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AB 49 (Muratsuchi) – The California Safe Haven Schools & Child Care Act

SUMMARY

AB 49 protects immigrant children from actions by U.S. Immigration and Customs Enforcement (ICE) officers who enter school sites or child care facilities.

BACKGROUND

The Supreme Court's decision in *Plyler v. Doe* (1982) ensures that all children in the U.S., regardless of immigration status, have the right to access a free public education. States cannot deny students a free, public education based on their immigration status or their parents or guardians' immigration status. Schools have long been safe havens for immigrant students.

Concerns about increased immigration enforcement near sensitive locations, such as schools and child care centers, can create fear and uncertainty among immigrant families. The Trump administration's threats to intensify deportations and reconsider protections for these areas amplifies anxieties during his upcoming tenure. Schools should continue to serve as places where children can learn and thrive without fear, regardless of their or their family's immigration status.

ISSUE

Immigration crackdowns can also lead to an increase in bullying, anxiety and general uncertainty on schools, and endangers a students' safety. According to the Migration Policy Institute, 133,000 undocumented children between the ages of 3 and 17 years are enrolled in California public schools, and 750,000 K-12 students in California have an undocumented parent.

In 2017, California passed AB 699, which established certain protections for immigrant students in California such as requiring that all local educational agencies keep immigrant students and families' data private, prohibiting discrimination based on a student's immigration status, and how to respond to bullying or harassment of a student based on immigration status.

In addition, AB 699 required the Attorney General to publish model policies which limited 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. The bill also 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.

AB 49 strengthens these protections for undocumented students and their families by codifying the California Attorney General's model policies, which aim to restrict the involvement of schools in immigration enforcement activities. These policies ensure that federal immigration agents cannot detain undocumented students or their families on or near school property without proper judicial warrants or legal authority.

Schools are one of the last places immigrant families feel safe. The threat of federal immigration officials coming onto school grounds to detain undocumented students or family members casts a shadow of fear over all California students. Students cannot learn if they are under threat of deportation or separation from their family members. Children should not be afraid to come to school, and parents should not be afraid to send their children to school.

SOLUTION

The California Safe Haven Schools and Child Care Act protects undocumented students and their families by prohibiting ICE officers from entering a school site or child care facility for any purpose without providing valid identification, a written statement of purpose, a valid judicial warrant, and approval from the school district's superintendent or director of the child care center. The bill also would require that if an ICE official meets the requirements to enter a school site or childcare facility, their access would be restricted to where students or children are not present.

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