies from, at any time, collecting any information or documents regarding citizenship or immigration status of pupils or family members, unless required by state or federal law or as required to administer a state or federally supported education program.[32] However, schools are never required under federal or state law to collect citizenship or immigration status information as this information is irrelevant to the enrollment process, so they should not do so. Such inquiries may substantially interfere with a student's access to a basic public education.

Federal law and California law also prohibit local educational agencies from engaging in any practices with the purpose or effect of discriminating against students on the basis of race, color, or national origin. Inquiries into a student's or parent's immigration or citizenship status may have such a discriminatory effect.[33] California law specifically prohibits discrimination on the basis of an individual's immigration status, for any program or activity conducted by an educational institution that either receives or benefits from state financial assistance, or that enrolls students who receive state financial aid.[34] In addition, state law requires "full and equal accommodations, advantages, facilities, privileges, or services" for students regardless of their citizenship or immigration status.[35] Local educational agencies should review their student enrollment, residency, and data collection policies and practices, not only to ensure that they comply with these federal and state laws, but also to safeguard against inadvertently discouraging immigrant/undocumented children from enrolling in or attending school because of the content of the enrollment forms or the mechanics of the enrollment process.

Local educational agencies may ask for (but parents are not required to provide) certain national origin related information—such as a student's place of birth, U.S. entry date, and the date the student first attended school in the U.S.—to comply with federal or state reporting requirements for special programs (e.g., for reporting on language instruction programs for English learners).[36] However, local educational agencies may not use the acquired data to discriminate against immigrant students or prevent children from enrolling in or attending school if their parents or guardians choose not to provide this information.[37] To avoid deterring initial school enrollment of immigrants or their children, agencies should collect this information separately from the school enrollment process.

Local educational agencies must also provide information to parents, guardians, and students, where appropriate, informing them of students' rights related to free public education, regardless of immigration status or religious beliefs.[38] This includes providing information relating to this guidance and the Know Your Educational Rights guide attached as Appendix G. This information may be provided in the annual notification to parents and guardians pursuant to Education Code section 48980 or any other cost-effective means determined by the local educational agency.

If they have not done so already, local educational agencies must develop written policies and procedures for gathering and handling confidential student information generally and conduct agency-wide staff training on handling inquiries regarding these policies and practices. Local educational agencies should also review all student enrollment policies, practices, and forms, to ensure that any information or documents required for establishing residency do not risk negatively affecting student enrollment. Administrators should field test materials and seek community input to gauge whether materials are having such effect.

Policy Recommendations: Gathering and Handling Student and Family Information

1. Policies for Collecting and Retaining Student Information

Written and Publicly Available Policies; Training

Policies and procedures for gathering and handling sensitive student information during enrollment or otherwise should be set out in writing. Staff should receive training on these policies and procedures.

Document/Record Retention

As discussed below, the local educational agency should avoid seeking or collecting information regarding students' or families' immigration or citizenship status. However, if the local educational agency is required to collect national origin information because of federal reporting requirements, such information shall not be used to discriminate or prevent children from enrolling in or attending school; nor should parents' or guardians' decision to withhold such information be used to discriminate against students or prevent their enrollment. Moreover, the local educational agency shall not use such information to create a registry based on race, gender, sexual orientation, religion, ethnicity, or national origin.

2. Immigration Status, Citizenship Status, National Origin Information

Information on Immigration Status, Citizenship Status, and National Origin Generally

Do not at any time seek information about a student's citizenship or immigration status specifically. Do not at any time seek or require, to the exclusion of other sufficient and permissible information, information regarding or probative of a student's or their parent's citizenship (U.S. citizenship or foreign citizenship) or immigration status (e.g., immigration number).

While agencies may be required to collect and provide information related to a student's national origin (i.e., information regarding a student's birthplace, entry date into the United States, date of first enrollment in a U.S. school, or departure from the United States after entry) to satisfy certain federal

reporting requirements for special programs, to avoid deterring initial school enrollment of immigrants or their children, agencies should collect this information separately from the school enrollment process.

Proof of Residency in Attendance Zone and Proof of Age

Notify students and families of the full range of documents that will be accepted as proof of residency in the relevant attendance zone and as proof of age.

Under Education Code section 48204.1, any of the following documents establish proof of residency in an attendance zone:

- ✓ Property tax payment receipts;
- ✓ Rental property contract, lease, or payment receipts;
- ✓ Utility service contract, statement, or payment receipts;
- ✓ Pay stubs;
- ✓ Voter registration;
- ✓ Correspondence from a government agency; or
- ✓ Declaration of residency executed by the parent or legal guardian of the pupil.

Under Education Code section 48002, any of the following documents establish age:

- ✓ Certified copy of a birth record;
- ✓ Statement by the local registrar or a county recorder certifying the date of birth;
- ✓ Baptism certificate duly attested;
- ✓ Passport; or
- ✓ Affidavit of the parent, guardian, or custodian of the minor.

Under both Education Code sections 48204.1 and 48002, a school district can choose to accept other documents to show residency in a zone and show age. On those matters and other matters where an agency has the discretion to add permissible alternatives, a local educational agency should ensure that alternatives for documentation include documents that are available regardless of citizenship or immigration status, and that do not reveal information related to citizenship or immigration status. Local educational agencies should review and adjust all student enrollment/application policies, practices, and forms, to ensure that they include and describe to the applicant all acceptable alternatives. And while local educational agencies are required to note the method by which the student's age was verified as part of the permanent student record, local educational agencies are not required to maintain a copy of the document used to show age.[39]

3. Requests for Social Security Numbers or Other Personal Information

Social Security Numbers or Cards

Solicit and collect the last four digits of an adult household member's Social Security number only if required to establish eligibility for federal benefit programs.

When collecting the last four digits of an adult household member's Social Security number to establish eligibility for a federal benefit program, the local educational agency should explain the limited purpose for which this information is collected and clarify that a failure to provide this information will not bar the student from enrolling in or attending the school.

"Free and Reduced-Price Meals" Forms

When a family is completing the "Free and Reduced-Price Meals" form, the local educational agency should notify parents or guardians that:

- ✓ If any household member participates in CalFresh, CalWORKs (California Work Opportunity and Responsibility for Kids), or FDPIR (Food Distribution Program on Indian Reservations), no adult household member needs to provide the last four digits of their Social Security number; and
- ✓ If no household member of a student's family participates in CalFresh, CalWORKs, or FDPIR, and no adult household member has a Social Security number, the student still can qualify for free or reduced-price meals, if the family meets the income eligibility requirements. The "No SSN" box on the form must be checked for the application to be considered complete.

Gathering Information from Parent Volunteers

To the extent permissible, the local educational agency should communicate to families the available volunteer positions and whether such positions require completion of Live Scan or other fingerprinting. The local educational agency should provide this notice to all students and families, regardless of immigration or citizenship status.

Model Policies: Gathering and Handling Student and Family Information

All local educational agencies are required to adopt the following model policies, or equivalent policies, by March 1, 2026:[40]

Model Policies for Collecting and Retaining Student Information

- The [title of appropriate official or name of unit] shall maintain in writing [local educational agency] policies and procedures for gathering and handling sensitive student information, and appropriate personnel shall receive training regarding those policies and procedures.
- If the [local educational agency] possesses information that could indicate immigration status, citizenship status, or national origin information, the [local educational agency] shall not use the acquired information to discriminate against any students or families or bar children from enrolling in or attending school.
- If parents or guardians choose not to provide information that could indicate their or their children's immigration status, citizenship status, or national origin information, the [local educational agency] shall not use such actions as a basis to discriminate against any students or families or bar children from enrolling in or attending school.
- The [local educational agency] shall not allow school resources or data to be used to create a registry based on race, gender, sexual orientation, religion, ethnicity, national origin, or immigration status.

Model Policies for Inquiries Regarding Immigration Status, Citizenship Status, and National Origin Information

- [Local educational agency] personnel shall not inquire specifically about a student's citizenship or immigration status or the citizenship or immigration status of a student's parents or guardians; nor shall personnel seek or require, to the exclusion of other permissible documentation or information, documentation or information that may indicate a student's immigration status, such as a green card, voter registration, a passport, or citizenship papers.
- Where any law contemplates submission of national origin-related information to satisfy the requirements of a special program, [local educational agency] personnel shall solicit that documentation or information separately from the school enrollment process.
- Where permitted by law, the [title of officer or unit] of the [local educational agency] shall enumerate alternative means to establish residency, age, or other eligibility criteria for enrollment or programs, and those alternative means shall include among them documentation or information that are available to persons regardless of immigration status, citizenship status, or national origin, and that do not reveal information related to citizenship or immigration status. Local educational agencies shall note the method of age verification but are not required to maintain a copy of the document used to show age.
- Where residency, age, and other eligibility criteria for purposes of enrollment or any program may be established by alternative documents or information permitted by law or this [resolution/policy], the [local educational agency's] procedures and forms shall describe to the applicant, and accommodate, all alternatives specified in law and all alternatives authorized under this [resolution/policy].

Model Policies for Inquiries About Social Security Numbers or Cards

- The [local educational agency] shall not solicit or collect entire Social Security numbers or cards.
- The [local educational agency] shall solicit and collect the last four digits of an adult household member's Social Security number only if required to establish eligibility for federal benefit programs.
- When collecting the last four digits of an adult household member's Social Security number to establish eligibility for a federal benefit program, the [local educational agency] shall explain the limited purpose for which this information is collected and clarify that a failure to provide this information will not bar the student from enrolling in or attending the school.
- The [local educational agency] shall treat all students equitably in the receipt of all school services, including, but not limited to, the gathering of student and family information for the free and reduced lunch program, transportation, and educational instruction.

02 Sharing Information Regarding Students, Their Families, and Employees

Purpose

Identify categories of information regarding students, their families, their households, and employees of local educational agencies, the disclosure of which is limited or precluded from disclosure, and provide model policies on instructing students and families on ways to protect against the release of their information, to the extent permitted under the law.

Governing Law

Citizenship and Immigration Status Information. Federal law does not impose an affirmative duty on state or local government entities to collect information about an individual's citizenship or immigration status. California law generally prohibits law enforcement, including school police and security departments, from "[i]nquiring into an individual's immigration status."[41] Similarly, local educational agencies are prohibited from collecting information or documents regarding the citizenship or immigration status information of pupils or their family members.[42]

An agency's acquisition of information about an individual's immigration or citizenship status would thus generally be merely incidental to some other purpose (e.g., parental choice to submit a passport containing visa information as proof of student age).

Therefore, local educational agencies seeking to protect immigrant students' privacy typically choose not to acquire facts surrounding immigration and citizenship status. They would not then possess such information about a given student to share with law enforcement for immigration enforcement purposes.[43] (See Section 1, above.)

But if a state or local government (in particular) nonetheless possesses information regarding citizenship or immigration status, federal and California law provide that state or local governments may not prohibit or restrict employees from sending to or receiving such information from federal immigration enforcement authorities or maintaining that information, if collected.[44] Federal law itself restricts local educational agencies from sharing personal information as described below, and those federal restrictions would apply with equal force to student personal information— such as information regarding a student's citizenship or immigration status—contained in education records.

Personal Information Generally. Federal law requires that, in most cases, a local educational agency must seek a parent's or guardian's consent before releasing any student information to an outside entity.[45] However, local educational agencies may release information without parental/guardian consent, in limited instances, to certain enumerated individuals for "legitimate educational interests" or the release of "directory information." These instances and other confidentiality protections are discussed in further detail below.[46]

1. Restrictions on Release of Personal Information or Educational Records of Students and Their Families

As a condition of federal funding, federal law restricts local educational agencies from releasing certain private student information without the consent of the student's parents, or the student if the student has reached 18 years of age or is attending an institution of postsecondary education.[47] Under the federal Family Educational Rights and Privacy Act (FERPA), federal funding for educational institutions may be withheld from an educational agency or institution (including a local educational agency) that has a policy of releasing educational records or personally identifiable information (other than directory information; see discussion below) of students, without the written consent of the students' parents.[48] The California Education Code includes overlapping and additional protections against the disclosure of students' educational records or personally identifiable information contained therein that school districts must also follow.[49]

Such written consent must be signed and dated by the parent or by the eligible student (student that is 18 years or older, or attending a post-secondary institution) before disclosure of the information, and must specify the records that may be disclosed, the purpose of the disclosure, and the party or class of parties to whom the disclosure may be made.[50] If desired by the parents or eligible student, the local educational agency must provide a copy of the records to be released.[51] The consent notice shall be permanently kept with the record file.[52] Also, the local educational agency must notify the recipient that transmission of the information to others without the written consent of the parent is prohibited.[53]

AB 495 has amended Education Code section 234.7 to prohibit a local educational agency and its personnel, to the extent practicable, from disclosing or providing to an officer or an employee of an agency conducting immigration enforcement – in writing, verbally, or in any other manner – the following records, unless they are presented with a valid judicial warrant, judicial subpoena, or court order directing them to produce the records:

- The "education records of or any information about a pupil or a pupil's family and household without the pupil's parents' or guardians' written consent"
    - This includes "personal information," as defined in Civil Code section 1798.3, subdivision (a), which means "any information that is maintained by an agency that identifies or describes an individual, including, but not limited to, the individual's name, social security number, physical description, home address, home telephone number, education, financial matters, and medical or employment history. It includes statements made by, or attributed to, the individual."
    - This includes "information about a pupil's home."
    - This includes "information about a pupil's travel schedule."
- "Any information . . . about . . . a school employee, or a teacher"
    - This includes "personal information," as defined in Civil Code section 1798.3, subdivision (a), which means "any information that is maintained by an agency that identifies or describes an individual, including, but not limited to, the individual's name, social security number, physical description, home address, home telephone number, education, financial matters, and medical or employment history. It includes statements made by, or attributed to, the individual."

Any education records that are produced pursuant to a valid judicial warrant, judicial subpoena, or court order must comply with the parent notification requirements set forth in FERPA's regulations, at 34 C.F.R. § 99.31, subd. (a)(9)(ii).[54]

When presented with a request to disclose any personal information of a student or their family, agency personnel receiving the request are not obligated to immediately produce the records or information. Instead, the official should accept the request and consult the agency's legal counsel for legal advice. Agencies should thus have a procedure in place, including an after-hours contact number, to contact the agency's legal counsel. Local educational agency personnel should ask for valid identification and document the officer's contact information and agency, if possible.

Records or Information Regarding an Employee or Teacher

As noted above, Section 234.7's protections with respect to information extend as well to teachers and employees of a local educational agency. Again, as with requests for information or education records of students or their families, agency personnel presented with a request for information for teachers and employees are under no obligation to produce the information immediately, but should instead consult legal counsel for the agency. Local educational agency personnel should ask for valid identification and document the officer's contact information and agency, if possible.

Furthermore, Government Code section 7285.2 also prohibits the local educational agency as a public employer from providing voluntary consent to an immigration enforcement agent to access, review, or obtain a local educational agency's employee records without a subpoena or judicial warrant. A subpoena under this provision can be issued under the authority of a government agency or an attorney without the need for prior court approval if the agency or attorney is authorized to issue subpoenas under the law. This provision does not apply to I-9 Employment Eligibility Verification forms and other documents for which a Notice of Inspection has been provided to the employer.[55]

2. Exceptions Permitting Disclosure of Information Without Consent or Notification

An agency may provide access to educational records without consent from the parent or eligible student in limited circumstances. Such circumstances include information relevant to the legitimate educational interests of the requestor—such as for reviewing school attendance issues, providing schools with information on transferring students, evaluating federally funded educational programs, and conducting truancy mediation.[56]

If a disclosure is to comply with a judicial order or lawfully issued subpoena, under FERPA, a school may not disclose educational records for a student without first attempting to notify the parent or guardian.[57] There are certain narrow circumstances under which notification to a parent or guardian may not be required, including when disclosure is in compliance with "any other subpoena issued for a law enforcement purpose and the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed."[58] In all other circumstances, local educational agency personnel must provide notice to and should make every effort to receive written consent from parents and eligible students before turning over student records. And, under state law, local educational agency personnel, to the extent practicable, may not provide personally identifiable information of a student to immigration authorities unless provided with a judicial subpoena, judicial warrant, or court order, and thus should consult with counsel when receiving any administrative subpoenas to determine how or whether to respond. (See Section 3, below.)[59]

But none of these exceptions authorize or require disclosing information for immigration enforcement (which is not a legitimate educational interest), nor is there any separate requirement in federal or state law to provide information to the Department of Homeland Security (DHS), ICE, or any other agency within DHS, without a court order, judicial warrant, or judicial subpoena.[60] Also, except in instances in which the matter involves child abuse, neglect, or dependency, or if the local educational agency is served with a subpoena prohibiting disclosure, the parents and the students must be notified of any judicial order or subpoena before the school complies with the order.[61]

3. Prohibition of Release of Personal Information Obtained by School Police

In addition to the protections afforded to students in FERPA and the California Education Code, the California Government Code prohibits school police and security departments from providing "personal information" about an individual for immigration enforcement purposes, unless that information is publicly available.[62] The definition of "personal information" incorporates any information that "identifies or describes an individual" including, but not limited to, an individual's physical description, home or work address, telephone number, education, financial matters, medical or employment history, and statements made by, or attributed to, the individual.[63] While the California Government Code does not prohibit school police and security departments from exchanging information regarding a person's citizenship or immigration status with governmental entities,[64] restrictions in FERPA and California law regarding the sharing of personal information contained in education records as described above applies to law enforcement officials employed by a local educational agency in the same way it applies to other local educational agency officials.

4. Annual Notification Requirement Regarding School Privacy Policy

At minimum, local educational agencies must provide students and families with annual notice, at the beginning of each school year, of school policies for student privacy and the abilities of parents to inspect student information. At least once per year, local educational agencies must notify parents or guardians if and when the schools may release student information, and the policies regarding the handling and destruction of such information.[65] Such notification shall be provided in the parents' or guardians' primary languages if at least 15 percent of the students enrolled in the school speak a single primary language other than English.[66] Also, the local educational agencies must notify the parents of any changes to the privacy policy within a reasonable period after that change.[67]

5. Directory Information

Directory information is the basic student information that can be shared with outside parties, unless a parent or guardian opts out of the release of the information.[68] No law mandates that local educational agencies provide directory information.[69] However, local educational agencies that have a policy regarding gathering directory information can disclose such information to designated individuals, officials, and organizations without the parent's or student's explicit consent (except for students identified as a homeless child or youth).[70]

Only the types of information specifically identified in Education Code section 49061, subdivision (c), may be provided as directory information. Thus, directory information cannot include national origin, citizenship status, or immigration status, because that information is not identified in Section 49061. Nor may directory information include a student's Social Security number or student identification (SID) number, unless the SID number is needed with other identifying information, such as a password or personal identification number, to gain access to student records.[71]

Local educational agencies must give annual notice of the school's directory information policy and afford an opportunity to refuse release of directory information, to parents of students in attendance,

and "eligible students"—students who are 18 years of age or older or are attending an institution of postsecondary education.[72] Specifically, notices to parents and eligible students must describe the following:

- The kind of information that the school has identified as directory information;
- The parent's or student's ability to refuse to let the school designate the information as directory information, which could be disclosed to outside entities;
- The period of time in which the parent or student has to notify the school in writing that they do not want the information designated as directory information; and
- That opting out by the noted deadline is the parents'/guardians'/students' only way to prevent the release of directory information.[73]

California law also requires local educational agencies to determine "which individuals, officials, or organizations may receive directory information" and prohibits the release of directory information to "any profitmaking entity other than employers, prospective employers, and representatives of the news media."[74] Local educational agency administrators must also notify parents or guardians of the recipients of the directory information.[75]

Policy Recommendations: Sharing Student and Family Information

1. Policies and Procedures Regarding Information Sharing

As noted below, the model policies must seek to avoid unauthorized disclosure of a student's or family's immigration information. Local educational agencies must develop policies for notification of local educational agency officials and families when receiving inquiries regarding a student's or family's immigration or citizenship status. The local educational agency shall develop focused policies regarding disclosure of information for individuals participating in programs serving immigrant families. And the local educational agency must require written consent from the parent, guardian, or eligible student for release of student information, unless that information is relevant for a legitimate educational interest or is only directory information, which are described below, or is subject to the narrow conditions in FERPA and California law described above.

Examples of information relevant to legitimate educational interests

- ✓ Record of student's attendance;
- ✓ Student transfers;
- ✓ Audit of federally-supported educational programs;
- ✓ Truancy mediation; and
- ✓ Criminal investigation.[76]

Examples of directory information

- ✓ Name;
- ✓ Address;
- ✓ Telephone number;
- ✓ Weight and height of athletic team members;
- ✓ Date of birth;
- ✓ E-mail address;
- ✓ Major field of study;
- ✓ Dates of attendance;
- ✓ Most recent previous school attended;
- ✓ Participation in officially recognized activities and sports; and
- ✓ Degrees and awards received.[77]

Requirements for Written Consent for Release of Student Information

Parents, guardians, and eligible students are not required to provide written consent for the release of information. If they decline to give written consent, and the information is not otherwise subject to release (because it is not relevant to a legitimate educational purpose, directory information, or subject to a judicial order or lawfully issued and effective subpoena or judicial warrant), the local educational agency shall not release the information.

The local educational agency's policy for written consent authorizing disclosure of student information —excluding information relevant for a legitimate educational interest, directory information, or subject to a judicial order or lawfully issued and effective subpoena or judicial warrant—must include the following requirements:

- ✓ The parent, guardian, or eligible student must sign and date the consent form before disclosure of the information.
- ✓ The consent form must include the following:
  - Description of the records to be disclosed;
  - Reason for disclosure;
  - Party or class of parties to whom disclosure may be made; and
  - (If desired by the parents, guardian, or eligible student) a copy of the records to be released.
- ✓ The local educational agency must notify the recipient of the information that transmission to others without the written consent of the parent or eligible student is prohibited.
- ✓ The consent notice must be permanently kept in the record file.
- ✓ Even where disclosure of a pupil's education records or any information about a pupil or their family or household is pursuant to a court order, judicial subpoena, or judicial warrant, the local educational agency must comply with the parent notification requirements set forth in FERPA regulations, at 34 C.F.R. § 99.31(a)(9)(ii).

2. Annual Notice to Parents and Guardians Regarding Information Policy

At the start of every school year, all local educational agencies must provide students and families a statement of the school's privacy policies regarding student information, including, but not limited to:

General Information Policies

The local educational agency must provide an annual notice to parents and guardians regarding the school's general information policies that includes:

- ✓ Assurances that the local educational agency will not release information to third parties for immigration enforcement purposes, except as required by law or court order.
- ✓ A description of the types of student records maintained by the local educational agency.
- ✓ A list of the circumstances or conditions under which the school might release student information to outside people or entities.

- ✓ A statement that, unless the local educational agency is providing directory information or information for a legitimate educational purpose under FERPA and the California Education Code, the local educational agency shall notify parents or guardians and eligible students—and receive their written consent—before it releases a student's personally identifiable information. (See above for contents of the written consent form.)
- ✓ Policies regarding the retention and destruction of personally identifiable information.

Directory Information Policies

The law does not require that local educational agencies release directory information. If the local educational agency decides not to release directory information, its policy need not include any statement on directory information.

If a school within the local educational agency releases directory information, it must notify parents/guardians and adult students in its annual notification of the directory information policy that they can opt out of the release of directory information. The annual notification must clearly note the deadline for parent(s)/guardian(s) and adult students to submit their request to opt out.

Model Policies: Sharing Student, Family, and Employee Information

All local educational agencies are required to adopt the following model policies, or equivalent policies, by March 1, 2026:

Model Policies and Procedures Regarding Information Sharing

- ➢ The [local educational agency] shall avoid the disclosure of information that might indicate a student's or family's citizenship or immigration status without first attempting to notify the parent or guardian in compliance with the Family Educational Rights and Privacy Act (FERPA).
- ➢ [Local educational agency] personnel shall take the following action steps upon receiving an information request related to a student's or family's immigration or citizenship status:
  - ✓ Notify a designated [local educational agency] official about the information request.
  - ✓ Provide students and families with appropriate notice and a description of the officer or employee's request.
  - ✓ Document any verbal or written request for information by an officer or employee of an agency for immigration enforcement purposes.
  - ✓ Unless prohibited, provide students and parents/guardians with any documents provided by the officer or employee seeking the information.
- ➢ Except for investigations of suspected child abuse, child neglect, or child dependency,[78] or when the subpoena served on the local educational agency prohibits disclosure,[79] the [local educational agency] shall provide parental or guardian notification of any court orders, warrants, or subpoenas before responding to such requests.
- ➢ The [local educational agency] shall make every effort to receive written parental or guardian consent for release of student information, unless the information is for directory information only.

Model Policies and Procedures Regarding Information Sharing (continued)

- The [local educational agency] should make a photocopy of the request and immediately consult legal counsel and/or a designated representative of the agency. No information regarding students, their families, teachers, or employees shall be disclosed, to the extent practicable, to an officer or employee of an agency conducting immigration enforcement without a judicial subpoena, judicial warrant, or court order, and any disclosure must be in accordance with requirements set forth in Section 99.31(a)(9)(ii) of Title 34 of the Code of Federal Regulations. If faced with an administrative subpoena, consult legal counsel to determine how or whether to respond as there is no separate requirement in federal or state law to provide information to the Department of Homeland Security (DHS), ICE, or any other agency within DHS, without a court order, judicial warrant, or judicial subpoena.
- The [local educational agency's] request for written parental, guardian, or eligible student consent for release of student information must include the following information: (1) the signature and date of the parent, guardian, or eligible student providing consent; (2) a description of the records to be disclosed; (3) the reason for release of information; (4) the parties or class of parties receiving the information; and (5) if requested by the parents, guardians or eligible student, a copy of the records to be released. The [local educational agency] shall permanently keep the consent notice with the record file.
- The parent, guardian, or eligible student is not required to sign the consent form. If the parent, guardian, or eligible student refuses to provide written consent for the release of student information that is not otherwise subject to release, the [local educational agency] shall not release the information.
- If the request seeks information regarding an employee or teacher of the local educational agency, the same procedures as above should be followed, except that human resources personnel (a designated person) should be consulted first.
- For any requests for information, the local educational agency is under no obligation to produce the records or information immediately. Rather, the local educational agency should note any designated date for production of records, if one is indicated in the request, and convey that to a designated person at the agency. The agency should designate a contact person to whom such requests for information should be directed.
- The local educational agency should obtain the contact information of the person to whom a response to the request for information should be directed and forward such contact information to the person the agency has designated to receive such requests.

Model Policies for Annual Information Notice to Parents and Guardians

General Information Policy

- The [local educational agency] must provide an annual notice to parents and guardians of the school's general information policies that includes:
  - ✓ Assurances that the [local educational agency] will not release information to third parties for immigration enforcement purposes, except as required by law or court order.
  - ✓ A description of the types of student records maintained by the [local educational agency].
  - ✓ A list of the circumstances or conditions under which the [local educational agency] might release student information to outside people or entities.
  - ✓ A statement that, unless the [local educational agency] is providing directory information or information permitted to be disclosed without parental consent under FERPA and the California Education Code, the [local educational agency] shall notify parents or guardians and eligible students—and receive their written consent—before it releases a student's personally identifiable information.
  - ✓ Even for those exceptions that permit the release of education records without parental consent, the agency is required to notify the student and their family unless an exception exists. The agency's policy should explain these exceptions that do not require prior notification.

Directory Information Policy

- If the [local educational agency] decides to release directory information, the [local educational agency] shall provide an annual notice to parents and guardians, and eligible students in attendance, of the [local educational agency's] directory information policy that includes:
  - ✓ The categories of information that the [local educational agency] has classified as public directory information that may be disclosed without parental consent and which should only include the information specifically identified in Education Code section 49061, subdivision (c).
  - ✓ A statement that directory information does not include citizenship status, immigration status, place of birth, or any other information indicating national origin (except where the [local educational agency] receives consent as required under state law).
  - ✓ The recipients of the directory information.
  - ✓ A description of the parent's, guardian's, or eligible student's abilities to refuse release of the student's directory information, and how to refuse release.
  - ✓ The deadline in which the parent, guardian, or eligible student must notify the school in writing that they do not want the information designated as directory information.[80]

03 Responding to Requests for Access to Schoolsites for Immigration Enforcement Purposes

Purpose

Inform school administrators on policies and practices for responding to immigration agents requesting access to schoolsites.

Governing Law

1. Federal and State Laws and Policies Regarding Access to Schools

Federal Law: Although schools were previously designated by the federal government as "protected areas" at which immigration enforcement should not generally occur, in January 2025, the U.S. Department of Homeland Security rescinded this federal policy.[81]

State Law: California law, however, provides protections to minimize access to certain school areas and disruptions to classroom activities. California law authorizes school district boards and county office of education governing boards to "initiate and carry on any program, activity, or . . . otherwise act in any manner which is not in conflict with or inconsistent with, or preempted by, any law and which is not in conflict with the purposes for which school districts are established."[82] State law also directs local educational agency governing boards to adopt policies that limit classroom interruptions.[83]

Government Code section 7285.1 prohibits a local educational agency as an employer from providing voluntary consent to an immigration enforcement agent to enter any nonpublic areas of a place of labor, unless presented with a judicial warrant.

Local educational agencies must, therefore, adopt policies that limit access to schoolsites and questioning of students for immigration enforcement purposes.[84]

AB 495 amended Education Code section 234.7 to prohibit local educational agencies and their personnel from allowing an officer or an employee of an agency conducting immigration enforcement to enter a nonpublic area of a schoolsite for any purpose, unless they are presented with a valid judicial warrant, judicial subpoena, or court order.[85]

Schoolsites have public and nonpublic areas. For example, nonpublic areas include playgrounds that are gated, the interior of school buildings, including classrooms, hallways, stairwells, administrative offices, or a parking lot that is completely fenced in and requires authorization to enter. It is recommended that schools post signs clearly identifying which areas of their campus are nonpublic.

When confronted with a request to access the nonpublic area of a schoolsite, local educational agency personnel must, if practicable, ask for valid identification, which they should document. The agency personnel should also, where practicable, consult with the local educational agency's legal counsel prior to complying with a valid judicial warrant, judicial subpoena, or court order. The local educational agency is always permitted to challenge the validity of the warrant, subpoena, or court order in a court of competent jurisdiction.[86]

A "schoolsite" means "an individual school campus of a school district, county office of education, or charter school, an area where a local educational agency's school-sponsored activity is currently being held, or a schoolbus or other transportation provided by a local educational agency."[87]

"Immigration enforcement" has the same meaning as that provided in the Values Act (SB 54), Government Code section 7284.4, subd. (f), and includes "any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal civil immigration law, and any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal criminal immigration law that penalizes a person's presence in, entry, or reentry to, or employment in, the United States."[88]

Because a schoolsite can include schoolbuses or other vehicles used to transport students, or an otherwise public area where a school-sponsored activity occurs, it is important to consult with local agency counsel to determine what constitutes a schoolsite for a particular school and what is a nonpublic area. For example, schoolbuses or other vehicles to transport pupils to school are by their nature non-public, and agents or employees of agencies conducting immigration enforcement should not be permitted to access the inside of such vehicles without a valid judicial warrant, judicial subpoena or court order.

By contrast, a public park may be the site of school-sponsored activities, such as a summer school or afterschool program operated by a local educational agency. Unless the park has a nonpublic area where access is restricted, it is a schoolsite, but it is not a nonpublic area where immigration enforcement activities can be deterred.

Agencies should consult their legal counsel in determining which areas of specific schoolsites are nonpublic. Schoolsites may differ, and what constitutes a "nonpublic" area within a schoolsite is a factual, case-by-case determination that will depend on an assessment of all the circumstances in a given situation. A "nonpublic area" of a schoolsite may also differ in scope from a "nonpublic area" of a place of labor under Government Code section 7285.1.

Finally, students have protections from unreasonable detentions under the Fourth Amendment of the U.S. Constitution. Under the Fourth Amendment, a law enforcement officer, including a school district police or security officer, cannot, for the purpose of investigating non-criminal immigration violations, detain a student by preventing them from leaving campus or take the student out of class.[89]

2. Required Notifications to Governing Board Regarding Immigration Enforcement Attempts

A local educational agency official (e.g., superintendent of a school district or county office of education, or the principal of a charter school) must submit a timely report to their governing board or body regarding any requests for information or access to a schoolsite by an officer or employee of a law enforcement agency for purposes of enforcing the immigration laws. All such reports should be handled in a manner that ensures the confidentiality and privacy of any potentially identifying information.[90] And, as noted above, this applies to all programs operated by all local educational agencies, including childcare and preschool programs operated by the agency, transitional kindergartens, pre-kindergartens, and nontraditional programs operated by the agency, such as summer school programs.[91]

Separate from the requirements of Education Code section 234.7 (as amended by AB 49 and AB 495), AB 495 also requires, effective January 1, 2026, that licensed child daycare facilities, as applicable, must report to the California Department of Social Services and the Attorney General any requests for information or access to the facility by an officer or employee of a law enforcement agency, for the purpose of immigration enforcement. License-exempt California state preschool program facilities may, but are not required, to submit such a report to the California Department of Education and the Attorney General.[92]

AB 495 also prohibits, except as required by state or federal law or as required to administer a state or federally supported educational program, licensed child daycare facilities, employees of licensed child daycare facilities, and license-exempt California state preschool program facilities from collecting

information or documents regarding citizenship or immigration status of children or their family members.[93]

To the extent local educational agencies operate either licensed child daycare facilities or license-exempt California state preschool program facilities, they should consult with legal counsel about these new reporting requirements. (AB 495 also requires the Attorney General, in consultation with stakeholders, to publish model policies limiting assistance with immigration enforcement at licensed child daycare facilities and license-exempt California state preschool facilities by April 1, 2026.)[94]

3. Required Notifications to Parents or Guardians When Students Are Contacted by Law Enforcement

Except in cases of suspected child abuse, neglect, or dependency matters, local educational agencies must immediately notify parents or guardians if they release a student to a law enforcement officer, including an ICE officer, for the purpose of removing the student from the school premises.[95] And except in suspected child abuse, neglect, or dependency matters, California law does not prohibit schools from notifying parents or guardians before law enforcement officers question a child at school.[96] Local educational agencies must devise a policy that requires notification to parents or guardians before an officer or an employee of an agency questions or removes a student for immigration enforcement purposes, except when the officer or employee of an agency has a judicial warrant or court order that restricts the disclosure of this information to the parent or guardian.

4. Description of Warrants, Subpoenas, and Court Orders Used for Immigration Enforcement

There are several foreseeable scenarios in which immigration officers might attempt to enter a school's campus. Regardless of the scenario, local educational agency personnel should first ask to see the immigration officer's credentials and the written authority for the requests. It is important to review what the immigration officer provides as the authority. Sometimes the immigration officer will provide what they propose to be a "warrant." If so, it is important to determine whether it is an ICE administrative warrant or a traditional federal court judicial warrant. Local educational agencies should respond differently depending on the type of warrant.

ICE Administrative "Warrant"

An ICE administrative "warrant" is the most typical type of "warrant" used by immigration officers. It authorizes an immigration officer to arrest a person suspected of violating immigration laws. An ICE warrant can be issued by any authorized immigration officer. An ICE administrative warrant is not a warrant within the meaning of the Fourth Amendment, because an ICE warrant is not supported by a showing of probable cause of a criminal offense and also is not issued by a court judge or magistrate.

An ICE warrant does NOT grant an immigration officer any special power to compel a school official to cooperate.[97] For example, an ICE warrant does not authorize access to nonpublic areas of school grounds. An ICE warrant does NOT allow immigration officers to search school records. See Appendix B for a sample ICE administrative "arrest warrant" (Form I-200) and "removal warrant" (Form I-205).

An ICE administrative warrant, therefore, is not a "court order" that would, under FERPA or AB 495's amendments to Education Code section 234.7, allow a school to disclose educational records for a student without consent of a parent or guardian. It follows that disclosure, in response to an ICE administrative warrant, of education records or any other information about a student or their family that is protected under FERPA and/or Education Code section 234.7, could violate these laws. Furthermore, school police and security officers are prohibited from "[m]aking or intentionally participating in arrests based on civil immigration warrants," because they are subject to SB 54's prohibitions on immigration enforcement that apply to California law enforcement agencies."[98]

Local educational agency personnel should not physically interfere with or obstruct an immigration officer in the performance of their duties. However, a local educational agency employee shall not assist with the physical apprehension of a person identified in an ICE administrative warrant and shall not consent to immigration officers searching nonpublic areas of a schoolsite.

Federal Court Warrant

A federal court (i.e., judicial) warrant is issued by a District Judge or a Magistrate Judge of a U.S. District Court, based on a finding of probable cause authorizing the search or seizure of property, the entry into a nonpublic place to arrest a person named in an arrest warrant, or the arrest of a named person.

There are two types of federal court (i.e., judicial) warrants: a search-and-seizure warrant and an arrest warrant.

- ✓ A federal search-and-seizure warrant allows an officer to conduct a search authorized by the warrant. See Appendix C for a sample federal search and seizure warrant (Form AO 93).
- ✓ A federal arrest warrant allows an officer to arrest the individual named in the warrant. See Appendix D for a sample federal arrest warrant (Form AO 442).

A school official should act in accordance with guidelines established by the local educational agency, in consultation with the agency's legal counsel, when presented with a federal court warrant.

Administrative Subpoena

An administrative subpoena is a document that requests production of documents or other evidence and is issued by an immigration officer. The administrative subpoena will contain the following information: file number and subpoena number, mailing address to which to mail the requested information, the regulations that apply, the request for information, and the signature(s) of the agent(s). See Appendix E for a sample administrative subpoena (Form I-138).

Under FERPA, in response to a judicial order or lawfully issued subpoena, a school may not disclose educational records for a student without first attempting to notify the parent, guardian, or eligible student.[99] Local educational agency personnel receiving a lawfully issued subpoena must therefore provide notice to and should make every effort to receive written consent from parents/guardians or eligible students before turning over student records. And, under state law, local educational agency personnel, to the extent practicable, may not provide personally identifiable information of a student to an officer or employee of an agency for immigration enforcement purposes unless provided with a judicial subpoena, judicial warrant, or court order, and thus should consult with counsel when receiving any administrative subpoenas to determine how or whether to respond. (See Section 2 for model policy regarding written consent requirements.)[100]

Local educational agencies generally do not need to immediately comply with an ICE administrative subpoena. If an immigration officer arrives with an administrative subpoena, the local educational agency may decline to produce the information sought and may choose to challenge the administrative subpoena before a judge. Local educational agency personnel should immediately contact legal counsel and/or a designated local educational agency official upon receipt of a subpoena.

Federal Judicial Subpoena

A federal judicial subpoena is a document that asks for the production of documents or other evidence. The federal judicial subpoena will identify a federal court and the name of the judge or judicial magistrate issuing the subpoena, and it may require attendance at a specific time and location and the production of prescribed records. See Appendix F for a sample federal judicial subpoena.

As with the issuance of administrative subpoenas, noted above, local educational agencies generally do not need to immediately comply with the federal judicial subpoena, but can challenge it before a federal judge in a U.S. District Court. Local educational agency personnel should therefore immediately contact legal counsel and/or a designated local educational agency official upon receipt of a subpoena.

Court Orders

If an immigration officer arrives with a court order, the local educational agency administrator should review the order with the agency's legal counsel or other designated official.

Policy Recommendations: Responding to Requests for Access to Schoolsites for Immigration Enforcement Purposes

1. Establish Policies Clearly Delineating Public and Non-Public Areas and Policies for Access When Outside Persons Seek to Enter Schoolsites

California has long advocated that schools provide safe, secure, and peaceful learning environments for all students and staff. Previously, for example, in December 2016, the California Department of Education released a letter encouraging California public schools to become "safe havens" for students and their families,[101] and the Governor's Office and California Department of Education have resources on their websites to assist schools. (See, e.g., Reminder of Obligation to Protect Immigrant Fam. - Including Immigrant Families (CA Dept of Education); Immigration and California families | CA.gov.)

As the Attorney General's original guidance recommended, if a local educational agency decides to adopt a safe haven policy, such a policy should include, but is not limited to, the following provisions:

Safe Haven Policies, Recommended Provisions:

- The [local educational agency] shall provide a safe, secure, and peaceful learning environment for all students and staff.

- The [local educational agency] defines protected areas to include its schools, official activities of its schools, including those occurring in public places and adjacent areas, and all of the [local educational agency's] property, including but not limited to, facilities owned, controlled by, or leased by the [local educational agency].

- Where outside contractors or service providers (particularly school resource officers) are regularly present at protected areas or have access to student information, the [local educational agency] shall seek commitments from those parties not to facilitate immigration enforcement at any of the [local educational agency's] protected areas unless required by law.

As a reminder, school police and security departments of the California State University, the California Community Colleges, charter schools, county offices of education, schools, and school districts, are law enforcement agencies for purposes of the Values Act (SB 54), Government Code section 7282

et seq. and are prohibited from engaging in immigration enforcement activities, subject to certain exceptions.[102]

Local educational agencies should review information provided by the California Department of Education and the Governor's Office regarding immigration enforcement at schools.[103]

2. Establish Procedure for Monitoring and Receiving Visitors onto Campus

Agencies should adopt policies that clearly delineate which areas of a school campus are public and nonpublic, as well as adopt policies that clearly describe the policies in effect for visitors to the campus. These policies should apply equally to all visitors, and should not differentiate between persons who are on campus to engage in immigration enforcement activities and all other types of visitors.

Local educational agencies should have in place policies for receiving visitors to the school campus, and those policies should apply to immigration enforcement officers. Model policies for receiving and registering outsiders—including officers or employees of an agency conducting immigration enforcement—are included below.

3. Develop Policies for Responding to Presence of Officers or Employees of an Agency on Campus for Immigration Enforcement Purposes

When the circumstances allow, local educational agency personnel shall immediately notify the Superintendent or other designated administrator of any request by an officer or employee of an agency requesting, for immigration enforcement purposes, school or student access, or any requests for review of school documents (including for the service of lawful subpoenas, petitions, complaints, warrants, etc.).

Also, local educational agency personnel shall direct such officer or employee to the Superintendent or other designated administrator when they request access to a schoolsite or student, including to obtain information about a student or their family for immigration enforcement purposes. The Superintendent or administrator shall, in turn, contact the agency's legal counsel or designated administrator and inform the officer or employee to direct requests and questions to the agency's legal office.

In addition, the Superintendent or administrator should e-mail the **Bureau of Children's Justice in the California Department of Justice,** at ***BCJ@doj.ca.gov***, regarding any attempt by a law enforcement agent to access a school site or a student for immigration enforcement purposes. The policy language below provides specific action steps local educational agency personnel should follow in responding to an officer present on the school campus specifically for immigration enforcement purposes. (See also Appendix A, Quick Reference for School Officials.)

Please note: An ICE administrative warrant does not allow a law enforcement officer to enter or to search any area they could not otherwise enter as a member of the public. The officer may ask for permission, or "consent," to access nonpublic areas of the school, even without a judicial warrant giving the officer the power to do so. Absent exigent circumstances or a judicial warrant, judicial subpoena, or court order, local educational agency personnel are not required to give an immigration enforcement officer permission or consent to enter a nonpublic area of the school or conduct a search of any kind. Nor is that employee required to provide information or records about a student or their family without a judicial warrant, judicial subpoena, or court order.

4. Develop Policies Regarding Parental Notification of Immigration Enforcement Actions

Local educational agency personnel shall require consent from the student's parent or guardian before a student can be interviewed or searched by any officer seeking to enforce the civil immigration laws at the school, unless the officer presents a valid, effective warrant signed by a judge (see, e.g., sample federal search and seizure warrant [Form AO 93], attached as Appendix C; see also sample federal arrest warrant [Form AO 442], attached as Appendix D), or presents a valid, effective court order.

Local educational agency personnel shall immediately notify the student's parents or guardians if a law enforcement officer requests or gains access to a student for immigration enforcement purposes, unless such access was in compliance with a judicial warrant or court order that restricts the disclosure of the information to the parent or guardian.

5. Develop Training Programs for School Staff

The local educational agency shall establish training regarding immigration issues for teachers, school administrators, and school staff, including information on responding to a request from an officer enforcing immigration law to visit a school site or to have access to a student.

If feasible, the local educational agency should also designate an immigrant affairs liaison, to facilitate training programs for staff, help provide non-legal advice to families, and assist in communications with the local educational agencies and other stakeholders in local and state government.

Model Policies: Responding to Requests for Access to School Grounds for Immigration Enforcement Purposes

All local educational agencies are required to update their policies to conform with this guidance and the following policies, or equivalent policies, by March 1, 2026:

Model Policies for Monitoring and Receiving Visitors onto Campus

- No outsider—which would include immigration enforcement officers—shall enter or remain on school grounds of the [local educational agency] during school hours without having registered with the principal or designee.[104] If there are no exigent circumstances necessitating immediate action, and if the immigration officer does not possess a judicial warrant or court order that provides a basis for the visit, the officer must provide, to the extent practicable, the following information to the principal or designee:
  - ✓ Name, address, occupation;
  - ✓ Age, if less than 21;
  - ✓ Purpose in entering school grounds;
  - ✓ Proof of identity; and
  - ✓ Any other information as required by law.[105]
- The [local educational agency] shall adopt measures for responding to outsiders that avoids classroom interruptions, and preserves the peaceful conduct of the school's activities, consistent with local circumstances and practices.[106]
- The [local educational agency] shall post signs at the entrance of its school grounds to notify outsiders of the hours and requirements for registration.[107]
- [Local educational agency] personnel shall report entry by immigration enforcement officers to any on-site school police, security officers, or other appropriate administrator as would be required for any unexpected or unscheduled outside visitor coming on campus.

Model Policies for Responding to On-Campus Immigration Enforcement

- As early as possible, [local educational agency] personnel shall notify the [Superintendent or designated administrator] of any request by any officer seeking access to the schoolsite or any student to conduct immigration enforcement, or any requests for review of school documents (including for the service of lawful subpoenas, petitions, complaints, warrants, etc.).

- In addition to notifying the [Superintendent or designated administrator], [local educational agency] personnel shall take the following action steps in response to an officer present on the school campus specifically for immigration enforcement purposes:

    1. Advise the officer that before proceeding with their request, and absent exigent circumstances, school personnel must first receive notification and direction from the [Superintendent or administrator].
    2. Ask to see, and make a copy of or note, the officer's credentials (name and badge number). Also ask for and copy or note the phone number of the officer's supervisor.
    3. Ask the officer for their reason for being on school grounds and document it.
    4. Ask the officer to produce any documentation that authorizes school access.
    5. Make a copy of all documents provided by the officer. Retain one copy of the documents for school records.
    6. If the officer declares that exigent circumstances exist and demands immediate access to the campus, [local educational agency] personnel should comply with the officer's orders and immediately contact the [Superintendent or other administrator].
    7. If the officer does not declare that exigent circumstances exist, respond according to the requirements of the officer's documentation. If the officer has:
        - ***an ICE (Immigrations and Customs Enforcement) administrative warrant (see Appendix B)***, [local educational agency] personnel shall inform the officer that they cannot consent to any request without first consulting with the [local educational agency's counsel or other designated agency official].
        - **a federal judicial warrant (search-and-seizure warrant or arrest warrant; see Appendix C & D)**, prompt compliance with such a warrant is usually legally required. If feasible, consult with the [local educational agency's legal counsel or designated administrator] before providing the agent access to the person or materials specified in the warrant.
        - **a subpoena for production of documents or other evidence (see Appendix E & F)**, immediate compliance is not required. Therefore, [local educational agency] personnel shall inform the [local educational agency's] legal counsel or other designated official of the subpoena, and await further instructions on how to proceed.
    8. While [local educational agency] personnel should not consent to an officer seeking access for immigration enforcement purposes, except as described above, they should not attempt to physically impede the officer, even if the officer appears to be exceeding the authorization given under a warrant or other document. If an officer enters the premises without consent, [local educational agency] personnel shall document their actions while on campus and if feasible, accompany them at all times.

Model Policies for Responding to On-Campus Immigration Enforcement (continued)

9. After the encounter with the officer, [local educational agency] personnel shall promptly take written notes of all interactions with the officer. The notes shall include the following items:
   - ✓ List or copy of the officer's credentials and contact information;
   - ✓ Identity of all school personnel who communicated with the officer;
   - ✓ Details of the officer's request;
   - ✓ Whether the officer presented a warrant or subpoena to accompany their request, what was requested in the warrant/subpoena, and whether the warrant/subpoena was signed by a judge;
   - ✓ [Local educational agency] personnel's response to the officer's request;
   - ✓ Any further action taken by the agent; and
   - ✓ Photo or copy of any documents presented by the agent.
10. [Local educational agency] personnel shall provide a copy of those notes, and associated documents collected from the officer, to the [local educational agency's legal counsel or other designated agency official].
11. In turn, the [local educational agency's legal counsel or other designated official] shall submit a timely report to the [local educational agency's] governing board regarding the officer's requests and actions and the [local educational agency's] response(s).
12. E-mail the ***Bureau of Children's Justice*** in the ***California Department of Justice***, at ***BCJ@doj.ca.gov***, regarding any attempt by an officer or employee of an agency to access a schoolsite or a student for immigration enforcement purposes.

Model Policies for Parental Notification of Immigration Enforcement Actions

- ➢ [Local educational agency] personnel must receive consent from the student's parent or guardian before a student can be interviewed or searched by any officer seeking to enforce the civil immigration laws at the school, unless the officer presents a valid, effective warrant signed by a judge, or presents a valid, effective court order.
- ➢ [Local educational agency] personnel shall immediately notify the student's parents or guardians if an officer or employee of an agency requests or gains access to a student for immigration enforcement purposes, unless such access was in compliance with a judicial warrant or subpoena that restricts the disclosure of the information to the parent or guardian.

04 Responding to the Detention or Deportation of a Student's Family Member

Purpose

Provide school administrators with policies for responding to the detention or possible deportation of a member of a student's family.

Governing Law

If local educational agency personnel become aware that a student's parent or guardian is not available to provide care for the student, California law requires that the school first follow the parental instructions relating to the student's care detailed in the emergency contact information provided by the parent or guardian. Therefore, schools should work with parents and guardians to keep the emergency contact information updated. Schools should not contact a child protective services agency unless the school is unsuccessful in arranging for the care of the child through the emergency contact information that the school has, or other information or instructions conveyed by the parent or guardian.[108]

Families need to be prepared for situations where one parent or both parents are detained or deported. Schools can help by adopting the policies outlined below.

Policy Recommendations: Responding to the Detention or Deportation of a Student's Family Member

1. Developing Family Safety Plan and Completing Emergency Contact Information

Development of a Family Safety Plan and Caregiver's Authorization Affidavit

To the extent possible, the local educational agency should facilitate a family's development of a *Family Safety Plan* to be stored at a location known by the student. Such a plan may identify a trusted adult who can care for the student if no parent or guardian can do so. Students should know that the trusted adult is the person whom the student should contact if their parents and/or guardians are detained or deported, and how to reach the trusted adult.

- ✓ For an example of a Family Safety Plan, see: https://www.ilrc.org/sites/default/files/resources/family_preparedness_plan.pdf (safety plan example, but note the Caregiver's Authorization Affidavit has been amended by AB 495, see below) and https://www.commteam.org/wp-content/uploads/2019/07/KNOW-YOUR-RIGHTS-Protect-Yourself-And-Your-Family-During-Immigration-Raids.pdf (safety plan checklist and sample children's information and emergency contact forms).
- ✓ While families should maintain customary emergency contact information at the school, they should consider carefully before storing a Family Safety Plan at the school, as some plans may include confidential information.

The local educational agency should provide information to students and families about completing a Caregiver's Authorization Affidavit, which would give the above-described trusted adult the authority to make educational and many medical decisions for the student, or other options that may require assistance of counsel, such as a Petition for Appointment of Guardian.

- ✓ **A Caregiver's Authorization Affidavit** is a document to establish a caregiver relationship with a child under 18 that can be signed by an adult with whom the child is living. A Caregiver's Authorization Affidavit can be used to enroll a child in school. The Caregiver's Authorization Affidavit can also be used to establish the caregiving relationship prior to school enrollment. If the caregiver is a relative, the Caregiver's Authorization Affidavit can be used to authorize the caregiver to consent to medical and dental care on behalf of the child. If the caregiver is not a relative, the Caregiver's Authorization Affidavit can be used to authorize the caregiver to consent to school-related medical care only. For the purposes of the Caregiver's Authorization Affidavit, "relative" means an adult that is related to the child by blood, adoption, or by marriage "within the fifth degree of kinship, including all stepparents, stepsiblings" and all "great," "great-great," or "grand" relatives, or the spouse of any of these people, even if that marriage has ended.[109] The Caregiver's Authorization Affidavit does not provide for legal custody of a child. AB 495 also amended the affidavit to state that a seal or signature is not required, nor does the form need to be notarized. The affidavit also adds that a government-issued consular card number suffices as identification, in addition to a California driver's license or identification card.[110]
- ✓ **A Petition for Appointment of Guardian**, along with other forms, is a different legal process that may require legal assistance. To learn more, families should seek legal assistance; information regarding this procedure can be found at https://selfhelp.courts.ca.gov/guardianship/process. AB 495 amended Probate Code sections 1502 and 2105 regarding a petition for a guardian or court appointment of a guardian, to include addressing circumstances including the absence of a person making the nomination or the temporary unavailability of a custodial parent due, among other things, to an immigration-related administrative action. AB 495 further provides that all court records, petitions, orders, and documents related to the appointment of joint guardians shall be confidential and their access shall be limited. Consistent with Government Code section 7284.6, information contained in these records shall not be disclosed to law enforcement officers or agencies of any entity engaged in immigration enforcement without a court order.[111]

Completion of Students' Emergency Contact Information

In addition to the above steps, local educational agencies must implement policies that ensure that a student's emergency contact information (including the listing of secondary contacts) is complete. This enables the agency to exhaust all available contacts if it needs to arrange for the care of a child in the event that a parent or guardian is detained or deported. Model policy language articulating these requirements is provided below.

2. Additional Resources

In the event that a student's family member is detained, the local educational agency should refer the student and their family members to other resources for assistance, including, but not limited to the following.

ICE Detainee Locator

The ICE detainee locator *(https://locator.ice.gov/odls/#/search)* can help people determine if their family member has been detained and where the family member is being held. In using the ICE detainee locator, it is helpful to know the family member's date of birth and 'A-Number' (Alien Registration Number), if there is one. [**Please Note:** the ICE detainee locator is intended only for locating individuals who are already detained. If students, parents, or guardians have general questions about their immigration status, local educational agency personnel shall never refer them to ICE or other immigration enforcement.]

Legal Assistance

Immigration lawyers in private practice, accredited representatives (who assist immigrants in immigration proceedings), or legal-aid organizations may be able to provide legal assistance to secure the release of a student's detained parent, or to help arrange for the student to visit the parent.

- ✓ Make sure that the lawyers are licensed by and in good standing with the State Bar of California, by checking online at http://www.calbar.ca.gov/Attorneys.
- ✓ A list of California organizations accredited by Board of Immigration Appeals (BIA) to represent immigrants before the Department of Homeland Security (DHS) and Executive Office of Immigration Review (EOIR) can be found here: Recognized Org and Accredited Rep Roster by State and City.
- ✓ California courts operate Self-Help Centers that may also be able to provide family-law assistance to a student or their proposed guardian. A list of these centers across the state is available at http://www.courts.ca.gov/selfhelp-selfhelpcenters.htm.
- ✓ A student or their family member may be able to find legal assistance from legal-aid offices and lawyer-referral services here: http://www.courts.ca.gov/1001.htm.

Consulate or Embassy

The consulate or embassy of the parent's or guardian's country of origin may be able to offer additional information and assistance.

Model Policies: Responding to the Detention or Deportation of a Student's Family Member

All local educational agencies are required to update their policies to conform with this guidance and the following policies, or equivalent policies, by March 1, 2026:

Model Policies for Responding to the Detention or Deportation of a Student's Family Member

- The [local educational agency] shall encourage families and students to have and know their emergency phone numbers and to know where to find important documentation, including birth certificates, passports, Social Security cards, doctors' contact information, medication lists, lists of allergies, etc., which will allow them to be prepared in the event that a family member is detained or deported.
- The [local educational agency] shall permit students and families to update students' emergency contact information as needed throughout the school year, and provide alternative contacts if no parent or guardian is available.
  - ✓ The [local educational agency] shall ensure that families may include the information of an identified trusted adult guardian as a secondary emergency contact in case a student's parent or guardian is detained.
  - ✓ The [local educational agency] shall communicate to families that information provided within the emergency cards will only be used in response to specified emergency situations, and not for any other purpose.
- In the event a student's parent/guardian has been detained or deported by federal immigration authorities, the [local educational agency] shall use the student's emergency card contact information and release the student to the person(s) designated as emergency contacts. Alternatively, the [local educational agency] shall release the student to any individual who presents a signed Caregiver's Authorization Affidavit on behalf of the student. The [local educational agency] shall only contact a child protective services agency if the [local educational agency] personnel are unsuccessful in arranging for the timely care of the child through the emergency contact information that the school has, a Caregiver's Authorization Affidavit, or other information or instructions conveyed by the parent or guardian.

05 Responding to Hate Crimes and Bullying Related to National Origin or Ethnicity

Purpose

Provide local educational agency administrators with policies to prevent and respond to incidents of hate crimes and bullying related to victims' national origin, ethnicity, or immigration status.

Governing Law

California law requires each local educational agency to have a policy that prohibits discrimination, harassment, intimidation, and bullying based on a student's actual or perceived characteristics, including nationality, ethnicity, or immigration status, among other bases.[112] Such crimes would include defacing or damaging property belonging to the student.[113] Moreover, the use or threat of force to intimidate or injure a student, in whole or in part, because of the student's actual or perceived nationality or ethnicity, is a hate crime under state law.[114]

There are significant penalties for committing violence or threatening violence against a student because of their actual or perceived national origin or immigration status.[115] Students may report a hate crime. And victims of hate crimes may sue for damages and other relief.[116] It is unlawful to dissuade or otherwise prevent a student from reporting a hate crime to law enforcement.[117]

Students who are victims of or witnesses to hate crimes are protected from being detained because of the students' actual or perceived immigration status, and if not charged with or convicted of committing any crime under state law, are protected from being reported to federal immigration authorities.[118]

California law requires local educational agencies to put in place policies that prohibit discrimination, harassment, intimidation, and bullying on the basis of a student's actual or perceived nationality, ethnicity, or immigration status, and to educate students on the negative impact of bullying other pupils based on their actual or perceived immigration status or religious beliefs and customs.[119] The local educational agency governing board must also notify parents and guardians of their children's right to a free public education, regardless of immigration status or religious beliefs.[120] This information must include the information related to "Know Your Educational Rights" guide updated by the Attorney General (see Appendix G), and may be provided in the annual notification to parents and guardians pursuant to Education Code section 48980, or any other cost-effective means determined by the local educational agency.[121] The agency must publicize anti-discrimination, anti-harassment, anti-intimidation, and anti-bullying policies—including information on filing a complaint—to students, parents, employees, agents of the local educational agency governing board, and the general public.[122] This information must be translated into the families' primary language if 15 percent of the students enrolled in the school speak a single primary language other than English.[123]

The local educational agency must also adopt a process for receiving and investigating complaints of discrimination, harassment, intimidation, and bullying based on any of the following actual or perceived characteristics:

- disability
- gender
- gender identity
- gender expression
- nationality
- race or ethnicity
- religion
- sexual orientation
- association with a person or group with one or more of the aforementioned characteristics
- immigration status[124]

The complaint process must, at minimum, include the following steps:

- A requirement that, if school personnel witness an act of discrimination, harassment, intimidation, or bullying, they shall take immediate steps to intervene when safe to do so.
- A timeline to investigate and resolve complaints of discrimination, harassment, intimidation, or bullying that shall be followed by all schools under the jurisdiction of the local educational agency.
- An appeal process afforded to the complainant should they disagree with the resolution of a complaint.[125]

All forms related to the complaint must be provided in the parents' or guardians' primary languages if at least 15 percent of the students enrolled in the school speak a single primary language other than English.[126]

Additional resources on preventing bullying and hate-motivated behavior are available on the California Department of Education's website at http://www.cde.ca.gov/ls/ss/se/bullyingprev.asp.

The California Department of Education also provides procedures for filing complaints that are compliant with state laws and regulations:

- http://www.cde.ca.gov/re/di/eo/complaint.asp
- https://www.cde.ca.gov/re/cp/uc/

Model Policies: Responding to Hate Crimes and Bullying

All local educational agencies are required to update their policies to conform with this guidance and the following policies, or equivalent policies, by March 1, 2026:

Model Policies for Responding to Hate Crimes and Bullying

Adopting and Publicizing Anti-Bullying and Anti-Harassment Policy

- The [local educational agency] shall adopt and publicize policies that prohibit discrimination, harassment, intimidation, and bullying on the basis of a student's actual or perceived nationality, ethnicity, or immigration status.[127] Those policies must be translated in the student's primary language if at least 15 percent of the students enrolled in the school speak a single primary language other than English.[128]
- The [local educational agency] shall notify parents and guardians of their children's right to a free public education, regardless of immigration status or religious beliefs.
  - ✓ This information shall include information related to "Know Your Educational Rights" guide established by the Attorney General (see Appendix G).[129]
  - ✓ The [local educational agency] shall inform students who are victims of hate crimes of their right to report such crimes.

Processing Complaints of Harassment and Bullying

- The [local educational agency] shall adopt a process for receiving complaints of and investigating complaints of discrimination, harassment, intimidation, and bullying based on any of the following actual or perceived characteristics:
  - disability
  - gender
  - gender identity
  - gender expression
  - nationality
  - race or ethnicity
  - religion
  - sexual orientation
  - association with a person or group with one or more of the aforementioned characteristics
  - immigration status[130]
- The complaint process must include, but is not limited to, the following steps:
  - ✓ A requirement that, if school personnel witness an act of discrimination, harassment, intimidation, or bullying, they shall take immediate steps to intervene when safe to do so;
  - ✓ A timeline to investigate and resolve complaints of discrimination, harassment, intimidation, or bullying that shall be followed by all schools under the jurisdiction of the local educational agency; and
  - ✓ An appeal process afforded to the complainant should they disagree with the resolution of a complaint.[131]
  - ✓ The [local educational agency] shall ensure that complaint procedures contain confidentiality safeguards for immigration status information.
  - ✓ The [local educational agency] shall prohibit retaliation against a person who submits a complaint of discrimination, harassment, intimidation, or bullying.

Model Policies for Responding to Hate Crimes and Bullying (continued)

Training Students, Teachers, and Staff on Anti-Bullying and Anti-Harassment Policy

- The [local educational agency] shall educate students about the negative impact of bullying other students based on their actual or perceived immigration status or their religious beliefs or customs.[132]
- The [local educational agency] shall also train teachers, staff, and personnel to ensure that they are aware of their legal duty to take reasonable steps to eliminate a hostile environment and respond to any incidents of harassment based on the actual or perceived characteristics noted above.[133] Such training should, at minimum, provide agency personnel with the skills to do the following:
  - ✓ Discuss the varying immigration experiences among members of the student body and school community;
  - ✓ Discuss bullying-prevention strategies with students, and teach students to recognize the behavior and characteristics of bullying perpetrators and victims;
  - ✓ Identify the signs of bullying or harassing behavior;
  - ✓ Take immediate corrective action when bullying is observed; and
  - ✓ Report incidents to the appropriate authorities, including law enforcement in instances of criminal behavior.

Auditing of Policies

As amended, Education Code section 234.7 requires that all local educational agencies maintain their policies regarding immigration enforcement and access to information and schoolsites and provide them to the California Department of Education upon request.[134] Agencies are required to update their existing policies by March 1, 2026, to align with these amendments, and can use the Attorney General's model policies in this guidance or equivalent policies to ensure they align with the requirements of Education Code section 234.7.[135]

Local agencies may be subject to monitoring and auditing by the California Department of Education to ensure they have updated and are maintaining these policies.[136]

Endnotes

1 Cal. Dept. of Education, Fingertip Facts on Education in California -- CalEdFacts (2024-2025 school year), available at http://www.cde.ca.gov/ds/sd/cb/ceffingertipfacts.asp (as of Nov. 26, 2025).

2 Ed. Code, § 200.

3 Children's Partnership, "A Child is a Child; Snapshot: California Children's Health" (June 2022), available at https://childrenspartnership.org/wp-content/uploads/2022/06/AChildIsaChild_Children-in-Immigrant-Families-2022-FINAL.pdf (as of Nov. 26, 2025).

4 Profile of the Unauthorized Population - CA | migrationpolicy.org (as of Nov. 26, 2025).

5 *Plyler v. Doe* (1982) 457 U.S. 202, 210-214; see also *Matthews v. Diaz* (1976) 426 U.S. 67, 77 (Fifth Amendment protects undocumented immigrants from discrimination by the federal government).

6 Ed. Code, § 48200.

7 Cal. Const., art. I, § 28, subds. (a)(7); (f)(1).

8 *Maria P. v. Riles* (1987) 43 Cal.3d 1281, 1293.

9 See *New York v. United States* (1992) 505 U.S. 144, 161 (Tenth Amendment prevents Congress from using legislative or executive actions to compel states to enforce federal programs); see also *Printz v. United States* (1997) 521 U.S. 898, 925, 935 (Federal government cannot circumvent the Tenth Amendment by directly conscripting state or local officers to implement federal directives).

10 Ed. Code, § 220; see also Ed. Code, § 200 ("It is the policy of the State of California to afford all persons in public schools, regardless of their . . . immigration status, equal rights, and opportunities in the educational institutions of the state.").

11 Ed. Code, § 234.7, subd. (g).

12 AB 49 (Muratsuchi; 2025-2026 Regular Session), AB 419 (Connolly; 2025-2026 Regular Session), and AB 495 (C. Rodriguez; 2025-2026 Regular Session).

13 AB 419, which also passed in October 2025, but not as emergency legislation, is superseded by AB 495.

14 Civ. Code, § 1798.3, subd. (a).

15 Ed. Code, § 234.7, subd. (l)(2).

16 Ed. Code, § 234.7, subd. (g)(2); Fam. Code, §§ 6550, 6552 (as amended by AB 495, eff. Jan. 1, 2026).

17 Ed. Code, § 234.7(e)(1)(C).

18 Ed. Code, § 234.7,subd. (e)(1)(A)(ii) and (B).

19 Gov. Code, § 7284.6.

20 Gov. Code, § 7284.4, subd. (a) and (k).

21 2023-DLE-03 Updated Responsibilities of Law Enforcement Agencies Under the California Values Act, California TRUST Act, and the California TRUTH Act; 25-02-CJIS: Updated California Values Act's Statistical Reporting Requirements Guidance.

22 "Public schools" is defined as "all public elementary and secondary schools under the jurisdiction of local governing boards or a charter school board, the California State University, and the California Community Colleges." Gov. Code, § 7284.4, subd. (j).

23 Gov. Code, § 7284.8, subd. (a).

24 See, e.g., Ed. Code, § 234.7, subd. (e) ("Nothing in this section prohibits the governing board or body of a local educational agency from establishing stronger standards and protections.").

25 See *In re Crawford* (9th Cir. 1999) 194 F.3d 954, 958 ("[I]ndiscriminate public disclosure of SSNs, especially when accompanied by names and addresses, may implicate the constitutional right of informational privacy").

26 Ed. Code, § 49076.7, subd. (b).

27 See 7 C.F.R. § 245.6, subd. (a)(6).

28 Ed. Code, § 48204.1, subd. (a). If a school district employee reasonably believes that the parent or legal guardian of a pupil has provided false or unreliable evidence of residency, the school district may make reasonable efforts to determine that the pupil actually meets residency requirements. Ed. Code, § 48204.1, subd. (c). In this situation, school districts should attempt to resolve their concerns by first seeking other confirming documents of the type listed in Education Code section 48204.1.

29 See 42 U.S.C. § 2000d; Civ. Code § 51, subd. (b) (requiring "full and equal accommodations, advantages, facilities, privileges, or services" for students irrespective of their immigration status); Gov. Code, § 11135 (prohibiting discrimination on the basis of race, color, or national origin for any program that is administered or funded by the state); Ed. Code, § 220 ("No person shall be subject to discrimination on the basis of . . . nationality, race or ethnicity . . . or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code, including immigration status . . . .").

30 5 Cal. Code Regs., § 432, subd. (b)(1)(C).

31 42 U.S.C. § 11432(g)(3)(C); Ed. Code, § 48204.1, subd. (d)-(e). "Homeless children and youths" is defined as individuals who lack a fixed, regular, and adequate nighttime residence; and includes children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; or are abandoned in hospitals; have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings; and are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and migratory children. 42 U.S.C. § 11434a(2).

32 Ed. Code, § 234.7, subd. (a)(1).

33 See 42 U.S.C. § 2000d; 28 C.F.R. § 42.104(b)(2); Ed. Code, § 220; Gov. Code, § 11135; Cal. Code Regs., tit. 2, § 14026.

34 Ed. Code, § 220.

35 Civ. Code, § 51, subd. (b).

36 See 20 U.S.C. §§ 7011(5), 7013, 7014.

37 See, e.g., Cal. Code Regs., tit. 2, § 14026; see also 28 C.F.R. § 42.104(b)(2).

38 Ed. Code, § 234.7, subd. (d)(1).

39 5 Cal. Code Regs., tit. 5, § 432, subd. (b)(1)(C).

40 Ed. Code, § 234.7, subd. (h).

41 Gov. Code, § 7284.6, subd. (a)(1)(A).

42 Ed. Code, § 234.7, subd. (a)(1).

43 In *United States v. California* (9th Cir. 2019), 921 F.3d 865, 891-893, the federal court construed 8 United States Code, section 1373 narrowly, stating that the law applies to a governmental entity's sharing with another governmental entity of "only" information regarding a person's citizenship or immigration status; the law does not prevent barring the sharing of other information, such as an inmate's release date. See also *City & County of San Francisco v. Barr* (9th Cir. 2020) 965 F.3d 753, 763 (same).

44 8 U.S.C. § 1373(a), (b); 8 U.S.C. § 1644. These federal laws apply only to government entities, such as local education agencies. The law does not prohibit private schools from restricting employee communication with federal immigration officials regarding an individual person's immigration status. This guide does not call for any agency policy restricting agency employees in violation of 8 U.S.C. §§ 1373 or 1644. See also Ed. Code, § 234.7, subd. (i).

45 20 U.S.C. § 1232h(c)(2).

46 Ed. Code, §§ 49073, subd. (b), 49076, subds. (a)(1)(A)-(J); see also 20 U.S.C. § 1232g(b)(1)(A)-(J), (b)(3), (b)(5); 34 C.F.R. § 99.35. Please note, federal law applies the parental notification requirements to "local educational agencies" (see 20 U.S.C. § 1232h(c)(2)), while state law uses the term "school districts." See, e.g., Ed. Code, § 49073. State law, however, defines "school district" broadly, to include the following: . . . any school district maintaining any kindergarten or any of grades 1 to 12, inclusive, any public school providing instruction in any kindergarten or any of grades 1 to 12, inclusive, the office of the county superintendent of schools, or any special school operated by the department. Ed. Code, § 49061, subd. (d). This definition encompasses all of the entities identified as "local educational agencies" under Education Code section 234.7, subdivision (h)—school districts, county offices of education, and charter schools. Therefore, this guide interprets the state law's reference to "school districts" as applying to all local educational agencies.

47 34 C.F.R. § 99.3 (defining "eligible student" as "a student who has reached 18 years of age or is attending an institution of postsecondary education").

48 20 U.S.C. § 1232g(b)(1), (b)(2).

49 See, e.g., Ed. Code, § 49076, subd. (a).

50 20 U.S.C. § 1232g(b)(2)(A); 34 C.F.R. §§ 99.3, 99.30; Ed. Code, § 49075, subd. (a).

51 20 U.S.C. § 1232g(b)(2)(A).

52 Ed. Code, § 49075, subd. (a).

53 Ed. Code, § 49075, subd. (a).

54 Ed. Code, § 234.7, subd. (b).

55 See AB 450 FAQs.

56 Ed. Code, § 49076, subds. (a)(1)(A)-(J); see also 20 U.S.C. § 1232g(b)(1)(A)-(J), (b)(3), (b)(5); 34C.F.R. § 99.35.

57 34 C.F.R. 99.31(a)(9)(i), (ii); Ed. Code, § 49076, subd. (a).

58 34 C.F.R. 99.31(a)(9)(ii)(B).

59 Ed. Code, § 49076, subd. (a); see also 20 U.S.C. § 1232g(b)(2)(B); 34 C.F.R. § 99.31.

60 See 20 U.S.C. § 1232g (b)(1)(C); Ed. Code, § 49076, subd. (a)(1)(C).

61 20 U.S.C. § 1232g(b)(1)(J)(i),(ii), (b)(2)(B); Pen. Code, § 11167.5, subd. (a).

62 Gov. Code, § 7284.6, subd. (a)(1)(D). Under Education Code section 49076, subdivision (a)(1)(I)(i), student records may be provided to "[a] probation officer . . . for purposes of conducting a criminal investigation or an investigation in regards to declaring a person a ward of the court or involving a violation of a condition of probation." However, student records should not be provided to probation officers for immigration enforcement purposes.

63 Civ. Code, § 1798.3, subd. (a).

64 Gov. Code, § 7284.6, subd. (e).

65 20 U.S.C. § 1232h(c)(2); Ed. Code, § 49063; Cal. Code Regs., tit. 5, § 431, subd. (e).

66 Ed. Code, § 48985, subd. (a).

67 20 U.S.C. § 1232h(c)(2); Ed. Code, § 49063; Cal. Code Regs., tit. 5, § 431, subd. (e); see also Ed. Code, § 49073, subd. (a) (prohibiting release of information to a private profit-making entity other than employers, prospective employers, and representatives of the news media).

68 Ed. Code, §§ 49061, subd. (c), 49073, subd. (b).

69 See Ed. Code, § 49073, subd. (b) ("Directory information may be released according to local policy as to any pupil or former pupil.").

70 Ed. Code, § 49073, subd. (a); see also Ed. Code, § 49073, subd. (c) (prohibiting sharing of "directory information" of a student identified as a homeless child or youth).

71 Ed. Code, § 40961, subd. (c); see also 34 C.F.R. § 99.3, subds. (b), (c) (federal regulation excluding Social Security number, and in most cases, the SID, from directory information). Please note that, because federal laws and regulations provide a broader allowance of what can be included as directory information (see 20 U.S.C. § 1232g, subd. (a)(5)(A); 34 C.F.R. § 99.3), school administrators should follow the narrower state law (Ed. Code, §§ 49061, 49073) for identifying the scope of directory information subject to release.

72 Ed. Code, § 49073, subd. (b).

73 34 C.F.R § 99.37, subd. (a); Ed. Code, § 49073.

74 Ed. Code, § 49073, subd. (a).

75 Ed. Code, § 49073, subd. (b).

76 Ed. Code, § 49076, subd. (a)(1).

77 Ed. Code, § 49061, subd. (c).

78 Pen. Code, § 11167.5, subd. (a).

79 20 U.S.C. § 1232g(b)(1)(J)(i),(ii).

80 34 C.F.R § 99.37, subd. (a); Ed. Code, § 49073.

81 Benjamine Huffman DHS Memo.

82 Ed. Code, § 35160. The Education Code defines "school district" in this context as including "county superintendents of schools and county boards of education." Ed. Code, § 35160.2.

83 Ed. Code, § 32212.

84 Ed. Code, § 234.7, subds. (g)(1) and (2) and (h)(2).

85 Ed. Code, § 234.7, subd. (a)(2).

86 Ed. Code, § 234.7, subd. (a)(2).

87 Ed. Code, § 234.7, subd. (l)(3).

88 Ed. Code, § 234.7, subd. (l).

89 See *Stoot v. City of Everett* (9th Cir. 2009) 582 F.3d 910, 918-921 (taking a student out of class for "detention and interrogation" constituted a seizure under the Fourth Amendment).

90 Ed. Code, § 234.7, subd. (b).

91 Gov. Code, §§ 7284.4, subd. (a) and (k); 7284.6.

92 Health & Saf. Code, § 1597.640, subd. (b)(1)(A) and (B) (eff. Jan. 1, 2026).

93 Health & Saf. Code, § 1597.640, subd. (a) (eff. Jan. 1, 2026).

94 Health & Saf. Code, § 1597.640, subd. (f) (eff. Jan. 1, 2026).

95 Ed. Code, § 48906; Welf. & Inst. Code, § 305.

96 Pen. Code, § 11167.5, subd. (a); see also Ed. Code, § 48906 (stating parental or guardian notification procedure that school officials and peace officers must follow in cases of suspected child abuse or neglect); Welf. & Inst. Code, § 307.4 (stating notification procedure for parents when a peace officer, probation officer, or social worker takes a minor into temporary custody on child dependency matters).

97 See *City of Los Angeles v. Patel* (2015) 576 U.S. 409, 420 ("The Court has held that absent consent, exigent circumstances, or the like, in order for an administrative search to be constitutional, the subject of the search must be afforded an opportunity to obtain precompliance review before a neutral decisionmaker."). See also transcript of an interview with John Seaman, senior legal instructor with the Legal Division at the Federal Law Enforcement Training Center, available at https://www.fletc.gov/audio/ice-administrative-removal-warrants-mp3 (as of Jan. 11, 2018) (stating that "unlike a criminal warrant issued by the federal court, a[n ICE] removal warrant does not authorize the ICE officer to enter into an REP [reasonable expectation of privacy] area to execute the warrant").

98 Gov. Code, § 7284.6, subd. (a)(1)(E).

99 34 C.F.R. § 99.31 (a)(9)(ii).

100 34 C.F.R. §§ 99.3, 99.30; Ed. Code, § 49075, subd. (a).

101 Public Schools Remain Safe Havens for CA Students - Safe Havens Initiative (CA Dept. of Education).

102 See Gov. Code, §§ 7284.4, subd. (a), (k), 7284.6.

103 See, e.g., Reminder of Obligation to Protect Immigrant Fam. - Including Immigrant Families (CA Dept of Education); Immigration and California families | CA.gov.

104 Pen. Code, §§ 627.1, subd. (a), 627.2.

105 Pen. Code, § 627.3.

106 Pen. Code, § 627.4; see also Ed. Code, § 32210 ("[a]ny person who willfully disturbs any public school or any public school meeting is guilty of a misdemeanor, and shall be punished by a fine of not more than five hundred dollars ($500)"); see also Ed. Code, § 32212 ("(a)The Legislature finds and declares that interruption of class time seriously impairs the educational process. (b)It is the intent of the Legislature that each governing board of a school district formally address the problem of classroom interruptions and adopt a policy to control those interruptions, consistent with local circumstances and practices. (c) The Superintendent of Public Instruction shall develop and distribute to each governing board of a school district a model policy for the reduction and control of classroom interruptions, including, but not limited to, intercom and public address system use.").

107 Pen. Code, § 627.6.

108 Ed. Code, § 234.7, subd. (c).

109 Fam. Code, § 6550, subd. (h)(2); Fam. Code, § 6552 [Caregiver's Authorization Affidavit].

110 Fam. Code, § 6552.

111 Prob. Code, § 1502; Prob. Code, § 2105, subd. (g).

112 Ed. Code, § 234.1, subd. (a).

113 Pen. Code, § 422.6.

114 Pen. Code, §§ 422.55, 422.6.

115 Civ. Code, § 51.7.

116 Civ. Code, § 52.1, subd. (c).

117 Pen. Code, § 136.1.

118 Pen. Code, § 422.93.

119 Ed. Code, § 234.1, subd. (a); Ed. Code, § 234.7, subd. (e)(2).

120 Ed. Code, § 234.7, subd. (d)(1).

121 Ed. Code, § 234.7, subd. (d)(1).

122 Ed. Code, § 234.1, subd. (c).

123 Ed. Code, §§ 234.1, subd. (c), 48985, subd. (a).

124 Ed. Code, §§ 220, 234.1; Pen. Code, § 422.55.

125 Ed. Code, § 234.1, subd. (b).

126 Ed. Code, §§ 234.1, subd. (b)(4), 48985, subd. (a).

127 Ed. Code, § 234.1.

128 Ed. Code, §§ 234.1, subd. (c); 48985, subd. (a).

129 Ed. Code, § 234.7, subd. (d)(1).

130 Ed. Code, §§ 220, 234.1; Pen. Code, § 422.55.

131 Ed. Code, § 234.1, subd. (b).

132 Ed. Code, § 234.7, subd. (d)(2).

133 *Flores v. Morgan Hill Unified Sch. Dist.* (9th Cir. 2003) 324 F.3d 1130, 1135; *Monteiro v. Tempe Union High Sch. Dist.* (9th Cir. 1998) 158 F.3d 1022, 1034.

134 Ed. Code, § 234.7, subd. (j).

135 Ed. Code, § 234.7, subd. (h).

136 Ed. Code, § 234.7, subd. (h), (j), and (k).

Appendix A
Quick Reference for School Officials

Immigration Enforcement Actions at California TK-12 Schools

December 2025

General Policy Regarding Registration of All Outsiders

1. A schoolsite's policies should include clear guidance regarding the registration of all outsiders. No outsider – which includes officers or employees of an agency conducting immigration enforcement – should be permitted to enter or remain on school grounds of the schoolsite during school hours without registering with the principal or other designated person.

2. Schoolsites should clearly designate what areas of a schoolsite are nonpublic, and have a policy that no outsider should be allowed in nonpublic areas unless they register with the principal or their designee, and their presence is authorized by the principal or their designee.

What to do if an immigration enforcement officer comes to your school?

1. Immediately notify the Superintendent or designated local educational agency administrator of the officer's presence and their request for school or student access, or any requests to review school records.

2. Advise the officer that, before proceeding with the request, and absent exigent circumstances, you must first receive notification and direction from the Superintendent or designated local educational agency administrator.

3. Ask to see, and make a copy of or note the officer's credentials (name and badge number), and the phone number of their supervisor.

4. Ask the officer for their reason for being on school grounds and document it.

5. Ask the officer to produce any documentation they claim authorizes school access. A judicial subpoena, judicial warrant, or court order may authorize access to specific areas. Therefore, school officials should consult with the Superintendent, designated local educational agency administrator, and/or legal counsel.

6. Make a copy of all documents provided by the officer to retain for school records.

7. If the officer declares that exigent circumstances exist and demands immediate access to the school, comply with their orders and immediately alert the Superintendent or designated local educational agency administrator.

8. If the officer does not declare that exigent circumstances exist, respond according to what the document(s) provided by the officer requires. If the officer has:

- **an ICE (Immigrations and Customs Enforcement) administrative warrant or a subpoena for production of documents or other evidence,** inform the officer that you cannot consent to any request without first consulting with the local educational agency's legal counsel or other designated administrator.

- **a federal judicial warrant (search-and-seizure warrant or arrest warrant)**, prompt compliance with such a warrant is usually legally required. If feasible, consult with your legal counsel or designated local educational agency administrator before providing the officer access to the person or materials specified in the warrant.

9. Do not attempt to physically impede an officer, even if they appear to lack authorization to enter. If an officer enters the premises without consent, document their actions while on campus and, if feasible, accompany them at all times.

10. After the encounter with the officer, promptly take written notes, including the following:

    - List or copy of the officer's credentials and contact information;
    - Identity of all school personnel who communicated with the officer;
    - Details of the officer's request;
    - Whether the officer presented a court order, warrant or subpoena to accompany their request, what was requested in the warrant/subpoena, and whether the warrant/subpoena was signed by a judge;
    - Your response to the officer's request;
    - Any further action taken by the officer; and
    - Photo or copy of any documents presented by the officer.

11. Notify parents or guardians as soon as possible (unless prevented by a judicial warrant or subpoena), and do so before an officer questions or removes a student for immigration enforcement purposes (unless a judicial warrant has been presented).

12. Provide a copy of those notes, and associated documents collected from the officer, to the local educational agency's legal counsel or other designated administrator.

13. E-mail the Bureau of Children's Justice in the California Department of Justice, at BCJ@doj.ca.gov, regarding any attempt by any officer or employee of an agency to access a schoolsite or a student for immigration enforcement purposes.

What to do if an officer or employee of an agency requests personal information about a student, their family members, or employees or teachers for immigration enforcement purposes?

Avoiding unauthorized information disclosure: Do not disclose information that might indicate a student's or family's citizenship or immigration status without consent of the parents, guardians, or students (if the student is 18 years of age or over), unless the information is for a legitimate educational purpose or is in response to a court order, judicial warrant, or judicial subpoena. Providing information about a student's or family's citizenship or immigration status to an officer or employee of an agency for immigration enforcement purposes is not for a legitimate educational purpose under federal or state law. Confer with the designated local educational agency administrator and/or legal counsel when presented with an ICE administrative warrant or administrative subpoena. Nothing in the law limits a local educational agency's or school official's right to consult with counsel or challenge the validity of a warrant, subpoena, or court order in a court of competent jurisdiction.

Procedure for responding to all information requests:

- Make a photocopy of the request and immediately consult counsel and/or a designated representative of the agency.

- No information regarding students, their families, teachers, or employees shall be disclosed, to the extent practicable, to an officer or agent conducting immigration enforcement without a judicial subpoena, judicial warrant, or court order, and any disclosure must be in accordance with the notification requirements set forth in Section 99.31(a)(9)(ii) of Title 34 of the Code of Federal Regulations.

- If faced with an administrative subpoena, consult counsel to determine how or whether to respond as there is no separate requirement in federal or state law to provide information to the Department of Homeland Security (DHS), ICE, or any other agency within DHS, without a court order, judicial warrant, or judicial subpoena.

Take the following steps if you receive any information request related to a student's or family's immigration or citizenship status that is not supported by a judicial warrant or court order:

- Notify a designated local educational agency administrator about the information request.

- Provide students and families with appropriate notice and a description of the immigration officer's request.

- Document any verbal or written request for information by immigration authorities.

- Unless prohibited, provide students and parents/guardians with any documents issued by the immigration enforcement officer.

Responding to court documents requesting student or family information: Notify the parents or guardians if you receive a court order, subpoena, or warrant requesting information regarding a student or family member, unless: (1) the warrant or subpoena concerns an investigation of suspected child abuse, child neglect, or child dependency, or (2) the subpoena prohibits disclosure.

Secure written consent from the parent/guardian/adult student before releasing information: You must get written parental or guardian consent authorizing disclosure of student information, unless the information is relevant for a legitimate educational interest or includes directory information only. Because neither exception permits disclosing information to any agency for immigration enforcement purposes, to the extent practicable, no student information shall be disclosed to officers or employees of such agencies for immigration enforcement purposes without written consent from a parent, guardian, or student (if 18 years of age or older), or a court order, judicial subpoena, or judicial warrant. Any records that are produced pursuant to a valid judicial warrant, judicial subpoena, or court order must comply with the parent notification requirements set forth in FERPA's regulations, at 34 C.F.R. § 99.31, subd. (a)(9)(ii). (Ed. Code, § 234.7, subd. (b).)

The written consent for release of student information must include the following:

1. A description of the information to be released;

2. The reason for release of information;

3. The parties or type of parties receiving the information;

4. If requested by the parents, guardians or student (if the student is 18 years of age or older), a copy of the records to be released; and

5. Date and signature of the parent, guardian, or student (if 18 years of age or older) consenting to the release of information.

Please Note: The parent, guardian, or student (if 18 years of age or older) is not required to sign the consent form. Therefore, you cannot release the information if the parent, guardian, or student (if 18 years of age or older) refuses to provide written consent for its release.

Once the parent, guardian, or adult student signs and dates the consent form, keep the consent notice with the record file. Also, notify the recipient of the student/family information that further transmission of the information to other individuals is prohibited, without the written consent of the parent/guardian/student (if 18 years of age or older).

What should you do if someone seeks information or records regarding an employee, teacher, or other staff?

- If the request seeks information or records regarding an employee or teacher of the local educational agency, consult with legal counsel and/or designated human resources representative before providing any information or access to records.

- To the extent practicable, do not provide any information regarding an employee or teacher without a valid judicial warrant, judicial subpoena, or court order. However, because employee records are subject to different laws, including Government Code section 7285.2, which has additional exceptions for access to employee records, it is important that you consult with legal counsel and/or designated human resources representative.

Appendix B

ICE (Immigrations and Customs Enforcement) "Arrest Warrant" (Form I-200) and "Removal Warrant" (Form I-205)

U.S. DEPARTMENT OF HOMELAND SECURITY **Warrant for Arrest of Alien**

File No. _____

Date: _____

To: **Any immigration officer authorized pursuant to sections 236 and 287 of the Immigration and Nationality Act and part 287 of title 8, Code of Federal Regulations, to serve warrants of arrest for immigration violations**

I have determined that there is probable cause to believe that _____ is removable from the United States. This determination is based upon:

☐ the execution of a charging document to initiate removal proceedings against the subject;

☐ the pendency of ongoing removal proceedings against the subject;

☐ the failure to establish admissibility subsequent to deferred inspection;

☐ biometric confirmation of the subject's identity and a records check of federal databases that affirmatively indicate, by themselves or in addition to other reliable information, that the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law; and/or

☐ statements made voluntarily by the subject to an immigration officer and/or other reliable evidence that affirmatively indicate the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law.

YOU ARE COMMANDED to arrest and take into custody for removal proceedings under the Immigration and Nationality Act, the above-named alien.

SAMPLE

_____
(Signature of Authorized Immigration Officer)

_____
(Printed Name and Title of Authorized Immigration Officer)

Certificate of Service

I hereby certify that the Warrant for Arrest of Alien was served by me at _____
(Location)

on _____ on _____, and the contents of this
(Name of Alien) (Date of Service)

notice were read to him or her in the _____ language.
(Language)

_____ _____
Name and Signature of Officer Name or Number of Interpreter (if applicable)

Form I-200 (Rev. 09/16)

Appendix B

ICE (Immigrations and Customs Enforcement) "Arrest Warrant" (Form I-200) and "Removal Warrant" (Form I-205)

DEPARTMENT OF HOMELAND SECURITY
U.S. Immigration and Customs Enforcement

WARRANT OF REMOVAL/DEPORTATION

File No: _____

Date: _____

To any immigration officer of the United States Department of Homeland Security:

_____
(Full name of alien)

who entered the United States at _____ on _____
(Place of entry) (Date of entry)

is subject to removal/deportation from the United States, based upon a final order by:

- ☐ an immigration judge in exclusion, deportation, or removal proceedings
- ☐ a designated official
- ☐ the Board of Immigration Appeals
- ☐ a United States District or Magistrate Court Judge

and pursuant to the following provisions of the Immigration and Nationality Act:

I, the undersigned officer of the United States, by virtue of the power and authority vested in the Secretary of Homeland Security under the laws of the United States and by his or her direction, command you to take into custody and remove from the United States the above-named alien, pursuant to law, at the expense of:

_____
(Signature of immigration officer)

_____
(Title of immigration officer)

_____
(Date and office location)

SAMPLE

ICE Form I-205 (8/07) Page 1 of 2

Appendix C
Federal Search and Seizure Warrant (Form AO 93)

AO 93 (Rev. 11/13) Search and Seizure Warrant

UNITED STATES DISTRICT COURT

for the

In the Matter of the Search of
(Briefly describe the property to be searched or identify the person by name and address)

) Case No.

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the _____ District of _____
(identify the person or describe the property to be searched and give its location):

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property described above, and that such search will reveal *(identify the person or describe the property to be seized)*:

YOU ARE COMMANDED to execute this warrant on or before _____ *(not to exceed 14 days)*
❒ in the daytime 6:00 a.m. to 10:00 p.m. ❒ at any time in the day or night because good cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to _____.
(United States Magistrate Judge)

❒ Pursuant to 18 U.S.C. § 3103a(b), I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized *(check the appropriate box)*
❒ for ____ days *(not to exceed 30)* ❒ until, the facts justifying, the later specific date of _____.

Date and time issued: _____ _____
Judge's signature

City and state: _____ _____
Printed name and title

SAMPLE

Appendix D
Federal Arrest Warrant (Form AO 442)

AO 442 (Rev. 11/11) Arrest Warrant

UNITED STATES DISTRICT COURT

for the

United States of America
v.) Case No.
)
)
)
)
)

_____
Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay
(name of person to be arrested) _____ ,
who is accused of an offense or violation based on the following document filed with the court:

❒ Indictment ❒ Superseding Indictment ❒ Information ❒ Superseding Information ❒ Complaint
❒ Probation Violation Petition ❒ Supervised Release Violation Petition ❒ Violation Notice ❒ Order of the Court

This offense is briefly described as follows:

SAMPLE

Date: _____ _____
Issuing officer's signature

City and state: _____ _____
Printed name and title

Return

This warrant was received on *(date)* _____ , and the person was arrested on *(date)* _____
at *(city and state)* _____ .

Date: _____ _____
Arresting officer's signature

_____
Printed name and title

Appendix E
DHS Immigration Enforcement Subpoena (Form I-138)

1. To (Name, Address, City, State, Zip Code)	DEPARTMENT OF HOMELAND SECURITY **IMMIGRATION ENFORCEMENT SUBPOENA** **to Appear and/or Produce Records** 8 U.S.C. § 1225(d), 8 C.F.R. § 287.4
Subpoena Number	
2. In Reference To (Title of Proceeding) (File Number, if Applicable)	

By the service of this subpoena upon you, **YOU ARE HEREBY SUMMONED AND REQUIRED TO:**

(A) ☐ **APPEAR** before the U.S. Customs and Border Protection (CBP), U.S. Immigration and Customs Enforcement (ICE), or U.S. Citizenship and Immigration Services (USCIS) Official named in Block 3 at the place, date, and time specified, to testify and give information relating to the matter indicated in Block 2.

(B) ☒ **PRODUCE** the records (books, papers, or other documents) indicated in Block 4, to the CBP, ICE, or USCIS Official named in Block 3 at the place, date, and time specified.

Your testimony and/or production of the indicated records is required in connection with an investigation or inquiry relating to the enforcement of U.S. immigration laws. Failure to comply with this subpoena may subject you to an order of contempt by a federal District Court, as provided by 8 U.S.C. § 1225(d)(4)(B).

3. (A) CBP, ICE or USCIS Official before whom you are required to appear Name Title Address Telephone Number	(B) Date (C) Time ☒ a.m. ☐ p.m.
4. Records required to be produced for inspection	

SAMPLE

If you have any questions regarding this subpoena, contact the CBP, ICE, or USCIS Official identified in Block 3.

5. Authorized Official

(Signature)

(Printed Name)

(Title)

(Date)

DHS Form I-138 (6/09)

Appendix F
Federal Judicial Subpoena

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the

_____)
Plaintiff)
v.) Civil Action No.
_____)
Defendant)

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: _____
(Name of person to whom this subpoena is directed)

❒ *Production:* **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material:

Place:	Date and Time:

❒ *Inspection of Premises:* **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:	Date and Time:

SAMPLE

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: _____

CLERK OF COURT

OR

_____ _____
Signature of Clerk or Deputy Clerk *Attorney's signature*

The name, address, e-mail address, and telephone number of the attorney representing *(name of party)* _____ _____ , who issues or requests this subpoena, are:

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Appendix G
Know Your Educational Rights

Immigration Enforcement Actions at California TK-12 Schools
Guide for Students and Families
December 2025

Your Child Has the Right to a Free Public Education

All children have a right to equal access to free public education, regardless of their or their parents'/guardians' immigration status.

All children in California:

- Have the right to a free public education.
- Must be enrolled in school if they are between 6 and 18 years old, unless otherwise exempt.
- Have the right to attend safe, secure, and peaceful schools.
- Have a right to be in a public school learning environment free from discrimination, harassment, bullying, violence, and intimidation.
- Have equal opportunity to participate in any program or activity offered by the school without discrimination.

Information Required for School Enrollment

Schools must accept a variety of documents from the student's parent or guardian to demonstrate proof of child's age or residency and schools are not required to keep a copy of the document used as proof of a child's age.

Information about citizenship/immigration status is never needed for school enrollment. A Social Security number is never needed for school enrollment.

Confidentiality of Personal Information

Federal and state laws protect student education records and personal information. These laws generally require that schools get written consent from parents or guardians before releasing student information, unless the release of information is for educational purposes, is already public, or is in response to a court order or subpoena.

Some schools collect and provide publicly basic student "directory information." If so, the school district must provide parents/guardians with written notice of the directory information policy, and provide the option to refuse release of your child's information.

Family Safety Plans if you are Detained or Deported

You can update your child's emergency contact information, including secondary contacts, to identify a trusted adult guardian who can care for your child if you are detained or deported.

A Caregiver's Authorization Affidavit can be completed, or you can consult with legal counsel regarding options like a Petition for Appointment of Guardian to give a trusted adult the authority to make educational and medical decisions for your child.

Right to File a Complaint

Your child has the right to report a hate crime or file a complaint to the school district if they are discriminated against, harassed, intimidated, or bullied because of their actual or perceived nationality, ethnicity, or immigration status.

For more information on resources for responding to immigration enforcement activities at California schools, or to file a complaint, please contact:

Bureau of Children's Justice
California Attorney General's Office
P.O. Box 944255
Sacramento, CA 94244-2550
Phone: (800) 952-5225
E-mail: BCJ@doj.ca.gov
https://oag.ca.gov/bcj/complaint

Checklist for Immigrant Students Attending Public Schools and Their Families

1. **You do not have to share the following information with school officials:**

    - You do not have to share information, including passports or visas, regarding the immigration status of students, parents, guardians, or other family members.

    - You do not have to provide Social Security numbers (SSN) or cards.

    - When completing the "Free and Reduced-Price Meals" form, only provide the last four digits of the SSN of the adult household member who signs the application.

    - If the family meets the income eligibility requirements and no adult household member has an SSN, your child still qualifies. Check the "No SSN" box on forms where applicable, to ensure that applications are complete.

    - If any household member participates in CalFresh, CalWORKs (California Work Opportunity and Responsibility for Kids), or FDPIR (Food Distribution Program on Indian Reservations), no adult household member needs to provide the last four digits of their SSN to qualify the student for free or reduced-price meals at school.

    - When providing information for proof of a student's residency or age, you do not have to use documents that could reveal information related to immigration status.

2. **Take steps to protect student information:**

    - Ask for the school's written privacy policies regarding student information.

    - Review the school's policy for "directory information"—which allows for public release of basic student information—and consider whether to opt out of releasing of that information.

3. **Take steps to prepare for situations where one or more parents or guardians are detained or deported:**

    - Develop and keep in a safe place a "Family Safety Plan" (example: Step-by-Step Family Preparedness Plan / Plan de Preparación Familiar: (Guía Completa) | Immigrant Legal Resource Center | ILRC) that includes the following information:

        - Name of a trusted adult to care for your child if no parent or guardian can.

        - Emergency phone numbers and instructions on where to find important documents (birth certificates, passports, Social Security cards, doctor contact information, etc.).

        - Make sure that your child's school always has current emergency contact information, including alternative contacts if no parent or guardian is available.

        - Discuss with relatives or trusted persons whether a "Caregiver's Authorization Affidavit" should be completed. Note that under AB 495, effective January 1, 2026, for the purposes of a Caregiver's Authorization Affidavit, a relative is an adult related to the child by blood, adoption, or affinity within the fifth degree of kinship, including all stepparents, stepsiblings, and all relatives whose status is preceded by the words "great," "great-great," or "grand," or the spouses of any of these persons.

Resources

The following resources are available to immigrant families responding to detentions or deportations:

- The Immigration and Customs Enforcement (ICE) detainee locator: https://locator.ice.gov/odls/homePage.do. **Please Note**: This site is intended only for locating individuals who are already detained, and not for general immigration status inquiries.

- Immigration lawyers in private practice, accredited representatives (who assist immigrants in immigration proceedings), or legal-aid organizations:

    - State Bar of California Attorney Search: http://www.calbar.ca.gov/Attorneys.

    - California organizations accredited by Board of Immigration Appeals (BIA) to represent immigrants before the Department of Homeland Security (DHS) and Executive Office of Immigration Review (EOIR): Recognized Org and Accredited Rep Roster by State and City.

    - California Courts Self-Help Centers: Find Your Self-Help Center | California Courts | Self Help Guide.

    - Legal-aid offices and lawyer-referral services: http://www.courts.ca.gov/getting-legal-help.

    - The consulate or embassy of the parent's or guardian's country of origin.