

Date of Hearing: July 8, 2025

ASSEMBLY COMMITTEE ON HIGHER EDUCATION

Mike Fong, Chair

SB 98 (Pérez) – As Amended June 23, 2025

SENATE VOTE: 29-8

SUBJECT: Elementary, secondary, and postsecondary education: immigration enforcement: notification.

SUMMARY: Requires the governing boards of local educational agencies (LEA), the California State University (CSU), each California Community College (CCC) District (CCD), and each Cal Grant qualifying independent institution of higher education and requests the University of California (UC) Regents to issue a notification to specified individuals when the presence of immigration enforcement is confirmed on their respective campuses or schoolsites. This measure contains an urgency clause. Specifically, **this bill:**

- 1) Requires the CSU Trustees, each CCD governing board, and an independent institution of higher education that is a Cal Grant qualifying institution to notify all students, faculty, and other campus community members when the presence of immigration enforcement at a campus is confirmed.
- 2) Requires that, in the event that an undocumented student is subject to a federal immigration order, all students, faculty, staff, and campus community members are notified when the presence of immigration enforcement is confirmed on campus.
- 3) Prohibits the inclusion of personally identifiable information in the notice, pursuant to (2) above, and requires that the notice include all of the following:
 - a) The date and time the immigration enforcement was confirmed;
 - b) The location of the confirmed immigration enforcement; and,
 - c) A hyperlink to additional resources, including model policies adopted by the LEA as specified.
- 4) Defines, “immigration enforcement” to include any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal civil immigration law, and also includes 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.
- 5) Finds and declares the following intent of the Legislature:
 - a) California is responsible for ensuring access to a quality education; and,

- b) Ensuring access to a quality education includes creating a safe and an inclusive campus environment for all students, regardless of their backgrounds or origins.
- 6) Defines “immigration enforcement” to include any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal civil immigration law, and also includes 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.

EXISTING LAW:

- 1) Establishes the UC as a public trust to be administered by the Regents of the UC, and grants the Regents full powers of organization and government, subject only to such legislative control as may be necessary to insure security of its funds, compliance with the terms of its endowments, statutory requirements around competitive bidding and contracts, sales of property and the purchase of materials, goods and services (Article IX, Section (9)(a), California Constitution).
- 2) Defines “independent institutions of higher education” as those nonpublic higher education institutions that grant undergraduate degrees, graduate degrees, or both, and that are formed as nonprofit corporations in this state and are accredited by an agency recognized by the United States Department of Education (Education Code (EC) Section 66010, et seq.).
- 3) Confers upon the CSU Trustees the powers, duties, and functions with respect to the management, administration, control of the CSU system and provides that the Trustees are responsible for the rule of government of their appointees and employees (EC Sections 66606 and 89500, et seq.).
- 4) Establishes the CCC under the administration of the Board of Governors of the CCC, as one of the segments of public postsecondary education in this State, and specifies that the CCC is comprised of community college districts (EC Section 70900).
- 5) Requires the CSU Trustees, the governing board of each CCC District, each independent institution of higher education that is Cal Grant eligible, and requests the UC Regents, to take various actions relating to immigration enforcement on campus and students’ immigration-related personal information to the fullest extent consistent with State and federal law, including:
 - a) Refraining from disclosing personal information about students, faculty, and staff, except with specified consent or in other limited circumstances;
 - b) Advising all students, faculty, and staff to notify the office of the chancellor or president of their designee as soon as possible if they are advised that an immigration officer is expected to enter, will enter, or has entered campus to execute a federal immigration order;

- c) Notifying the emergency contact of a student, faculty, or staff person as soon as possible, if there is reason to suspect that the individual has been taken into custody as a result of an immigration enforcement action;
- d) Complying with a request from an immigration officer for access to a non-public area of campus only when presented with a judicial warrant, with limited exceptions for non-enforcement activities;
- e) Advising all students, faculty, and staff responding to, or having contact with, an immigration officer executing a federal immigration order, to refer the entity or individual to the office of the chancellor or president or their designee for the purpose of verifying the legality of any warrant, court order, or subpoena;
- f) Designating a staff person to serve as a point of contact for any student, faculty, or staff who may or could be subject to an immigration order or inquiry on campus;
- g) Maintaining a contact list of legal services providers that provide legal immigration representation, and provide this list free of charge to any students who request it;
- h) Adopting and implementing, by March 1, 2019, the model policies developed by the Attorney General or an equivalent policy limiting assistance with immigration enforcement to the fullest extent possible consistent with federal and state law;
- i) Posting on its website and providing by email each quarter or semester to all students, faculty, and staff a copy of the school's policies limiting assistance with immigration enforcement and guidance relating to their rights under state and federal immigration laws, among other information; and,
- j) Ensuring, in the event that an undocumented student is subject to a federal immigration order, that the student can retain eligibility for various school benefits and re-enrollment, and that staff is available to assist students, faculty, and staff who may be subject to a federal immigration order or inquiry (EC Section 66093.3).

FISCAL EFFECT: According to the Senate Committee on Appropriations:

- 1) The Chancellor's Office [of the CCC] estimates one-time Proposition 98 costs of \$16,000 to \$24,000 per community college district, or \$1.2 million to \$1.7 million statewide, to develop and update the necessary policies, training, and technology systems to ensure all students, faculty, and staff are notified regarding the presence of federal immigration authorities. This estimate primarily includes the costs to update existing protocols and procedures regarding immigration enforcement actions and clarify the responsibilities of the district chancellor/college president.
- 2) The UC and CSU indicate that any costs resulting from the bill would be minor and absorbable within existing resources.

COMMENTS: *Urgency clause.* This measure contains an urgency clause in order to ensure the safety of all students, teachers, faculty, and staff by preventing panic and to promote a greater sense of calm and security on schoolsites and campuses, it is necessary that this act take effect immediately.

Double-referral. This measure was heard by the Assembly Committee on Education as it related to issues under its jurisdiction on July 2, 2025. The measure passed with a vote of 7 – 2.

Need for the measure. According to the author, “the presence of immigration enforcement officers can have detrimental effects on the student body and staff – especially for those who may be undocumented or otherwise without permanent status. A 2018 study from the American Psychological Association found that immigrant youth, especially those in mixed-status families, experience higher levels of anxiety and depression due to fears of deportation and family separation. SB 98 will help alleviate this uncertainty that students, teachers, and families feel when in school by ensuring that they are made aware when immigration enforcement agents are present on campus.”

The author contends that, “although schools and higher education institutions in California have guidelines for individuals on their rights and how to engage with immigration enforcement agents when they are present on campus, there are no requirements for school or campus administration to inform the campus community of their presence on campus.”

The author states that, “SB 98 addresses the aforementioned gap by requiring that students and the school are notified of immigration enforcement agents on campus. These timely notifications are imperative for schools to be able to prevent panic, promote a sense of security, and maintain an environment where all students—regardless of immigration status—feel safe and supported. This bill will give students and educators peace of mind in the classroom while also maintaining the state’s commitment that educational institutions are safe places where students can learn, teachers can educate, and schools can be a place exclusively dedicated to teaching and uplifting the next generation.”

Undocumented Students and Deferred Action for Childhood Arrivals (DACA). As of 2024, there are an estimated 408,000 undocumented students enrolled in colleges and universities across the United States.¹ Of these students, 182,000 are students with DACA or who are eligible for DACA.

The DACA process is a federal process that, since 2012, defers removal action of an individual for a specified number of years; and it allows eligible individuals to have work authorization.

In California alone, there are an estimated 87,000 undocumented university students.² Many of California’s undocumented students have DACA, though the numbers of DACA recipients in California’s postsecondary institutions of higher learning have been decreasing in recent years, as the time-based requirements for DACA mean that fewer and fewer incoming undocumented

¹ American Immigration Council and Presidents’ Alliance on Higher Education and Immigration, “Undocumented Students in U.S. Higher Education” (Jun. 2024).

² *Ibid.*

college students are eligible for DACA, and ongoing lawsuits around DACA have prevented the federal government from approving new applications since July 16, 2021.

With the lawsuits against DACA continuing to progress amid an administration that appears non-supportive to the program, the future of DACA remains uncertain. In the event that DACA ends, DACA recipients will lose their protections from deportation and once again, be at risk of deportation like all undocumented individuals. Furthermore, on January 17, 2025, the Fifth Circuit Court of Appeals issued a decision to *Texas v. United States*, No. 23-40653, finding major parts of the DACA rule as unlawful.

The court also limited the impact of its ruling by indicating that current DACA recipients across the U.S. can still renew their DACA while the case continues to make its way through the courts. The court limited its decision to the State of Texas, and sent the case back to the district court with an instruction to sever the forbearance from the deportation provision from the work authorization. That is to say, no more work permits would be granted, only protection from deportation. The mandate effectuating this ruling was issued on March 11, 2025, and defendants, defendant-intervenors, and plaintiffs had time to request a review by the U.S. Supreme Court (SCOTUS).

At the time of this analysis, there is no legal limitation on the processing of pending or first-time DACA requests in all 50 states, including Texas. The deadline for requesting review by SCOTUS was May 19, 2025; none of the parties filed a request. The case has now moved to the implementation phase and the Fifth Circuit Court of Appeals Judge will determine how best to implement the appeals court's decision that would result in Texas DACA recipients no longer receiving work authorization. According to the Mexican American Legal Defense and Education Fund (MALDEF), the process is expected to take some time, and, for now, all current DACA recipients, including in Texas, receive, including on renewal, full DACA protection and work authorization.

California's efforts to support DACA and undocumented students. Over the past two decades, the Legislature has made, and continues to make, a commitment to ensuring DACA and undocumented students' have the ability to earn a college degree and feel safe on campus. Various laws in recent years have been passed and enacted aimed at protecting the State's undocumented and non-citizen students including those that minimize the disruption that immigration enforcement activities can have at the State's educational institutions.

In 2017, the Legislature passed the California Values Act (SB 54, De León, Chapter 495, Statutes of 2017). SB 54 limited local law enforcement agencies' sharing of inmate information with federal immigration agencies, and prohibited law enforcement agencies from using their resources for immigration enforcement or from cooperating in immigration enforcement activities. In addition, SB 54 required the Attorney General to publish various model policies regarding local entities' involvement or cooperation with immigration enforcement. These model policies included policies for limiting assistance with immigration enforcement at public schools, public libraries, health care facilities, courthouses, various state agencies, and universities, which public schools, health care facilities operated by the state, and courthouses were required to implement.

The Attorney General issued its guidance and model policies in 2018, which were updated in December 2024. The model policies for colleges and universities include that colleges and universities must provide students and their families with an annual notice of the institution's policies for privacy of students' personal information, including information regarding their immigration status, and that colleges and universities must advise all students, faculty, and staff to immediately notify the office of the campus chancellor or president, or their designee, when they are advised that an immigration officer is planning to, will, or has entered the campus for immigration enforcement purposes.³

Further, the model policies require that, if there is reason to suspect that a student, faculty member, or staff member has been taken into custody for immigration enforcement, the college or university must notify the person's emergency contact that the person may have been taken into custody. SB 54 encouraged, but did not require, that the UC, CSU, and CCC implement these model policies.

Moving forward, the author may wish to determine if the model policy developed by the Attorney General shall be updated with a due date sure to provide additional guidance on the implementation of this measure.

Additionally, the Legislature also passed AB 21 (Kalra), Chapter 488, Statutes of 2017, which requires public higher educational institutions and each Cal Grant eligible institution of higher education to adopt the Attorney General's model policies for colleges and universities. AB 21 also placed a variety of additional requirements on the CSU, CCC, and independent higher education institutions, and requested that the UC comply with such requirements.

These requirements included that institutions: 1) refrain from disclosing the personal information of students, faculty, and staff; require campus leadership to verify immigration enforcement requests on campus and the officer's authority to engage in such activity; 2) provide immigration legal assistance information and resources available to students upon request; and, 3) guarantee that students impacted by immigration enforcement do not lose eligibility for enrollment and other benefits. AB 21 required universities to make all reasonable efforts to assist a student subject to an immigration order to retain their eligibility for financial aid, fellowship stipends, exemption from non-resident tuition, housing stipends or services, and other funding or benefits they received.

Arguments in support. According to the Los Angeles Community College District (LACCD), "the presence of immigration enforcement officers can have detrimental effects on the student body and staff – especially for those who may be undocumented or otherwise without permanent status. Although schools and higher education institutions in California have guidelines for individuals on their rights and how to engage with immigration enforcement agents when they are present on campus, there are no requirements for school or campus administration to inform the campus community of their presence on campus."

³ California Attorney General, Promoting a Safe and Secure Campus for All: Guidance and Model Policies to Assist California's Colleges and Universities in Responding to Immigration Issues, California Department of Justice (December 2024).

Further, the LACCD states that, “SB 98 addresses the aforementioned gap by requiring that students and the school are immediately notified of immigration enforcement activities on campus. These timely notifications are imperative for schools to be able to prevent panic, promote a sense of security, and maintain an environment where all students—regardless of immigration status—feel safe and supported.”

Lastly, the LACCD states that, “this bill will give students and educators peace of mind in the classroom while also maintaining the state’s commitment that educational institutions are safe places where students can learn, teachers can educate, and schools can be a place exclusively dedicated to teaching and uplifting the next generation.”

Related legislation. SB 307 (Cervantes), which is currently awaiting a hearing by the Assembly Committee on Appropriations, in part, requires the Trustees of the CSU, and requests the Regents of the UC, to take a number of actions and adopt a systemwide policy aimed at maintaining the enrollment, financial aid, and academic resources of an undocumented student who is subject to a federal immigration enforcement activity.

Prior legislation. SB 54 (De León), Chapter 495, Statutes of 2017, prohibited state and local law enforcement agencies from using money or personnel to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes, subject to exception, and required the issuance and adoption by various entities of model policies limiting assistance with immigration enforcement and limiting the availability of information for immigration enforcement.

AB 699 (O’Donnell), Chapter 493, Statutes of 2017, included immigration status in the list of specified characteristics for which law states it is the policy of the State of California to provide equal rights and opportunities in the state’s educational institutions, and prohibited school officials and employees of a school district, county office of education, or charter school from collecting information or documents regarding the citizenship or immigration status of pupils or their family members. Required specified school officials to take certain actions in response to requests for information or access to a schoolsite by an immigration officer for the purposes of immigration enforcement, required the Attorney General to publish, by April 1, 2018, model policies limiting assistance with immigration enforcement at public schools, and required all local educational agencies to adopt these model policies or equivalent policies.

AB 21 (Kalra), Chapter 488, Statutes of 2017, required the CSU Trustees, the governing boards of community college districts, and independent institutions of higher education, and requested the UC Regents, to take certain actions regarding immigration enforcement activities on campus, including: refraining from disclosing personal information concerning students, faculty, and staff except under specified circumstances; advising all students, faculty, and staff to notify the office of the chancellor or president as soon as possible if they are advised that an immigration officer will or has entered campus to execute an immigration order; complying with a request from an immigration officer for access to a non-public area of campus only upon the presentation of a judicial warrant; and designating a staff person to serve as a point of contact for those who may be subject to immigration actions, among other requirements. Required such institutions of higher education to adopt and implement the model policy limiting assistance with immigration enforcement developed by the Attorney General, or an equivalent.

REGISTERED SUPPORT / OPPOSITION:

Support

Alianza
Alliance College-ready Public Schools
Alliance for a Better Community
California Academy of Child and Adolescent Psychiatry
California Alliance of Child and Family Services
California Association for Bilingual Education (CABE)
California Catholic Conference
California Charter Schools Association
California Community Colleges Chancellor's Office
California Faculty Association
California Federation of Labor Unions, AFL-CIO
California Immigrant Policy Center
California Labor Federation, AFL-CIO
California Latino Legislative Caucus
California School Employees Association
California State Council of Service Employees International Union (SEIU California)
California State PTA
California State Student Association
California Undocumented Higher Education Coalition
Californians Together
CFT - a Union of Educators & Classified Professionals, AFT, AFL-CIO
Coalition for Humane Immigrant Rights
College for All Coalition
Ednovate
EdTrust-West
First 5 California
Fresno Unified School District
Friends Committee on Legislation of California
Gathering for Justice
Generation Up
Hispanas Organized for Political Equality
Hispanas Organized for Political Equality (HOPE)
Latino and Latina Roundtable of the San Gabriel and Pomona Valley
Los Angeles Community College District
Los Angeles County Office of Education
Loyola Marymount University - the Center for Equity for English Learners
NextGen California
Nextgen Policy
Pacific Juvenile Defender Center
Partnership for Los Angeles Schools
Pasadena Area Community College District
Power California Action
Sacramento Immigration Coalition

San Bernardino Community College District
San Francisco Unified School District
Santa Clara County School Boards Association
Sobrato Early Academic Language (SEAL)
Soledad; City of
State Superintendent of Public Instruction Tony Thurmond (Co-Sponsor)
Student Senate for California Community Colleges
Swing Left Inland Valley
Teach Plus
Teach Plus - California
The Black Alliance for Just Immigration
The Children's Partnership
The Gathering for Justice
UC Student Association
Unidosus
UNITE-LA
University of California Student Association
Western Center on Law & Poverty

Opposition

None on file.

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