

Equity Alert



Standing Together: California's Protections for Undocumented and Immigrant Students

Immigrants built the Golden State. Our communities continue to thrive because of the contributions of people who have moved from all corners of the world to make California their home. Undocumented people make up a small but important share of California's foreign-born population.



1 out of 5 (20%) children in California live in mixed-status families, meaning they are undocumented themselves or living with a family member who is undocumented.¹



1 in 22 (4.6%) Californians is an undocumented person.²



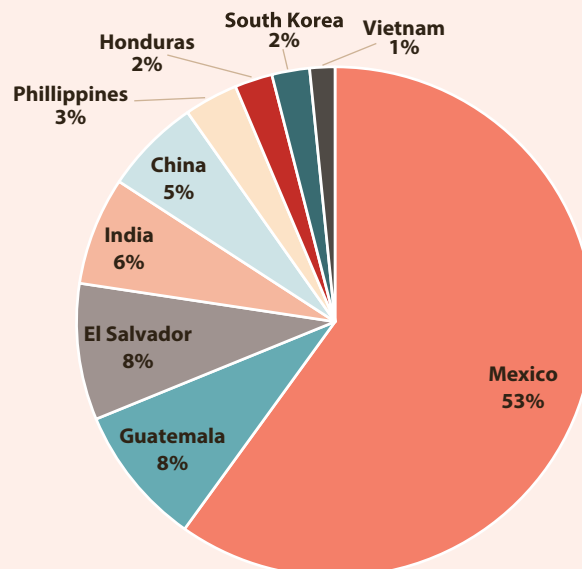
276,722 undocumented students are enrolled in CA schools.³



Roughly 86,805 undocumented students are enrolled in higher education in California.⁴

California is home to undocumented people from more than 25 countries.

Top 10 Countries of Origin for Undocumented Californians (2022)



Source: [Center for Migration Studies](#) estimates based on augmented U.S. Census Bureau data.



Introduction

On the campaign trail, one of the most frequently expressed campaign promises that then-candidate Donald J. Trump made was the mass arrests, deportations, and detainments of undocumented people living in the United States. Now, the Trump administration's immigration actions are already terrorizing immigrant communities, separating families, and sparking fear and trauma for hundreds of thousands of California's children, young people, and their families. No child or young person should be forced to live in constant fear that they, or a family member, will be deported. That fear and severe stress cause significant academic and mental health challenges,⁵ leading to decreased academic achievement, attendance, and perceptions of school climate and safety.^{6,7}

This Equity Alert outlines recommendations for immediate actions that state and local education leaders can take to ensure that immigrant and undocumented children, students, and their families are safe and supported to attend school, learn, and thrive.

What current laws exist to protect undocumented and mixed-status families in California?

Over the last several years, California has taken significant steps to protect immigrants, safeguard access to education, and define the role local law enforcement agencies may play in enforcing federal immigration laws and actions.⁸ These policies help to create safer, more inclusive campuses for all students. Most notably, the following laws have already been enacted in California (or

have been proposed for the 2025 legislative session) and should be leveraged to protect students and families in California from increased anti-immigrant actions taken by the federal government:

- ▶ **SB 54 (2017) - California Values Act:** California's Senate Bill 54 (SB 54) limits the extent to which state and local law enforcement can assist federal immigration enforcement. It restricts local authorities from sharing information about individuals with Immigration and Customs Enforcement (ICE) or participating in immigration enforcement actions.
- ▶ **AB 699 (2017) - Protections for Undocumented Students in Schools:** Assembly Bill 699 (AB 699) prohibits school officials from inquiring about a student's immigration status, requires the protection of student data, and limits cooperation with ICE in educational settings. In addition, it requires that school districts adopt policies to address specified areas, including the prevention of and response to bullying. The law ensures that undocumented students are safe from federal immigration enforcement on school grounds.
- ▶ **AB 21 (2017) Higher Education Access:** AB 21 ensures access to higher education for every student regardless of immigration status. The legislation requires California State Universities and community colleges and requests that the University of California, establish various policies and procedures to foster a campus environment that is safe and welcoming for all members of the community, regardless of immigration status.

- ▶ **AB 49 (proposed for 2025):** AB 49 would strengthen existing law and require a Superintendent’s approval for federal immigration officials to enter a school site, including childcare centers, and prohibits school officials from allowing ICE to enter a school site, unless the ICE officials have valid identification, a written statement of purpose, and a valid judicial warrant.
- ▶ **SB 48 (proposed for 2025):** SB 48 would prohibit school districts, county offices of education, or charter schools and their personnel from granting a United States Immigration and Customs Enforcement officer, or other federal official engaging in immigration related investigation or enforcement, permission to access a school campus or the education records of or any information about a pupil, pupil’s family and household, school employee, or teacher without a judicial warrant.
- ▶ **The California State Constitution:** The California State Constitution **guarantees the right to a public education regardless of immigration status**, establishing that public education is “uniquely a fundamental concern of the State and prohibits maintenance and operation of the common public school system in a way which denies basic educational equality.”⁹
- ▶ **Family and Educational Rights and Privacy Act (FERPA), 20 U.S.C. Section 1232(g):** With narrow exception, FERPA strictly prohibits agencies who possess student Personally Identifiable Information (PII) from releasing student data,¹⁰ including students’ immigration status.
- ▶ **Plyler v. Doe (1982):** In this landmark decision, the United States Supreme Court ruled that states **cannot constitutionally deny K-12 students a free public education** on account of their immigration status.¹¹

What more can be done at the state level?

As California leaders prepare for impacts of the Trump administration, we urge lawmakers to prioritize the wellbeing and success of California’s students—particularly those most threatened and targeted by the expansion of federal immigration enforcement,

including arrests, raids, detainments, and deportations of undocumented Californians and those seeking authorization. In December 2024, California Attorney General Rob Bonta issued updated guidance and model policies for **TK-12 leaders** and leaders of California **colleges and universities**.

In addition to the actions already taken, we urge state leaders to:

- ▶ **Prioritize the defense of state and federal laws and United States Supreme Court decisions that protect undocumented students.** Prepare for California’s legal challenges to federal government actions that serve to threaten or deny educational rights and protections for undocumented students and students in mixed-status families.
- ▶ **Widely disseminate the guidance documents issued by the California Attorney General to school districts and institutions of higher education** and support local education leaders’ ability to implement the guidance through technical and legal assistance, trainings, and continued sharing of model policies, practices, and communications to families and students.
- ▶ **Pass legislation to strengthen protections for undocumented students** by extending sanctuary policies like those guaranteed by AB 699 to include early learning and care settings—as proposed in AB 49—and when students are traveling to and from school, and at school-related activities such as internships, athletic events, and field trips, among others.
- ▶ **Prepare for a possible loss in federal education funding** for California students by earmarking funds for students who would be most impacted. The state should proactively allocate state funding to: (1) cover the lost federal financial aid for students who could potentially lose or see a reduction in federal financial aid, currently funded entirely by federal Title IV; and (2) staff the California Department of Education’s Multilingual Support Division, currently funded almost entirely by federal Title III funding and Migrant Education funding.
- ▶ **Require that CA’s school districts and colleges conduct proactive outreach to undocumented students** through trusted sources to notify them of their right in California to attend a public institution,

their eligibility for state financial aid, available career pathways, and the services and programs that are available to support their safety and success.

- ▶ **Allocate additional resources for the California Student Aid Commission's (CSAC's) financial aid outreach programs and create a detailed outreach plan for the Free Application for Federal Student Aid (FAFSA) and California Dream Act Application (CADAA), particularly for mixed-status families:** California's [Cash for College](#) and [California Student Opportunity and Access Program \(Cal-SOAP\)](#) programs employ several key strategies to boost FAFSA and CADAA completion rates including hosting workshops and webinars, community partnerships, targeted outreach, and informational awareness campaigns. This is especially crucial for undocumented students and mixed-status families who continue to face unique challenges when accessing financial aid. The number of CADAA applications dropped by 23% between 2023 and 2024.¹² New enrollment of low-income undocumented students at UC and CSU declined by half from 2016-17 to 2022-23.¹³ Researchers attribute this to increasing restrictions on DACA beginning in 2017 through efforts by the Trump administration to rescind DACA and block new DACA recipients.

What do school districts and higher education leaders need to do to ensure that their undocumented and mixed-status families are safe and have full access to programs and services?

While California's state leaders are vowing to protect Californians, school, district, and campus leaders will be on the front lines of safeguarding all of our students' right to learn. The following are specific actions that local education leaders should be taking:

- ▶ **Enact Safe Haven Policies:** Under AB 699 and AB 21, school districts and institutions of higher education are required to adopt policies that restrict cooperation with federal immigration enforcement officials on school campuses including the collection of information on the immigration status of students or their family members. School districts and colleges should publicly and positively reaffirm their policies—such as through Board Resolutions—to protect

undocumented students and ensure that they are communicated clearly to all families, with targeted outreach to families that may be most impacted. See these board resolutions from [Los Angeles Unified School District](#) and [Cerritos Community College District](#) as examples.

- ▶ **Partner with Law Schools and Immigrant Rights Organizations:** School districts and colleges should reach out to and strengthen relationships with legal experts to help develop policies, provide "Know Your Rights" workshops, provide training for faculty and staff, and provide individualized legal counsel to students and their families.
- ▶ **Prioritize Students' Physical Safety and Mental Health:** School officials should be in regular contact with undocumented students and their families to hear about their concerns and areas of needed support. School officials should increase efforts to monitor the attendance and well-being of impacted students and offer additional culturally responsive supports and services to ensure that their needs are being met, such as Dream Resource Centers and immigration clinics that currently exist on some college campuses.¹⁴ Schools should ensure that students have access to a wide range of mental health supports, including non-traditional, culturally, and community-defined wellness programs and peer-to-peer supports.
- ▶ **Develop Plans to Execute in Case of Increased Local Enforcement:** Develop protocols to execute in the event of increased local enforcement on or near school or college campuses. As required by AB 699, ensure that students' emergency contact information is updated. For TK-12 schools and districts, ensure that there are protocols in place to respond to a student's caregiver or parent being apprehended by immigration officials during school hours. Have plans in place to have a trusted school official or staff member stay with the student until an emergency contact person is available to pick them up from school. Establish contacts with local immigrant support organizations to enable quick referrals to families in need of legal and other support. Ensure all relevant staff are well trained in these protocols and that they are communicated clearly to families in their home languages.
- ▶ **Ensure students, families, personnel, and the community are aware of current laws in**

California to protect undocumented students and mixed-status families. Communicate publicly on websites in accessible language and in easily consumable formats, such as infographics and videos to effectively communicate key information. Promote resources like Know Your Rights cards, family preparedness plans, and any rapid response hotlines.

- **Encourage students to pursue a postsecondary education:** There are over a dozen laws in California's education code that protect and affirm undocumented students' opportunity to pursue a college education. It is important to make all students aware of their options to pursue higher education such as enrolling in a community college or a public or private university. By enrolling in college, undocumented students have a range of support (i.e. academic advisement, career services, financial aid, health services, resource centers, and legal services) that otherwise would be more difficult to access.
- **Reassure Students and Families in the 2025-26 Financial Aid Cycle:** Communicate to students and families about all of their financial aid options, the potential benefits and risks of each, and the amount of financial aid students can expect to receive by completing either the Free Application for Federal Student Aid (FAFSA) or California Dream Act Application (CADAA). For first-year students from mixed-status families, the shifting federal

landscape may create additional risks for families when completing the FAFSA. Practitioners and financial aid professionals must support students and families in understanding the data privacy protections in place, and the potential risks and known benefits of completing the FAFSA. However, the CADAA is a viable option for both undocumented students and mixed-status families. The California Student Aid Commission (CSAC) and the California Department of Education (CDE) protect the safety and privacy of applicants upon completion of the CADAA. Information provided on the CADAA is used solely to determine eligibility for state financial aid and never shared with the federal government or used for immigration enforcement.¹⁵

Conclusion

While there remains some uncertainty about how the new federal administration will act on their promises related to immigration enforcement, it is imperative that California's state leaders remain steadfast in their commitment to protect the rights of all Californians to access public education – from preschool through college – in classrooms, schools, and campuses that are safe and welcoming. Local education leaders must be aware of and enforce California laws to ensure that students, families, and communities know their rights and make available resources to access educational programs and services. On the following pages are several resources to support local leaders as they navigate and boldly lead in these challenging times.



We thank the following organizations and their staff for their review and contributions to this equity alert:



Additional Resources:

For TK-12 school and district leaders and educators:

Toolkits and Resources for Developing Local Policies and Resolutions:

- ▶ **ACSA AB 699 Guidance:** This fact sheet, by the Association of California School Administrators, provides brief descriptions of guidance to ensure that your Local Education Agency complies with AB 699 (2017), which expressly added “immigration status” as a specified protected characteristic for purposes of anti-discrimination and equal protection laws in schools and other educational entities and agencies.
- ▶ **Supporting Immigrant Families and Students** (NEA, 2017): This National Education Association toolkit contains resources for individuals, immigrant families, and school board members to understand the current landscape of immigration policy and how to get involved with creating immigration policies that are humane, functional, and just.
- ▶ **Legal Guidance: Immigration Issues Affecting California LEAs** (CSBA, 2024): This California School Board Association resource provides governing boards clarity regarding their responsibilities under federal and state immigration law.
- ▶ **CSBA Press Release:** This California School Board Association (2017) press release shares new legal guidance, a pair of sample policies, and sample resolutions addressing the education rights of undocumented students, as well as “safe haven” and “sanctuary” designations that have been adopted by some districts.
- ▶ **Sample Board Resolution from Los Angeles Unified School District** - Affirming the school district’s commitment to maintaining an inclusive, safe, and welcoming environment for all students.
- ▶ **Model policy statements** recommended by the California Attorney General and where to find them in local policy.

▶ **Creating Inclusive Schools and Supportive Services:**

- ▶ **KIND/Oakland USD:** Provides lessons learned and recommendations from KIND’s vast experience helping unaccompanied children with their legal and social services needs, including helping them enroll and succeed in school.
- ▶ **PACE Administrator Guidance:** This report makes programmatic recommendations for districts with newcomer students that emphasize best practices for different subgroups, enrollment patterns, school models, the intersection of special education and newcomer status, and effective models of English language development.
- ▶ **International’s Network Newcomer Welcome Kit:** This International Network resource describes several strategies for district staff to effectively welcome newcomer students, fostering their academic success and overall well-being.

For Higher Education leaders and educators:

Free Legal Services at Institutions of Higher Learning (IHEs):

- ▶ **Find Your Ally:** Provides free immigration legal services and case support for students, staff, and faculty on California community college campuses statewide or virtually.
- ▶ **California State University Immigration Legal Services Project:** Provides free immigration legal services to all current students, staff (state and auxiliary), faculty, immediate family members of current students, recent graduates (who graduated within two years), and newly admitted students who have accepted their admissions.
- ▶ **UC Immigrant Legal Services Center:** Provides free, direct immigration legal services to undocumented UC students and their family members and undocumented family members of students with legal status. This includes providing workshops, clinics, and presentations on current immigration laws and policies and Know Your Rights training.



Creating Inclusive Spaces: How to Support Undocumented Students at IHEs:

- ▶ **Ways Campuses Can Support Non-Citizen Students and Employees Post-Election:** Provides five key steps Higher Education institutions can take to support non-citizen students and employees.
- ▶ **Understanding the Sanctuary and Safe School Zone Movement:** A detailed guide for educators on why sanctuary schools and safe zones are vital for the academic success of undocumented students and other vulnerable student populations. Includes key information on how to get started at your school.
- ▶ **Sample Board Resolution from Cerritos Community College District:** An example of the types of resolutions that community college districts can adopt to prepare and inform staff and practitioners if immigration enforcement activities occur on their campuses.
- ▶ **Creating Fellowship Programs: For Educational Institutions:** Provides best practices for crafting fellowship programs that are accessible to all students regardless of immigration status.

Understanding the Current Safeguards for Undocumented Students and Mixed-Status Families:

- ▶ **Upholding the Dream For All Students:** This guidance from the California Student Aid Commission (CSAC) highlights the safety of the California Dream Act (CADAA) and reaffirms

California's commitment to making college accessible for all students. The CADAA is available for undocumented students and students from mixed-status families.

- ▶ **Financial Aid Applications for Mixed-Status Students and Families:** This guidance from the California Student Aid Commission (CSAC) provides practitioners and financial aid professionals with detailed information on how to guide mixed-status families in choosing to fill out the FAFSA vs. CADAA. Students should be provided with the potential benefits and risks of filling out either application so that they can decide what makes sense for their circumstances.
- ▶ **Immigration Preparedness for CA Higher Education Institutions:** Provides practitioners with the latest guidance around immigration enforcement from the state and higher education systems, as well as the newest California Student Aid Commission memos, to ensure students have access to available resources while also ensuring that their data is protected as required by law.
- ▶ **FERPA Overview:** Provides an overview of the Family Educational Rights and Privacy Act (FERPA), a federal policy that protects personally identifiable information (PII) contained in students' educational records, (including undocumented students).

Undocumented Students and Mixed-Status Families- Key Resources:

Financial Aid Resources:

- ▶ **FAFSA Hub for Mixed-Status Families:** Provides up-to-date information and resources to support students from mixed-status families with completing the FAFSA.
- ▶ **California Student Aid Commission (CSAC)'s undocumented student guide:** Provides the latest resources (in multiple languages) on how to support undocumented students with accessing financial aid in California (including in-state tuition, state financial aid, etc.).
- ▶ **California Student Aid Commission (CSAC)'s Mixed-status families guide:** Provides the latest resources on how to support mixed-status families with navigating their financial aid options.
- ▶ **Championing Equity: Systemwide AB 540 FAQ:** Provides guidance to practitioners at secondary and postsecondary levels on how to

increase alignment on AB 540 implementation. AB 540 allows eligible students, including undocumented individuals, to access in-state tuition and state-based financial aid.

Overall Wellbeing:

- ▶ **Undocumented Students Resources Map:** Helps students find resources at UC, CSU, California Community Colleges, and private, nonprofit college/university campuses. You can also use this tool to connect with higher-ed partners and build strong relationships with colleges in your communities. Created by the California Undocumented Higher Education Coalition.
- ▶ **Mental Health Resources for Undocumented People:** Help your students access resources that can support them through their mental health journey. Includes a list of resources available to undocumented students.

Endnotes

- 1 California Immigrant Data Portal. "Indicators – Mixed-Status Families." IPUMS USA, 2021. <https://immigrantdataca.org/indicators/mixed-status-families>
- 2 Pew Research. "Unauthorized immigrant population for states (and margins of error), 1990-2022." American Community Survey, Pew estimates based on augmented U.S. Census Bureau data. https://www.pewresearch.org/wp-content/uploads/sites/20/2024/07/SR_24.07.22_unauthorized-immigrants_table-2.xlsx
- 3 Center for Migration Studies. "Estimates of Undocumented and Eligible-to-Naturalize Populations by State." American Community Survey, CMS estimates based on augmented U.S. Census Bureau data. <http://data.cmsny.org/>
- 4 Higher Ed Immigration Portal. "California – State Data." American Community Survey, American Immigration Council (AIC) estimates based on 2022 ACS. <https://www.higheredimmigrationportal.org/state/california/>
- 5 Enriquez, L., et al. (2020). Persisting inequalities and paths forward: A report on the state of undocumented students in California's public universities. UC Collaborative to Promote Immigrant and Student Equity & Undocumented Student Equity Project. Irvine, CA. https://bpb-us-e2.wpmucdn.com/sites.uci.edu/dist/4/3807/files/2020/12/State_Of_Undocumented_Students_2020report.pdf
- 6 Sattin-Bajaj, C., & Kirksey, J. (2022, October). Effects of immigration enforcement on students in California [Policy brief]. Policy Analysis for California Education. <https://edpolicyinca.org/publications/effects-immigration-enforcement-students-california>
- 7 Gándara, P., Santibañez, L., Ee, J., Rico, J. (2023). The Impact of a Broken Immigration System on U.S. Students and Schools. Center For The Transformation Of Schools, School Of Education & Information Studies; Latino Policy & Politics Institute, Meyer and Renee Luskin School of Public Affairs; Civil Rights Project/Proyecto Derechos Civiles, School Of Education & Information Studies; University Of California, Los Angeles. https://www.civilrightsproject.ucla.edu/research/k-12-education/immigration-immigrant-students/the-impact-of-a-broken-immigration-system-on-u.s.-students-and-schools/UCLA_ImmigrationEnforcementBrief_12-4-23-v3.pdf
- 8 Office of the California Attorney General. California Laws Protecting Immigrants' Civil Rights. <https://oag.ca.gov/immigrant/ca-law>
- 9 Butt v. California, 4 Cal. 4th 668, 685 (1992). <https://law.justia.com/cases/california/supreme-court/4th/4/668.html>
- 10 For a helpful FERPA Overview, visit the [Presidents' Alliance on Higher Education and Immigration portal](#).
- 11 United States Courts, Access to Education, Rule of Law. <https://www.uscourts.gov/educational-resources/educational-activities/access-education-rule-law>
- 12 California Student Aid Commission Press Release. https://www.csac.ca.gov/sites/default/files/2024-11/2025-26_statewide_fafsa_cadaa_implementation_workgroup_press_release.pdf
- 13 Kidder, W., & Johnson, K. R. (2024). California dreamin': DACA's decline and undocumented college student enrollment in the Golden State. Journal of College and University Law, 50(1) (forthcoming). <https://doi.org/10.2139/ssrn.4955086>
- 14 Cisneros, J., & Rivarola, A.R.R. (2020). Undocumented Student Resource Centers. Journal of College Student Development 61(5), 658-662. <https://dx.doi.org/10.1353/csd.2020.0064>
- 15 California Student Aid Commission (2024). Executive Office Memorandum. https://www.csac.ca.gov/sites/default/files/2024-11/eom_2024-06.pdf

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